M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 932 Press ~~Mis.~~

57-58

Dated 6-6- 1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 6th June 1860.

No. 57. Read the following Porceedings of the Madras Government, in the Judicial Department, dated 14th May 1860, No. 604 A :—

Communicating a letter from the Supreme Government remarking on the Proceedings of this Government abolishing the Collectorates of Masulipatam and Chingleput and dividing the District of Canara into two Collectorates. (Vide Judicial Proceedings, from 11th to 20th May 1860, Nos. .)

Ordered in consequence that the following letter be despatched.

No. 58. From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, dated 6th June 1860, No, 932 :—

1. Your letter of the 3rd ultimo, No. 932, has reference to an application made by telegraph by this Government, for permission to establish a new Civil and Session Court at Negapatam in Tanjore, without increase of charge; and to certain changes recently made in the Revenue Districts of this Presidency, resulting in a material saving even after providing for the new Court. The explanation called for respecting the necessity of the proposed Court has been furnished in Mr. Pycroft's letter of the 14th ultimo, No. 605; but I am directed now to reply to the concluding paragraph of your letter.

2. You there inform this Government that, in the opinion of the Government of India, the changes in the Collectorates, however advantageous, ought not to have been carried into effect without being reported to that Government. You state also that the Government of India has thought it necessary to insist with great strictness on all alterations of Establishments being reported for sanction; and you remark that it cannot be right, while such Orders remain in force, that a local Government should carry out such large changes without communicating with the Supreme Government.

3. I am directed to point out that the Government of India, several years ago, relaxed the rules on the subject of alterations in Establishments, to the extent of permitting all such changes to be made by the local Governments, where not involving increased cost; a quarterly report of such changes being made to the Government of India. The changes now in question involved no increase of charge, but on the contrary, as already said, produced a considerable saving; besides being advantageous in other respects. This Government therefore regarded them as certainly falling within the Orders just quoted. But they much regret now to find that they were not reported to the Government of India, as they ought to have been at the end of the quarter; this omission was probably due in part to the fact that the Secretary in this Department was absent at the time on a tour with His Excellency the Governor.

Resolution in Financial Department, February 8th 1856, *No.* 663.
Letter do. September 11*th* 1857, *No.* 3,902, *paragraph* 3.

4. The changes were undoubtedly on a larger scale than the ordinary modifications of Establishments; but that circumstance did not appear to the Governor in Council to render necessary a previous reference to Calcutta; because the changes were in their nature strictly local, depending on local circumstances and to be judged of by local knowledge, and not involving any general or imperial considerations. I am to mention also that, in a despatch just received, the Secretary of State acknowledges the receipt of the letter reporting the changes now referred to, but does not take any notice of the circumstance that they were made without the previous knowledge of the Supreme Government.

Revenue No. 26, *dated April* 24*th* 1860.

5. I am further to point out that Act VII of 1843 contemplates the case of the Government of Madras being vested with the power to change the stations of Zila Courts and the limits of their jurisdictions, and to establish new Zila Courts, for it expressly enables the Governor General in Council to give this Government that power. It is true that this power has never, as

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a fact, been given; but the fact that the legislature contemplated the possession and exercise of that power by this Government, may fairly be held to prove that there is nothingg incongruous or unsuitable in its possessing and exercising the power of changing the limits of Revenue Districts or establishing new Districts, where no increase of cost is the result. In the opinion of this Government this power belongs to the very idea of a Government; and they are further of opinion that such improvements, important as they are, are among those which are likely never to be brought forward at all, if the decision rests with a distant authority, unacquainted with the local circumstances and wants, and bringing all such proposals to the test of a different state of things.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :— Sadar

From C. F. CHAMIER, Esq., Registrar of the Sadr Court, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 23rd April 1860, No. 36.

1. In reference to the Order of Government dated the 23rd ultimo, paragraph 4, the Judges direct me to express their concurrence in the remarks of the Honorable the Governor in paragraph 7 of his Minute dated 8th February last, as to the hardship entailed upon suitors by the delay necessarily resulting from a file so much in arrears as that of the Civil Court of Madura; and, in pursuance of His Excellency's suggestion, they direct me to forward the accompanying Form of application for the appointment of a temporary Principal Sadr Amín, to assist in disposing of the appeals now pending in that Court. A draft of the usual Notification is also forwarded.

