M.R.O. 1—20,000—18-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT

G.O. No. 33	Press
669	
Dated 7th January	1876

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
7th January 1869.

No. 68. Read the following Proceedings of the Madras Government in the Judicial Department :—

Passing orders on the Agent's Report on certain recommendations made by the late Principal Assistant Agent Mr. Bliss, relating to the Hill Tracts of Golgonda. } (Here enter 24th December 1868, No. 1,940.)

No. 69. ORDER THEREON, 7th January 1869, No. 33.

Miscellaneous. Communicated to the Revenue Board.

(True Extract.)

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

To the Board of Revenue, with Proceedings Judicial Department, No. 1,940.

Exd. G. A. T[illegible]n.

Govt. of Fort St. George
REVENUE.
To
THE BOARD OF REVENUE.
Dated Fort St. George, the
1868.
G. O. No. Reading 1868, No. 237.
JANUARY.
Nos. 66-69.
Hill Tracts of Golgonda.—Orders on the Agent's Report on certain recommendations made by the late Acting Assistant relating to their management, communicated to Revenue Board.

No. 237. Read the following letter from J. I. MINCHIN, Esq., Agent to the Governor of Fort Saint George in Vizagapatam, to the Chief Secretary to Government, Fort Saint George; dated Vizianagram, 7th November 1868, No. 535.

I have the honor to reply to the requisition of the Government in paragraph 16 of their Order, dated 19th September 1868, No. 1456, calling for report on the recommendations of Mr. Bliss, the late Acting Principal Assistant, with reference to the Golgonda Hill Tracts in his Division.

2. I beg to submit the views of Mr. Hutchins, the present Acting Principal Assistant, on the points submitted by his predecessor, in the advisability of whose recommendations on the whole he concurs.

3. With reference to an annual tour in these Hill Tracts being undertaken by the Principal Assistant I concur with Messrs. Bliss and Hutchins, but I think it unnecessary to lay down any rule as to the duration of the tour, which may fairly be left to the discretion of this officer.

4. I do not consider that it will be necessary, as suggested by Mr. Hutchins, to relieve the Principal Assistant of all his ordinary duties while engaged on his Hill tour. He should certainly move with a very light Cutcherry, and no cases for inquiry should be sent up to him from the low country; Magisterial cases during his absence being committed to the Assistant Magistrate at Vizagapatam. He should leave his whole Sheristah Department at head quarters, but with a couple of Moonshees he can conduct, without difficulty, the ordinary routine of his official duties.

5. I concur in the recommendation that the Principal Assistant should take cognizance of all Civil cases brought before him without reference to the Agent, and that when the value of property litigated is below Rupees 100 the decision should be final.

6. I consider that not only the Principal but all the Assistant Agents should be vested with Civil authority to try suits not exceeding Rupees 5,000 in value without reference, and beg that the present Agency rules may be altered to allow of effect being given to this suggestion.

7. With reference to Mr. Bliss' suggestion, that the Golgonda Taluq Magistrate should visit the hills twice a year at least, each time remaining not less than a month. Mr. Hutchins considers that it will only be advisable for this officer to accompany the Principal Assistant on his tour, and at other times only to proceed there when his presence is emergently required.

8. I am not at all prepared to support Mr. Bliss' suggestion in this particular. The prolonged absence of the Tahsildar on these hills would be a source of the greatest inconvenience to the Taluq at large, and put a stop to his general business; while, unless this official were an exceptional character, his presence would only be a source of harass and alarm to the uncivilized Hill tribes. I do not consider that his attendance on the Principal Assistant, during that officer's tour, would be attended by any advantage to counterbalance the inconvenience that would be caused in the low country by the simultaneous absence of both officers, and I think it will be sufficient for the Sub-Magistrate to visit the hills when it may be necessary for him to undertake any local investigation. At the same time I am by no

means prepared to recommend the appointment of a separate Sub-Magistrate for the Hill tracts. Owing to the unhealthiness of the climate to natives of the low country, only men of very low attainments will accept a Hill Sub-Magistrate's post, and their presence is often of very little advantage to the people.

