M.R. O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2223 Press ~~Mis~~.

334-35 Dated 21-8- M.1868.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
21st August 1868.

No. 334. Read the following Proceedings of the Madras Government in the Judicial Department:—

Communicating Proceedings, Board of Revenue, requesting to be furnished with copy of G. O. dated 24th July 1868, constituting Neilgherry Hills into a separate district. } (Here enter 14th August 1868, No. 1,280.)

No. 335. ORDER THEREON, 21st August 1868, No. 2,223.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) F. BRANDT,
Under Secretary to Government.

Exd. S. T. Augustin.

No. 151. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 16th April 1868, No. 623.

I am directed by the Governor in Council to submit, for the information of His Excellency the Governor General in Council, the Proceedings of this Government, dated 31st March 1868, relating to a Bill for the appointment of a Commissioner for the administration of Civil and Criminal Justice, and for the collection and superintendence of the revenues on the Neilgherry Hills, for the introduction of which into the Local Council for making Laws and Regulations leave has been given.

2. The reasons which, in the opinion of this Government, render the proposed change in the administration of the Neilgherry Hills necessary, are fully set forth in the Minutes which form part of the enclosed Proceedings, and have been still further explained, in the Report* enclosed, by the Honorable Mr. Arbuthnot in moving, on the 3rd instant, for leave to introduce the Bill into the Legislative Council.

* Report of Meeting.

3. It has, however, been brought to the notice of this Government, that although no actual increase of expenditure is involved in the alteration which will be effected should Mr. Arbuthnot's Bill be passed by the Madras Legislative Council, and receive the sanction of His Excellency the Governor General, and that this proposal therefore may not be considered to come under the prohibition contained in Sections 19 and 43 of the Indian Council's Act, yet that, as it involves the creation of a salaried office, it is necessary, with reference to the provisions of the 58th Section of the Act III. and IV., William IV., Cap. 85, that the previous sanction of the Governor General in Council should be obtained.

4. Under these circumstances I am directed to submit the proposed arrangement for the favorable consideration and sanction of the Governor General in Council, and to state that the Bill now before the Council of the Governor will not be passed pending the orders of the Supreme Government on this letter, which, it is hoped, may be communicated at an early date. A tabular Statement prepared in the prescribed form is annexed.

(Signed) R. S. ELLIS,
Chief Secretary.

JUDICIAL DEPARTMENT.

Commission for the Administration of Civil and Criminal Justice on the Neilgherry Hills.

No.	Date.	Office to which the proposition refers.	Nature of Charge.	Present Scale.			Proposed Scale.			Proposition: Temporary. Increase per month. Period.	Proposition: Temporary. Decrease per month. Period.	Proposition: Permanent. Increase per month.	Proposition: Permanent. Decrease per month.	Casual or Extraordinary. Grounds of Proposition.	Local Government's recommendation.	Orders of the Government of India. Financial Department. Remarks.	Orders of the Government of India. Financial Department. Orders.	Orders of the Government of India. Home Department. Remarks.
				Rs.	A.	P.	Rs.	A.	P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.					
			1 Civil and Session Judge	2,000	0	0	2,000	0	0					Vide letter to the Secretary to the Government of India, dated 16th April 1868, No. 623.	Favorable.			
			Establishment	*325	8	0	325	8	0									
			1 Special Assistant to Collector and Magistrate	810	5	4	1 Assistant Commissioner	810	5	4								
			Establishment	168	0	0	Establishment	168	0	0								
				3,303	13	4		3,303	13	4								

* Excluding Rupees 15, the pay of Government Pleader, drawn by the Magistrate.

No. 623.

Forwarded for sanction to the Home Department of the Government of India.

(Signed) R. S. ELLIS,
Chief Secretary.

FORT SAINT GEORGE,
16th April 1868.

No. 150. Read the following letter from the Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George;-dated Fort William, 30th April 1868, No. 770.

Home Department.
Judicial.

I am directed to acknowledge the receipt of your letter, No. 623, dated the 16th instant, forwarding, for information and previous sanction, the Bill introduced into the Council of the Governor of Madras to legalize the appointment of a Commissioner for the administration of Civil and Criminal justice, and for the collection and superintendence of the revenues on the Neilgherry Hills.

2. In reply, I am desired to observe that the proposed Bill repeals by Sections 1 and 3 Act XI. of 1865, both in respect of the previous sanction of the Governor General in Council required by Section 3 of that Act, and in respect of the prohibition against the exercise of collateral Civil jurisdiction by a Judge of the Small Cause Court except in certain specified cases, as per Sections 13, 51 and 52 of that Act, and that it therefore proposes to modify an Act of the Governor General in Council passed since 1861. This I am to remind you is beyond the competence of the Council of the Governor of Madras. I am, therefore, to suggest that it will be expedient to omit from the Bill all those provisions which relate to the exercise of Small Cause Court powers.

3. If it be considered expedient, the Governor General in Council will be prepared to legislate on this point, but in such case I am to request that the Governor in Council in Madras will be good enough to submit a draft Bill to effect the purpose desired, and in doing so I am to point out that the present Bill does not distinctly define the relations of the Commissioner and the Assistant Commissioner to one another as Small Cause Court Judges.

4. In other respects I am to say, the Governor General in Council approves of the proposed Bill, and sanctions its introduction into the Council of the Governor of Madras.

No. 151. ORDER THEREON, 15th May 1868, No. 796.

Communicated to the Legislative Department.

2. The Governor in Council directs that the Acting Assistant Secretary in that Department will prepare, in communication with the Advocate General, a draft Bill, investing the Commissioner and Assistant Commissioner of the Neilgherry Hills, to be appointed under the provisions of the Bill now before the Council, with the powers of a Judge of a Court of Small Causes, for submission to the Government of India.

(True Extract).

(Signed) R. S. Ellis
Chief Secretary.

To the Legislative Department.

Exd. J. Tulloch.

Judicial Department.

Proceedings of the Madras Government

Read the following

No. 5,696.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th August 1868.

Read the following paper from the Collector of Coimbatore and Commissioner of the Neilgherry Hills, to the Acting Secretary to the Board of Revenue, dated 1st August 1868:—

ABSTRACT.—Certificate of transfer of charge.

Communicated to Government with a request that the Board may be furnished with the Order therein referred to.

(A true Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Acting Secretary to Government, Revenue Department.

Exd. J. Wright.

Order thereon 14th August 1868 No. 1280

Ordered that Copies of the Proceedings of Government dated the 16th April, and 15th May last No. 623 & No. 796, be furnished to the Board of Revenue.

(True Extract)

[illegible]
Chief Secretary

To The Revenue Department

C.C.

Rev. 1868. Department.

No. 2703

No.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 6th August 1868.

Received

No. 5,696.

0734

Requesting to be furnished with copy of Government Order, dated 24th July 1868, constituting Neilgherry Hills into a separate district.

Rec'd 1868 Dep't
Pro. of Govt for August
No 2703.

Pro. of Govt
Jud'l Dep't

Dated 14th August
Recd'd 18 1868.

No 1480

RECORDED.

No 2223 - 21 Page

Copy Pro. Bd of Examrs
transmitting to the Governor
with Copy of P.O. dated
24th July 68 substituting
Neilyhead Wells into
a defined district
With order

Forwarded to the
Board of Examrs.

A. 334 & 335