

(1) Number of pages 22
(2) Date of repair 30.7.1981
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	H248	Press.
B.P. No.		Mis.
Dated	31. 7. 1977	197

Not to be folded or roughly handled.

4245
1

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT

3rd July 1877, No. 1562.

Bhadrachalam and Rakapilli Taluqs.

Read the following papers:—

No. 13. *From J. HOPE, Esq., Acting Collector of the Godavery District, to the Chief Secretary to Government, dated Cocanada, 26th October 1876, No. 20.*

I have the honor to report on the administration and settlement of the Bhadrachalam Taluq for the past fasli year 1285 (A.D. 1875-76).

2. You are aware that nothing has as yet been done by Government in the way of settling what the future administration of the taluq is to be. At present it is doubtful whether there is any one that is legally competent to administer civil or criminal justice. I have, therefore, followed in the foot-steps of Mr. Foster and taken upon myself as Collector to dispose of those civil suits (viz., those exceeding Rupees 100 in value,) which formerly used to be tried by the Deputy Commissioner. All suits under Rupees 100 in value are still, as under the old régime disposed of by the Tahsildar.

3. During the year the Tahsildar had second-class powers and the Naib Tahsildar third-class powers under the Criminal Procedure Code, and all cases beyond their jurisdiction were tried by the District Magistrate. The difficulty as to the proper tribunal for the disposal of session cases has not yet become a practical one (though it may become so at any moment) as it so happens that no cases have been brought up which were exclusively triable by a Sessions Court. A case of murder was however reported, and, though it has not yet been detected, there seems reason to believe it actually occurred. The Koyis of Latchigudem were reported to have sacrificed a man to their goddess. The sickle and axe of the deceased and some bones were found in the Bustar territory which adjoins the village in question. The victim, Gundu Kannadu, belonged to Bustar. The Police, I understand, have not given up all hope of detecting the case.

4. In their Proceedings of the 26th August 1876, No. 1757, Judicial Department, Government have, as you are aware, lately called on me to submit a list of Acts and Regulations which I would propose to have in force in the Bhadrachalam Taluq and to report how far the Agency Rules of the Vizagapatam District may be applied to the taluq in question. This report will shortly be sent.

5. *Civil Jurisdiction.*—In the Tahsildar's Court there were 106 suits filed in the year and 21 were pending at the beginning of the year. There were 183 suits in the preceding year. The decrease may be attributed to the change of Tahsildars, which left the Court without an officer for a couple of months. The suits in my own Court,

however, rose from 5 to 11. This increase was to be expected, as the people of the Bhadrachalam Taluq were naturally afraid in the first year of the transfer to seek justice in what to them was an unknown and certainly a distant country.

6. Of the suits so filed, 109 and 7 were disposed of by the Tahsildar and Collector respectively. Their nature and mode of disposal are particularized below:—

Nature of Suit.	Before the Tahsildar.	Before the Collector.
Suits on bonds	54	6
Suits for debts on unwritten promises	33	..
Suits for rent	..	..
Suits relating to real property	1	..
Other suits	21	1
Total*	109	7

Particulars of disposal.

	BY THE TAHSIDAR.		BY THE COLLECTOR.	
	Uncontested.	Contested.	Uncontested.	Contested.
Rejected	3	..	1	..
Dismissed for default	..	18	1	..
Withdrawn	..	1	..	..
Compromised	..	13	..	..
Decreed for Plaintiffs	13	11	..	4
Decreed for Defendants	..	8	..	1
Admissions	38	..	..	..
Total	53	56	2	5

7. The following account shows the value of suits disposed of:—

	BEFORE THE TAHSIDAR.		BEFORE THE COLLECTOR.	
	Number of Suits.	Value.	Number of Suits.	Value.
Suits not exceeding Rupees 10	23	RS. A. P. 155 1 6	..	..
Suits above Rupees 10 and not exceeding Rupees 25	26	447 7 9	..	..
Suits above Rupees 25 and not exceeding Rupees 50	28	956 9 9	..	..
Suits above Rupees 50 and not exceeding Rupees 100	32	2,644 14 4	..	..
Suits above Rupees 100 and not exceeding Rupees 500	..	..	4	1,275 12 8
Suits above Rupees 500 and not exceeding Rupees 1,000	..	..	1	849 12 0
Suits above Rupees 1,000	..	..	2	4,732 9 8
Total	109	4,204 1 4	7	6,858 1 11

To check cholera medicines were obtained from the Civil Surgeon at Rajahmundry and sent to the Tahsildar.