9. The Tahsildar of Golgonda is invested with the powers of a District Moonsiff in the Hill Tracts within his range.

10. With reference to Mr. Bliss', closing recommendation, that certain tracts should be restored to the Agency, I beg to state that the country described by him has been withdrawn from the Agency limits, in accordance with the recommendation of Mr. Carmichael in paragraph 28 of his Hill Report, dated 26th March 1864, No. 46. I am entirely of accord with Mr. Bliss that this tract should be restored to the Agency Courts, and am of opinion that much of the district has been placed under the ordinary Courts that is by no means yet fitted for their jurisdiction.

From A. R. HUTCHINS, Esq., Acting Principal Assistant Collector and Agent, to the Agent to the Governor of Fort Saint George in Vizagapatam; dated Waltair, 14th October 1868, No. 107.

With reference to your Official Memorandum, No. 498, calling for my opinion on the various points mooted by Mr. Bliss upon which Government in their Order, dated 10th September 1868, No. 1456, require a further report, I have the honor to state as follows:—

1. There is not the slightest room to question the wisdom of Mr Bliss' remarks as to the necessity of a more frequent visit of the European Magistrate and Taluq Sub-Magistrate. When I joined the Division in March last I read the letters of Messrs. Bliss and Jones now printed in these Proceedings, and whilst residing in Nursipatam during the subsequent five months have had the hill affairs constantly in my thoughts.

2. I would here mention that Mr. Jones made a subsequent tour in Gudem in April, and has written a most interesting account of his second tour; this will, I hope, appear in print as his former tour has done in the Administration Report of the Agency Tracts for 1868. I say, I hope, for this subsequent tour is of a more extended and complete form than his former one, and the two together, with Mr. Bliss' Report and a carefully framed Itinerary or Road-way by Mr. Jones, will form for all future officers a most capital introduction and guide-book, in fact a "Murray" to the Golgonda Hills, and leave the Principal Assistant Agent and Tahsildar without excuse if they do not visit what is no longer a *terra incognita*.

3. The great difficulty about visiting the hills is the dread of fever. The only months in which it is pleasant for Europeans are January and February. In March and April Mr. Jones reports it is free from fever, but especially in April almost too hot to be attempted.

4. From the time when the early rains begin to the end of the year, and especially from September, when even Nursipatam becomes feverish, the hills are most unhealthy.

5. There is no question that every year, in January and February, the European Magistrate, accompanied by the Tahsildar, should spend at least six weeks on the hills, and I look forward to doing so myself, unless I am removed from the district in the meantime.

6. I proceed to notice the suggestions of Mr. Bliss in detail—1*st*. I think that in every year the Principal Assistant Magistrate and Agent should spend at least six weeks above the ghauts in January and February, accompanied, if possible, by the Tahsildar, and when practicable by the Assistant Superintendent of Police.

7. In any year when the Agent himself can do so, or wishes to do so, he may either take the place of the Principal Assistant Agent for that year, and so leave the latter officer in charge of his Sub-Division, or, which of course would be the pleasantest and most profitable arrangement, they could be up together for at least part of the time. I think the Agent should be required to visit these hills at least once in five years.

8. I desire to give my opinion clearly on a matter in connexion with this annual visit, which is of great importance. For the time that the Principal Assistant Agent is above the ghauts, he should be relieved of the ordinary Revenue and Magisterial charge of his Sub Division. This is most essential. Consider what it is to carry all one's necessary office servants and records about the hills for six weeks, to be each day receiving or getting put out by *not* receiving the tappal from the low country, to have the thought on your mind that some unhappy set of Police, with parties and witnesses, are following you up the ghauts. No, the entire time and thoughts of the Principal Assistant Agent should be given whilst up on the hills to Hill Agency matters, and he will doubtless find enough to occupy him; there will be no difficulty in supplying his place at Nursipatam, there are always likely to be two Assistants at least in this district, one of them who is vested with 1st Class Sub-Magistrate's powers, or, better, full powers, should be put in charge of the Principal Assistant Collector's Office, and thus the Principal Assistant Collector would have his mind set free from his ordinary cares, and be able to give himself up to the enjoyment of his tour, and devote his entire energies to his new line of country.