2. Before replying to the 6th paragraph of His Excellency's Minute, the Judges propose communicating with the Acting Civil Judge of Tellicherry, as to the best way of employing the services of the Manantoddy Munsiff; having observed that there are heavy arrears in two of the District Munsiffs Courts in that Zila.

From W. GREY, Esq., Secretary to the Government of India, to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 3rd May 1860, No. 932.

Home Department.
Judicial.

I am directed to acknowledge the receipt of your Telegram requesting sanction to the establishment of a new Civil and Sessions Court at Negapatam in the District of Tanjore. The proposed expense of this measure is not stated, but it is said that it will be met by the savings caused by the abolition of the Masulipatam and Chingleput Collectors.

2. It is an unusual thing to make such an application as this by Telegraph, and the President in Council finds it difficult to suppose that the urgency of the case can be so great as to demand that mode of communication. Your message does not afford that full explanation of the circumstances requiring the proposed addition to the Judicial establishment of the Madras Presidency which it is essential that the President in Council should have before him to enable him to accord sanction to so considerable an increase of expenditure as it must necessarily involve, and it is obvious that the authority of the Supreme Government in such matters would be quite nominal if, on a bare statement like that contained in your message, it were to authorize such important additions to the Civil establishments, as the creation of a new Judgeship.

3. With every desire therefore to give the fullest weight to the views and wishes of the Madras Government, I am instructed to say that it is absolutely necessary that those views should be stated clearly, and the reasons on which they are founded given in full before the necessary sanction can be accorded to the establishment of a new Judge's Court at Negapatam.

4. The abolition of the Collectorates of Masulipatam and Chingleput I am to observe could in no case be recognized as affording ground for incurring a new charge of an entirely different character, but the allusion to those measures which is contained in your message has led the President in Council to refer to the Proceedings of the Madras Government for information regarding them.

5. It appears that the Collectorate of Masulipatam was abolished in November last, a portion of it being made over to Rajahmundry and a portion to Guntoor, the names of these two latter districts being at the same time changed to Godavery and Kistna respectively. By the

Kistna

same order, the District of Canara was divided into two Districts, one called North Canara and the other South Canara. Thus instead of the Districts of

Rajahmundry,
Guntoor,
Masulipatam, and
Canara,

there now stand the Districts of

Godavery,
Kistna,
North Canara, and
South Canara.

The proceedings do not show what the financial result of these changes has been, but the President in Council presumes that the entire charge of the Masulipatam Collectorate can hardly have been saved, as the double change has left the same number of Collectors as before.

6. In February last, the abolition of the District of Chingleput was determined on at an estimated saving of Rupees 2,995 a month, and it seems probable that it is the proposed new Judgeship at Negapatam to which reference is made in the 9th paragraph of the Board's letter, when they speak of the saving above mentioned as being insufficient for a Court similar to that held at Combaconum.

7. With reference to these proceedings I am desired to remark that the measures to which they relate, though they may be productive of a saving in the Public expenditure and may be otherwise advantageous, should not have been carried into effect without being reported to the Government of India. It is well known to the Government of Madras that the Government of India has thought it necessary to insist with great strictness upon all alterations in establishments being reported for sanction, and so long as such orders remain in force, it cannot be right that a Presidency without communicating with the Supreme Government. Irrespective of the Financial view of the matter, His Honor in Council is of opinion that such extensive re-arrangements of Revenue jurisdiction as those in question should have formed the subject of reference to the Supreme Government.

ORDER THEREON, 14th May 1860, No. 604 A.

Ordered that the above letter from the Supreme Government be communicated to the Revenue Department.

(True Extract.)

Chief Secretary.

To the Revenue Department.

Exd. S. T. Augustin.

Rec.d Depart.t

To the Secretary to the
Gov.t of India.