16. There are two vaccinators in the taluq. The extent and result of their work are given below. One was suspended for six months:—

Successful	1,246
Unsuccessful	117
Unknown	1
Total	1,364

17. *Wild Animals.*—Rupees 326 were spent in giving rewards for the destruction of wild animals as follows:—

	No.	Amount. RS.
1. Tigers	5	190
2. Cheetas	6	90
3. Bears	7	46

18. The destruction by the animals was as follows:—

Men killed	133
Cattle killed	183

The information about cattle is for the official year 1875-76.

19. *Local Funds.*—The Local Funds here comprise the following items:—

1. Pound Fund.
2. Ferry ..
3. Road ..
4. School ..
5. Dawk ..

These funds (with the exception of the first) not being levied as in our Regulation Districts under any special law, their appropriation is not, I believe, restricted to any particular purpose.

20. *Pound Fund.*—There are pounds at—

1. Bhadrachalam.
2. Dumagadam.
3. Kunavaram.
4. Bakapilli.

The money realized was Rupees 417-12-6, of which Rupees 137-14-3 were spent in constructing and repairing pounds and paying the pound-keepers.

21. *Ferry Fund.*—The ferries are sold by taluqs, viz:—

	RS.
Bhadrachalam Taluq	84
Bakapilli Taluq	72
Total	156

No expenditure is incurred under this head.

22. The collections and charges under other funds are given below:—

	Collections.			Charges.		
	RS.	A.	P.	RS.	A.	P.
Road Fund	392	12	0	..	..	..
School	363	1	5	170	10	8
Dawk	100	8	0	..	..	..
Total	856	9	5	170	10	8

23. I think that the balances under these heads might well be utilized in establishing a dispensary at Bhadrachalam. At present the people have no medical advice whatever except what they can get from the Hospital Assistant attached to the Public Works Department at Dumagadam. The want of a Medical Officer is seriously felt, the tract being hilly and consequently almost always unhealthy.

24. *Public Works.*—I beg to send a statement (A) of expenditure on public works. The estimated cost of these works was 10,335, and the actuals amounted to Rupees 8,971. The important items in the statement are the repairs and maintenance of locks, steamers' boats, hospital and other works, repairing flood embankment and ramps and the sills of tail locks. The actual expenditure in 1874-75 was Rupees 11,423, or Rupees 2,452 more than in the current year owing to a large expenditure having been incurred in the former year for removing silt from tail locks.

25. *Registration of Traffic.*—I enclose a statement (B) showing the different articles that have been sent from, and received into, the taluq by the river. The items are divided according as the trade is carried on between the taluq on the one hand and the coast Hyderabad, and Chanda on the other. The exports amounted to 43,234 Bengal maunds valued at Rupees 2,02,743 and the imports to 61,973 Bengal maunds valued at Rupees 3,03,403.

26. *Cemeteries.*—There are two cemeteries at Dumagadam. I saw them in February last and found them in pretty good order.

27. *Rainfall.*—The rainfall was registered at Bhadrachalam as follows :—

		Inches.	Tenths.
April 1875		3	..
May		3	5
June		4	5
July		17	2
August		24	5
September		4	5
October		2	5
November		..	..
December		..	..
January 1876		..	..
February		..	..
March		..	..
Total		58	7

28. *Government Villages.*—There are seventy villages belonging to Government, of which two have been deserted during the year. These villages are annually leased out for the next year before its commencement and the usual puttis and muchilkas exchanged at the time. No puttis are, therefore, granted at the annual settlement, which in fact consists of leasing out land for the next year.