9. Thus also the Sheristadar, the principal English Writer, and some other Clerks, would be left behind and all the records, and this is a great point. I do not wish to reflect on the zeal or energy of my office servants when I say it has been manifest to me, since I took charge of the office, how thoroughly hateful to them all the idea of a hill tour is, and no wonder, for they suffer sometimes fearfully from it, as may be seen from Mr. Bliss' letter.

10. I say then the fewer of these "incubi," in the shape of discontented and miserable office servants, the Principal Assistant Agent has about him during his tour the better; he will only require a Magistrate's Clerk and Agency Clerk and one English Writer, with his office sweeper, who can always act as Moochee, and three of his most active Peons; and one box of stationery, and no records whatsoever.

11. If this is conceded, there is no reason why this tour should not be made regularly once a year for six weeks, (which I consider long enough, for all purposes,) with interest and profit to the Principal Assistant Agent, and I should trust most real benefit to the hill ryots who are undoubtedly much oppressed.

12. If the Tahsildar, as I would advise, accompanied the Principal Assistant Agent his place could be sufficiently supplied at Nursipatam by the Sheristadar of his Cutcherry. *2ndly*, Mr. Bliss' second suggestion is, that the Principal Assistant Agent should, during his tour, take cognizance of all Civil cases brought to him without reference to and by the Agent, and that when the value of property litigated is below 100 Rupees the decision should be final.

13. I heartily concur in this most wise suggestion; the tour must always be more or less rapid; there would be no time for reference to Vizagapatam if these powers were not granted, the result would simply be a repetition of what Mr. Bliss' found numberless complaints of a Civil nature brought, himself unable to take them up because no reference was made from the Agent, and with about as much chance of the ryot plaintiff going to Vizagapatam to make the reference as of flying.

14. I will mention here that though I am vested with Civil functions as Principal Assistant Agent, and can dispose of Civil cases from these hills, if referred to me by the Agent, yet though I have been six months in charge, I have not had one single case on my file. I fear this is no criterion of the happy state of things on the hills, but simply a sign that the ryots will not take the trouble to go all the way to Vizagapatam to get their cases referred to me at Nursipatam. As the Principal Assistant Agent has been entrusted with Civil functions, and is of the same standing generally as a Small Cause Judge, I can see no reason for his not being allowed at his discretion, and subject to revision and appeal to the Agent, to exercise those functions without any reference during his tour. I had almost said, at all times I would limit this permission to suits in which the value of property litigated is within 500 Rupees, in cases over that mark a reference might be required; big cases will better keep than small ones without hardship and injustice; and in cases under 100 Rupees, when disposed of by the

Principal Assistant Agent, no appeal should lie unless good cause is shown. *3rdly*, as to Mr. Bliss' third suggestion, that the Golgonda Taluq Magistrate should visit the hills twice a year at least, each time remaining for one month, I beg to remark I have above suggested that he should, when possible, go above the ghauts with the Principal Assistant Agent. I think he would thus become well acquainted with his charge under favorable circumstances, and could settle many cases afterwards that might come before him at Nursipatam. I would not lay down any very strict rule that he should tour in the hills again for a month; no doubt he should pay them a visit about July, but it is cruelty to force a native of the plains to remain up there in that month, and I think it would be enough to order him to hold himself in readiness to go up at any time on any special occasion for a special purpose; and he should be required to pay more constant visits to Kristnadevipett and Kondasunta, which lie at the foot of the hills on different sides, and are the places most visited by the hill people. The present Tahsildar K. Kristna Row has been, I think, well chosen by Mr. Bliss; his last post was Dandencotta in Salem, and he has been used to hill work, he thus should have no hesitancy in going on these tours; he promises to do his duty in this respect, and I hope to report well of him in its accomplishment.

15. With reference to the suggestion that the Tahsildar should be entrusted with the powers of a District Moonsiff, I beg to say that this has already been done, the Tahsildar is so vested, and is at present exercising those powers without reference just like any other District Moonsiff; of course his Civil jurisdiction is confined to the Agency tracts in the Golgonda Taluq; he has the jurisdiction laid down in Clause 2, Rule IX, in revised Agency Rules, his appointment having been made under Clause 1 of the said rule.

