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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 2619. Press Mis.
624-625.
Dated 27—8— 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 27th August 1867.

No. 624. Read the following Proceedings of the Madras Government in the Judicial Department:—

Calling for a revised plan for the District Moonsiff's Court-house at Errode in the Coimbatore District. } (Here enter 20th August 1867, No. 1,344.)

No. 625. ORDER THEREON, 27th August 1867, No. 2,619.

CIVIL WORKS, No. 81.

Communicated to the Superintending Engineer of the 7th Division for information and guidance.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 7th Division.
To all other Superintending Engineers.
,, Captain Kennedy.

Exd. S. T. Augustin.

Read again letter from the Civil Judge of Coimbatore, dated 19th, and recorded in the Proceedings of 25th, July 1867, No. 1191.

No. 205. Read also the following letter from H. D. COOK, Esq., Civil Judge of Coimbatore, to the Acting Chief Secretary to Government, Fort Saint George; dated Coimbatore, 2nd August 1867, No. 11.

With reference to the Order of Government, dated 25th July 1867, No. 1191, wishing to be informed what is the practice in respect to the custody of distrained property by the Moonsiffs' Courts, and whether they are under any injunction to bring all distrained moveable property to the Court itself, I have the honor to quote the rules of practice laid down by the late Sudder Court on the subject (vide notes to Section 233 of Act VIII of 1859, Sloan's Code).

(1.) "Moveable property found in the defendant's possession, and attached by "actual seizure under this Section, cannot be left in charge of surety. But where "such property may be at a distance from the Court, and of a description difficult "to remove, the Ameen deputed to attach it may keep the same in his custody "upon the spot; and, on receipt of his report, the Court may at once proceed, under "Section 242, to order the sale of the property so attached.—Proceedings, S. C., "19th March 1860; Rules of Practice, page 23."

(2.) "Where moveable property has to be attached in execution, and it is of "a perishable nature, the usual process for attachment and sale should be issued "simultaneously under Section 250.—*Ib.*, 4th December 1860; *ib.*

(3.) "The Ameen should be directed to remain in charge of moveable pro-"perty attached in execution under this Section only where it may be of a nature "difficult to remove, or at a great distance from the Court; and in all such cases "measures should be taken to effect the immediate sale of the property.—*Ib.*, 8th "December 1860; *ib*, page 7."

2. With reference to distrained cattle, I beg to observe that it is obvious that a single Ameen, deputed to attach them, cannot remain in charge of them in the village where they are attached, as it would be difficult for him to graze and take care of them, especially in such parts of Collegal and Bhowany as are hilly and jungly; they must necessarily be brought within the Moonsiff's cognizance. In Collegal especially cattle are the chief kind of property distrained.

No. 206. ORDER THEREON, 20th August 1867, No. 1344.

The Government are of opinion that if the Civil Judge of Coimbatore will require from the District Moonsiffs in his jurisdiction a strict and careful observance of the rules prescribed in the Civil Code and the Rules of Practice laid down by the High Court for the execution of decrees by the attachment of moveable property, there will be no necessity for the construction, for the District Moonsiff's Court at Erode, of a room for the reception of bulky articles of distrained property, or for an open or covered pound for the custody of distrained cattle.

2. The Government would further observe that the Vakeels who attend the District Moonsiff's Court must make their own arrangements for the accommodation and convenience of their Goomastahs, and that there can be no occasion for the Court building being crowded by the presence of sixty batta peons.

Proceedings of the Madras Government, Judicial Department,
20th August 1867.

3. Mr. Cook will be requested to consider whether there is any necessity for the preservation of any large number of old Registers of Suits, Diaries, and accounts connected with the Moonsiffs' Courts, now that the highest Judicial authority has sanctioned the destruction of even more important portions of the old records of the Courts.

4. The standard plan for District Moonsiffs' Courts does not appear suited to Erode, which is a place of rising importance, and, with the reservations above described, the Government are desirous that the Court-house should afford all the accommodation that is really necessary. The Civil Judge is, therefore, requested to place himself in communication with the Superintending Engineer, and to submit, with reference to the foregoing remarks, a revised plan for the District Moonsiff's Court-house at Erode.

(True Extract).

Acting Chief Secretary.

To the Civil Judge of Coimbatore.
" Public Works Department, with three plans.

Exd. J. H. Burns.

Pro: of Govt for August
1867 Dept
No 3207.

Pro: of the Madras Govt
Jud Dept

Dy 20.
Rec 24. & Augt 1867

Se 1344
Gen: Cleveland &c.
Commanding Division
X 3 Rens: Lieut & Asst Surgn Engr
of the 7 Div 14 Corps
Calling for a
revised plan for the
Dt Moonsiffs Court
house at Erode in the
Coimbatore Dt.
Encl 2619 - 27th ult 1867

No 624-625

Write and Obey