29. The following is a statement of prices in fasli 1285 :—

	Price per Madras Garce.	Fasli 1284.	Fasli 1285.
Rice, first sort		320	295
.. second sort		291	275
Cholum		110	108
Horse-grain		133	190
Black-grain		291	285
Wheat		400	400
Salt		355	338

30. *Season.*—The season was a favorable one. The Godavery freshes were very high in the latter part of July 1875. The dry and wet crops yielded very well.

31. *Statement No. I.*—This is the statement of cultivation of both Zemindari and Government land. It is an approximate estimate of the area and shows no great difference in the current and the preceding years. The cultivation of cotton is shown below :—

	Extent.	Assessment.
	ACRES.	RS.
1874-75		118
1875-76		192

Sugar-cane and indigo are not cultivated in this taluq.

8. There were five appeals heard by the Collector with the following results :—

	Number of Cases.
Original Decrees ..	Confirmed 2
	Reversed 1
	Modified 1
	Pending 1

9. The following is the abstract of transactions in the Executive Department before the Tahsildar :—

1. Applications filed		29
2. do. disposed of		12
3. do. partly disposed of		17
4. do. pending unexecuted		..

Particulars of Nos. 2 and 3.

Cases in which property was attached		18
Cases in which property was sold		8
Cases in which defaulters were arrested		3

There were no applications made to the Collector during the fasli.

10. The receipts from the Court Fee Stamps in the Civil Department are given below :—

	Court Fee.	Fee paid for Process Service.
	RS. A. P.	RS. A. P.
In the Tahsildar's Court	539 0 0	179 12 0
In the Collector's Court	499 0 0	29 0 0

Rupees 90-0-8 have actually been paid to the process servers in the Tahsildar's Court; there being none in my own.

11. *Registration.*—I beg to give hereunder the amount of registration of documents under Act VIII of 1871. This registration is carried on by the Tahsildar himself. As stated in paragraph 12 of Mr. Foster's report of the last year to the Board, Government in their Order of the 6th August 1874, No. 1453, declined to issue a notification adding the sub-district of Bhadrachalam to this district. The registration is, therefore, not under the control of the Inspector-General of Registration.

Instruments registered.

Deeds of sale of immovable property		2
Instruments of mortgage of immovable property with possession		1
Do. do. without possession		1
Simple bonds		3
Wills		1
Leases		3
Instruments otherwise affecting immovable property		..
Power of Attorney		1
Total		16

The fee collected during the year amounted to Rupees 51 and was disposed of as follows :—

	RS. A. P.
Paid to Clerk	12 12 0
.. to the Sub-Registrar	10 3 2
.. to Government	28 0 10

12. *Criminal Jurisdiction.*—The following abstract gives the number of cases filed and disposed of by the Magistracy:—

Courts.	PENDING ON 1st JULY 1875.		RECEIVED DURING YEAR.		TOTAL PENDING AND RECEIVED.		NUMBER OF PERSONS.						TOTAL DISPOSED OF.		PENDING.		Total number of days for which the cases detained of were pending.	Remarks.
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	In Cases referred or transferred to other Courts for disposal.	In Cases dismissed under Section 147, 203, or 119.	Discharged under Section 216.	Confin'd.	Acquitted.	Otherwise disposed of by death, escape from custody, &c.	Cases.	Persons.	Cases.	Persons.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
District Magistrate	..	..	5	9	5	9	..	4	✓	5	2	..	6	9	..	..	61	Days Average 13
Sub-Magistrate	2	2	110	253	112	255	2	30	14	140	30	80	110	252	2	3	753	Do. 7

There were three appeals from the sentences of the Tahsildar and Sub-Magistrate, and they were all confirmed. The average time during which each case was pending was ten days.

13. *Police and Jails.*—Under the Orders of Government, dated the 1st September 1875, No. 1910, the Police have been transferred to the Superintendent of Police. There are three stations—Bhadrachalam, Dumagadam, and Kunavaram. Of these the one at Dumagadam was at first used as a Subsidiary Jail for short-sentenced prisoners, but it has since been given up, being far away from the Tahsildar's station, and the Police station at Bhadrachalam has been extended so as to provide some (though very poor) accommodation for short-sentenced prisoners. When the imprisonment awarded exceeds fifteen days, the prisoners are sent to the District Jail at Rajahmundry. The stations are used as lock-ups for prisoners under remand. The health of the prisoners was good, and the place was kept clean when I visited it. There were no cases of escape.