16. As this letter has assumed an inordinate length, and as I am not yet prepared to reply to the question raised by Mr. Bliss' 4th paragraph, I beg to send in this letter now, and will supplement it with a further report on that subject.

17. I have taken due notice of paragraph 18 of the Government Order, and will use my best endeavours and stir up the Tahsildar to do what he can to promote road-making and jungle clearing in the Till Tracts.

(True Copy).

(Signed) J. I. MINCHIN,
Agent to the Governor.

Revised Agency Rules submitted for the consideration of Government.

Rule X, Clause 1, for "Shall be instituted in the first instance in the Court of the Agent alone, and the Agent and (solely upon reference by him of suits to them) his Assistants are," &c., *read* "Shall be instituted in the Court of the Agent and his Assistants, who are hereby vested," &c.

Clauses 2 and 3 unchanged.

Clause 4. The Assistant Agents shall be competent to try and determine suits for real or personal property not exceeding 5,000 Rupees, or for lands paying revenue of which the annual produce does not exceed 5,000 Rupees, or exempted from it of which the annual produce does not exceed Rupees 500.

The following addition should be made to Rule 16:—In suit for personal property, the value of which does not exceed Rupees 100, no appeal shall lie from the decision of the Assistant Agents.

(Signed) J. I. MINCHIN,
Agent to the Governor.

No. 238. ORDER THEREON, 24th December 1868, No. 1940.

In their Order, dated 19th September last, the Government desired their Agent in Vizagapatam to report on certain recommendations made by the late Principal Assistant Mr. Bliss, after his visit to the Golgonda Hill Tracts.

2. Mr. Minchin, the Acting Agent, complies with this order accordingly, and furnishes also a report from his Principal Assistant Mr. Hutchins. The following are the recommendations made by the late Principal Assistant Agent:—

1.—That if the Agent cannot himself spare time, the Principal Assistant Agent should every year make a two-months' tour in the Hill country in his Division.

2.—That when on this tour, the Principal Assistant should take cognizance of all Civil cases brought to him without reference to the Agent, and that when the value of property litigated is below 100 Rupees, the decision should be final.

3.—That the Golgonda Taluq Magistrate should visit the hills twice a year, at least each time remaining there for one month; that during these visits he should exercise the powers of a District Moonsiff, as do other Magistrates in the Hill Tracts.

4.—If the Golgonda Taluq Magistrate (Tahsildar) cannot, as recommended, visit the hills twice a year, that a temporary Sub-Magistrate with two Goomastahs be appointed. Mr. Bliss further recommends that all the country below the ghauts and to the west of the river Boderu, between Golgonda and Kristnadevipetta, should again be put under the Agent as being for all practical purposes a part of the Hills.

3. The Government approve of the proposal that the Principal Assistant Agent should take an annual tour in the Hill country of his Division during the healthiest season of the year, January and February; a period of six weeks may, in the opinion of Government, be usefully thus employed, but they leave the duration of the tour to be fixed by the officer himself, who will make his inspection of this tract of country as complete as possible.

4. The Government do not consider it necessary entirely to relieve the Principal Assistant during his tour of his ordinary charge, but they are of opinion that he should be relieved of his Magisterial duties by an Assistant Magistrate of the District, or if circumstances render this impossible, that all Magisterial cases which are beyond the cognizance of the Native Sub-Magistrate should be transferred to an Assistant Magistrate at Vizagapatam.

5. The Government will leave the decision of the question of the Tahsildar's accompanying the Principal Assistant on his tour to the discretion of the latter officer, with the expression of their opinion that, except under special circumstances, it is not desirable that both the Principal Assistant and the Tahsildar should at the same time be absent from their stations in the plains.

6. The Government concur with the Acting Agent that the Principal Assistant should, while on his tour, take cognizance of all Civil cases brought to him without reference to the Agent, and that when the value of property litigated is below 100 Rupees the decision should be final, and they will not object to confer upon the Principal Assistant, as recommended by the Acting Agent, general authority to try suits not exceeding 5,000 Rupees in value without reference.