Sir,

Your letter of the 3d Instant, No. 932, has reference to an application made by telegraph by this Govt., for permission to establish a new Civil and Sessions Court at Negapatam in Tanjore without increase of charge; and to certain changes recently made in the Revenue Districts of this Presidency, resulting in a material saving even after providing for the new Court. The explanation called

Rec.d 18th March 58 — 24.28

Revenue 1858

Proceedings of the Madras Govt. in the Revenue Dep.t

Dated 14th May 1858

Rec.d 21st May

No. 932. Revenue

Communicating the letter from the Govt. of India noticing the establishment of a Civil Court at Negapatam in Tanjore, and calling for explanation of the circumstances under which the Court was established without reference to the Govt. of India.

No 57.

called for respecting the necessity of the proposed Court has been furnished in Mr. Byrne's letter of the 11th Inst. No. 605, but I am directed now to reply to the concluding paragraph of your letter. —

2. — You there inform this Govt. that, in the opinion of the Govt. of India, ~~XXX~~ the changes in the Collectorates, however advantageous, ought not to have been carried into effect without being reported to that Govt. — You state also that the Govt. of India has thought it necessary to insist with great strictness on all alterations of Establishments being reported for sanction, and you remark that it cannot be right, while such orders remain in force, that a local Govt. should carry out such large changes without communicating with the Supreme Govt. —

3. — I am directed to point out that the Government of India several years ago, replaced the rules on the subject of alterations in Establishments, to the extent of permitting all such changes to be made

made by the Local Govts.
where not involving
increased cost, a quarr-
terly Report of such
changes being made
to the Govt. of India -
The changes now in
question involved no in-
crease of charge, but
on the contrary, as
already said, produced
a considerable saving -
besides being advantageous
in other respects - This
Govt. therefore regarded
them as certainly fall-
-ing within the orders
just quoted - But
they much regret now
to find that they
were not reported
to the Govt. of India,
as

Rec'd in Sec. Dep. Feby 8/56
No. 663.
Letter, Dep. Sept. 11/57 No. 390
para. 3. —

as they ought to have
been, at the end of the
Quarter; this omission
was probably due in
part to the fact that
the Sect. in this Dept.
was absent at the time
on a tour with H.E.
the Governor. —
4. — The changes
were undoubtedly on
a larger scale than the
ordinary modifications
of Establishments, but
that circumstance
did not appear to the
Governor in Council to
render necessary a
previous reference to
Calcutta, because the
changes were in their
nature strictly local,
depending

depending on local circumstances and to be judged of by local knowledge, and not involving any general or imperial considerations - I am to mention also that, in a Despatch just received, the Sec^{y} of State acknowledges the receipt of the letter reporting the changes now referred to, but does not take any notice of the circumstance that they were made without the previous knowledge of the Supreme Govt. —

Rev^{e} No. 26
of Apl. 24/60

5. — I am further to

to point out that Act VII of 1843 contemplates the case of the Govt. of Madras being vested with the power to change the stations of Zilla Courts and the limits of their jurisdictions, and to establish new Zilla Courts, for it expressly enables the Governor General in Council to give this Govt. that power - It is true that this power has never, as a fact, been given; but the fact that the legislature contemplated the possession and exercise

of

of that power by this
Govt., may fairly be
held to prove that there
is nothing incongruous
or unsuitable in its
possessing and exercising
the power of changing
the limits of Revenue
Districts or Establishing
new Districts, where no
increase of cost is the
result - In the opinion
of this Govt. this power
belongs to the very idea
of a Govt.; and they
are further of opinion
that such improvements,
important as they
are, are among those
which are likely never
to be brought forward
at all, if the decision
rests with a distant
authority

authority, unacquaint-
-ed with the local circum-
-stances and wants, and
little concerned for them,
& bringing all such pro-
-posals to the test of a
different state of things
~~and often decisions~~
~~can never be reckoned~~
~~unobjectionable~~

For 6 Sts Geo. 6 : June 1866

Revenue 1860 Dept^t
Pro: of Gov^t for June.

No 932.

To the Secretary to the
Government of India.
Dated 6th June 1860.

Replying to the remarks
of the Supreme Government
respecting changes in certain
Collectorates of the Madras
Presidency.

No 57 to 58.

c28 4 May R1 11 June