14. *Education.*—There are schools at Bhadrachalam, Dumagadam, Kunavaram, Marrigadam, and Waddigadam. The report* of the Deputy Inspector of Schools on these schools last received together with the Inspector's letter thereon are enclosed for perusal and return. There was a girls' school at Bhadrachalam. The Deputy Commissioner of Sironcha had, previous to the transfer, settled that this school should be abolished, but, before this was actually done, the taluq came into this Presidency. My predecessor, Mr. Foster, however, not liking the idea of beginning our administration of the taluq by abolishing such an institution as this, and thus depriving the old master of his only means of livelihood, kept it on. We have now had two years' trial of this school and found that it was of no use. The girls that attended it were very few, and their progress *nil*. It was really not worth the cost of maintaining, and under these circumstances I directed its abolition from the 19th July 1876.

15. *Births and Deaths.*—According to the last census the population amounted to 27,695. The births and deaths during the year were 1,125 and 1,031 respectively. The particulars of deaths are given below:—

	No.
From cholera	24
" small-pox	56
" fevers and other diseases	951

32. The deaths among cattle were greater during the year than in the year before, viz.:—

1874-75	RS. 973
1875-76	1,557

33. *Statement No. 2.*—This shows the demand of the current year. Annexed is the abstract thereof:—

Items.	Demand.		Remarks.
	RS.	A. P.	
<i>Land Revenue.</i>			
Peshcush of Zemindari Estate	16,693	8 0	
Rents of Government Villages	600	6 8	
Miscellaneous	6,066	11 4	Includes Rupees 25 of Fasli 1284 outstanding at the beginning of the current fasli.
Total	23,360	10 0	
<i>Sundry Sources.</i>			
Abkari	5,934	5 6	
Stamps, Judicial	1,511	4 0	
Non-judicial	866	15 0	
Total	2,373	3 0	
Total Land and Sundry Sources	31,673	2 6	
<i>Local Funds.</i>			
Pound Fund	417	12 6	
Ferry Fund	165	12 0	
School Fund	363	1 5	Includes arrears.
Dawk Fund	100	8 0	
Road Fund	392	12 0	
Total	1,439	13 11	
Grand Total	33,113	0 5	

All the demand has been collected except Rupees 44-3-0 of the miscellaneous items.

34. *Statement No. 3.*—This is a comparative statement of all revenues in the taluq.

- The increase of Rupees 1,453 in the sale proceed waste lands is owing to the receipt of large sums as purchase-money of waste lands sold while the taluq was in the Central Provinces. The purchase-money was stipulated to be paid by instalments.
- The amount of Rupees 16,693-8-0 under peshcush includes Rupees 17-8-0, the assessment of Fasli 1284 on a share of Goguboka aghaharam which was held free for life and which was charged with full assessment in the current year as the holder of the share died in Fasli 1284. The peshcush in Fasli 1285 was more owing to some arrears of certain past faslis having been demanded in that year.
- The increase in abkari is due to active competition at the auction sale of the farm.
- The variations under other heads are of a fluctuating nature.

35. *Statement No. 4.*—This gives the revenue derived from forests in the taluq. The amount collected in 1875-76 is Rupees 16,263 against Rupees 23,137 in 1874-75.

The decrease is believed to be due to the change of system introduced in the collection of duty. As a rule, duty was collected formerly after the timber was cut in the forests and brought down the river to Waddigudam, but Mr. Foster considered this objectionable and issued orders to the effect that half the duty should be paid in advance and the other half on the timber being cut down though not brought to Waddigudam. The reasons for this change were given in Mr. Foster's letter to the Board of the 27th May 1875, No. 226, recorded in Board's Proceedings of the 1st July 1875, No. 1810, Forest No. 124.

36. Mr. Boileau, Acting Deputy Conservator, has just gone up to inspect the forests and make full inquiry into this and other matters relating to the forests. On receipt of his report the real cause of the falling off of revenue this year will, it is hoped, be ascertained.