7. They must, however, decline to confer these extended powers on all the Assistants in the Vizagapatam District. Mr. Minchin's attention is called to the

Proceedings of Government, dated the 3rd April last, No. 575, in which the Government have already disposed of this recommendation.

8. The Government will leave it to the Principal Assistant to direct the Tahsildar to visit any part of the hills which he may from time to time consider to require that officer's presence, but as stated above the Government consider that any prolonged absence of the Tahsildar will generally be attended with more inconvenience than advantage.

9. The Government do not consider it necessary permanently to locate a Sub-Magistrate in this Hill Tract, but they consent to the country below the ghauts and to the west of the river Boderu, between Golgonda and Kristnadevipetta, being again placed under the Agent.

10. A Notification to this effect will be published in the *Fort Saint George Gazette*, and in the *District Gazette* of Vizagapatam, for general information.

11. Rule X, Clause 1, and Rule XVI of the Agency Rules, will be amended, and a fourth clause added to Rule X, with reference to the extended jurisdiction conferred on the Principal Assistant Agent.

12. The amended and additional Clauses will stand thus—

Rule X, Clause 1 (amended). "With the single exception of the particular suits specified in the preceding rule, which are cognizable by such District Moonsiffs as are there described, all Civil suits, of whatever description or value, in which the real property sued for may be situated; or, in other cases, in which either the cause of action shall have arisen, or the defendant may at the time be a fixed inhabitant within the Agent's jurisdiction, shall be instituted in the Courts of the Agent and of his Principal Assistant, who are hereby vested with the same powers to try and determine such suits as are vested by the Madras Code, and the Acts applicable to that Presidency in the Civil and Principal Sudder Ameens' Courts; or in Collectors, respectively, subject to the modifications in these rules contained."

Rule X, Clause 4 (new). "The Principal Assistant Agent shall be competent to try and determine suits for real or personal property not exceeding 5,000 Rupees, or for lands paying revenue of which the annual produce does not exceed 5,000 Rupees, or exempted from it of which the annual produce does not exceed 500 Rupees."

Rule XVI (amended). "From Decrees in all original suits an appeal shall lie from the Courts of the Moonsiffs, and from the Courts of the Assistants, to that of the Agent; provided the petition of the appeal be preferred to him within six weeks after the date of passing the decree; or the appellant can show just and reasonable cause, to his satisfaction, for not having preferred it within that period. In suits for personal property, the value of which does not exceed Rupees 100, no appeal shall lie from the decision of the Principal Assistant Agent."

NOTIFICATION.

It is hereby notified that all the country below the ghauts and the west of the river Boderu, between Golgonda and Kristnadevipetta, in the Taluq of Nurseipatam, which is now subject to the jurisdiction of the Civil and Session Court of the Zillah of Vizagapatam under the Notification of the 6th December 1804, published in the

Fort Saint George Gazette of that date, will, from the 1st day of January 1869, be re-transferred to the jurisdiction of the Agent to the Governor of Fort Saint George in Vizagapatam.

(By order of His Excellency the Governor in Council.)

Chief Secretary to Govt.

To the Agent to the Governor of Fort Saint George in Vizagapatam.
,, Honorable the Judges of the High Court.
,, Revenue Department.
,, Accountant General.
,, Inspector General of Police.

Cal. C. Tulloch.

Revenue Cost 4.

Govt. of India.

W. 12.

JUDICIAL.

To

THE GOVERNMENT AGENT,
Vizagapatam.
&c., &c., &c.

Dated December, 24th.

Recd. 1st Jany. 1868. Encl.

G. O., 21th December 1868, No. 1940.

DECEMBER.
Nos. 237-238.

Passing orders on the Agent's Report on certain recommendations made by the late Principal Assistant Agent Mr. Ellis, relating to the Hill Tracts of Ganjam.

Withdrawn
No 33 7 Jan 69

W. 33.

Comm^r to the
Revenue Board.

7th Jany 69.

3 Encls to Bd's W. of Rec^d with Govt G.O. 1940 Dated 24th Dec^r 68