M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1577 Press ~~Mis.~~

97.98

Dated 7 8 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 7th August 1861.

No. 97. Read the following letter from W. GREY, Esq., Secretary to the Government of India Home Department (Separate Revenue), to J. D. SIM, Esq., Secretary to the Government of Fort Saint George, dated Fort William, the 22nd July 1861, No. 1,392 :—

SIR,

In reply to your letter No. 1,227, dated the 21st ultimo, I am directed to transmit the accompanying copy of an opinion by the Advocate General, dated the 17th instant, to the effect that European as well as Native Military Courts of Requests are Civil Courts within the meaning of Act No. XXXVI of 1860.

Opinion by the Advocate General dated the 17th July 1861.

1. I am of opinion that the late ruling of the Government applies equally to European Courts of Requests established under the Mutiny Act for the Indian Forces (20 and 21 Vic., C. 66) as it does to the Courts of a Cantonment Joint Magistrate exercising Civil jurisdiction and the Military Courts of Requests constituted under Act XI of 1841.

2. I think all these classes of Courts are Civil Courts within the meaning of Schedule B of the Stamp Act (No. XXXVI of 1860). I quite concur in the reasons stated in the Resolution of the Government above cited, for holding that these Courts are in reality Civil Courts, administering exclusively Civil justice in regard to certain classes of persons, and substituted by the Legislature for the ordinary Civil Courts in respect of such persons, in cases falling within their jurisdiction in point of amount.

3. This ruling will not of course render it necessary that any Petition, or Proceeding, which, according to the present practice of such Courts does not require to be in writing, shall be reduced to writing for the purpose of being stamped. But it does I think make it necessary that where Petitions or other Proceedings in writing, which under Schedule B of the Stamp Act require a Stamp on being presented or filed in the ordinary Civil Courts, are presented or filed, such documents shall bear the Stamp appropriated to them by that Schedule.

(Signed) W. RITCHIE.

No. 98. ORDER THEREON, 7th August 1861, No. 1,577.

Communicated to the Military Department, with reference to Proceedings of 21st June 1861, No. 1,226.

(Signed) J. D. SIM,
Secretary to Government.

No. 1392

FROM

W. GREY, ESQUIRE,
Secy. to the Govt. of India,

TO

J. D. SIM, ESQUIRE,
Secy., Govt. of Fort St. George.

SIR,

Dated Fort William, the 22nd July, 1861.

HOME DEPT. Sep. Rev. IN reply to your letter No. 1227, dated the 21st ultimo, I am directed to transmit the accompanying copy of an Opinion by the Advocate General, dated the 17th instant, to the effect that European as well as Native Military Courts of Requests are Civil Courts within the meaning of Act No. XXXVI of 1860.

I have the honor to be,
SIR,
Your most obedient servant,

Secy. to the Govt. of India.

P-21 June/61
201 & 213.

No 1577.

Will Communicated to the Military Department
with reference to Proceedings of 21st. June 1861 &c.

1226 Lt. H. Lee.
7th Regt 1861

7 Copies Duly Certd
4 — Qrs — Genl
3 — Adjt. Genl of the
Army &
Desps

Aug. 1861.