ENCLOSURE No. 1.

From W. R. KERSHAW, Esq., Inspector of Schools, 1st Division, to the Director of Public Instruction, dated Waltair, 18th April 1876, No. 402.

I have the honor to send you a copy of the Deputy Inspector's report on the schools in the Bhadrachalam and Rakapilli Taluqs. This is the first departmental inspection of these schools since their transfer to this Presidency. I purpose going up the river and seeing them for myself during my next tour in the Godavery District.

2. This recent addition to my division seems a very unpromising field for educational operations. The existing schools are few and inefficient and appear hitherto to have been under little or no systematic discipline.

3. I recommend for the present that the teaching of Sanskrit be entirely abolished and that the standards laid down for results-grant schools be adopted in all the Government schools in these two taluqs.

4. Some small contingent allowance, say Annas 8 per mensem, should be sanctioned for each school out of which to pay for postage, chalk, &c.

5. Telugu maps of the Godavery District and of the Presidency should also be supplied to each school.

6. The Deputy Inspector suggests, in paragraph 13, that the Bhadrachalam Inspecting Schoolmaster be entrusted with the supervision of the Local Fund Board Schools in the Kottapalli Division of the Rajahmundry Taluq. In some respects it seems desirable, but I fear there would be difficulties in the way of carrying out the suggestion as the Bhadrachalam Inspecting Schoolmaster is not an employee of the Local Fund Board.

7. Referring to paragraph 17 of the report, I think a small fee should be levied in these schools, say one anna and two annas a month. The former for the first and second standard classes, and the latter for the third and fourth. It would appear that heretofore books were supplied gratis to the pupils; this practice should now be stopped.

8. The holidays given seem to me far too numerous, and I could suggest a reduction.

9. There is one great inconvenience connected with these schools which I see no means of remedying at present. The masters frequently report themselves ill, and, as it takes so long for letters to pass to and fro, they generally anticipate any formal sanction of leave, quit their school, and appear in Rajahmundry before any one knows anything about the matter. Then there is a great difficulty in knowing whether the cases are *bona fide* cases of sickness as no medical certificate seems procurable till they get to Rajahmundry. The school at Marrigudem is now closed because the master has reported himself sick, but there are no means of ascertaining anything further about him; no medical certificate has been sent, and his whereabouts is not known.

10. I think it better to defer any definite proposal regarding furniture till I have seen the schools.

ENCLOSURE No. 2.

From K. KRISHNAMURTY, Deputy Inspector of Schools, Cocanada Circle, to the Inspector of Schools, 1st Division, dated Gorasa, 13th March 1876, No. 187.

I have the honor to report on the schools in the Bhadrachalam and Rakapilli Taluqs.

2. There are six vernacular schools in these taluqs which had been maintained by the Government of the Central Provinces and continued at present.

3. The results of my examination of these schools which are not generally satisfactory are given in tabular statement accompanying. They are all elementary and the teachers unpassed except one. Sanskrit is attempted in the town school at Bhadrachalam, but only two lads read it, and this study may be discontinued.

4. The girls' school at Bhadrachalam is the only one not possessing a building of its own, but all the others have got sheds built specially for them.

5. These sheds like the habitations of the people in this region are thatched with straw and walled with bamboo batties. The only school-house that is built with stone and mud is the town school at Bhadrachalam, but it requires some repairs, such as retiling and plastering of the walls. The walls are also exposed to the weather and must be covered either by throwing a shed or a verandah.

The girls' school is held in an outer corner of the pagoda compound with a terraced room, but no rent is charged.

6. There are no blackboards in any school in the Bhadrachalam Taluq except the town school, which possesses one.

7. The same school is allowed Rupees 2 monthly for contingent charges, but no other school has any allowance under that or any other head.

8. No returns seem to have been ever required from these schools before this, and the admission and attendance registers are the only records kept in any school. But I have explained to the Inspecting Schoolmaster and the teachers what returns are required and they will send them in hereafter though I have not yet received any. I think the Inspecting Master has had to return some of them for correction or revision as this is the first time they are prepared.

9. I request that the masters in these taluqs be provided with service labels.

10. I recommend the same scheme of studies for the Bhadrachalam schools as that in vogue in Local Fund Schools of this circle as I consider both to be of the same grade. Copy of the scheme sanctioned by the Local Fund Board is appended.

11. Maps of the District and Presidency must be supplied to these schools, or the study of geography will continue to be unsatisfactory. One or two schools only have got maps of Asia, Europe, and the world, which are allowed here in more advanced stage only.

12. Mr. Cain has got two results schools at Dumugudem—one for boys and the other for girls, and these have been recommended for grants from Provincial Funds this year. Through the exertions of the Inspecting Schoolmaster two more have been started—one at Rajupetta and another at Garridevipeta—within the last three months, and will be examined for results grants when they have been sufficiently long in existence for it. But the Managers are very anxious to obtain salary grants which may be favored considering the peculiar circumstances of the country. It is extremely difficult to find teachers passed or unpassed.

13. To look after these schools (ten) there is a special officer on Rupees 35 a-month, and he has visited many villages with the object of opening new ones. The Inspecting Schoolmaster, Narasimhachari, is, I believe, a proper person to deal with the people here, and in due course of time I am confident he will increase the number of schools as well as improve the existing ones; but there is little prospect of many schools being opened soon in the taluq of Bhadrachalam judging from the condition and from the life of the simple natives. The pupils of the existing schools are the children of settlers from other parts of the country and there are only two Koya children at school. These Koyas are a very suspicious race, and it requires both tact and time to bring them round to the belief that schools, as well as other institutions, are for their good. As it is, the same class that is benefited elsewhere derives the advantage of these schools also. The Inspecting Schoolmaster is, as you are aware, paid from Provincial Funds, and if that is no hindrance, I would recommend that he be entrusted with the Local Fund Schools in the Kottapalli Division of the Rajahmundry Taluq adjoining Bhadrachalam. They are nine in number. This will give some work to an officer with few schools, and at the same time afford a very desirable relief to Krishnamurti Sastry with eighty schools spread over one half of the circle. Krishnamurti Sastry will still have too much area under him, and the new Inspecting Schoolmaster will have to take a portion of it. The Peddapore range now comprises the Rajahmundry and Peddapore Taluqs and the Pittapore and Tuni Divisions and is a bad division on account of the comparatively small number of schools, and one man cannot do the work of organizing schools and inspecting existing ones efficiently. The arrangement I propose, namely, that of giving over the Kottapalli Schools to Narasimhachari, will answer this to some extent, and the locality bearing a great resemblance to the Bhadrachalam Taluq, the same officer will look after the interests of both.

14. All the masters, except that of the town school, know little of school management, and, as they are used to have their own way of keeping their schools, the Inspecting Schoolmaster has some difficulty in making them do what he wants. The master at Waddigudem had been told to keep a time-table of all lessons to be taught in his school more than once, but at my visit there

was not one. The girls' school master had been told to correct the copies of the children and while writing to show them how to form letters properly, but he had never done so up to my visit. Such cases of obstinacy stand in the way of improvement certainly.

15. The town school master is both passed and willing to do his duty, and the results were fair as far as reading and kindred subjects were concerned. Language is his *forte*. The boys, however, were not found very apt, and their grammar was remarkably poor.

The master at Kunavaram, who rejoined only at my visit after being absent on sick leave, is a young man, and, if he can withstand the climate, is likely to keep a good school.

The master at Damagudam stands next to Bhairava Sastri in the deference shown him by the people, and his school was moderately fair when I saw it. He is unpassed.

The master at Waddigudem seems to be an efficient teacher and formerly had a large school, but the boys left after finishing the course, and the classes have not been recruited since owing to disputes with the leading villagers. The necessary warning has been given to him.

There is no school now held at Marrigudem owing to the illness of master and pupils, and I did not see the master who had come down to the plains. I have been unable to secure the services of any person for the place.

The girls' school master is one of whom the only recommendation is that people send their daughters to his school even at the age of fourteen without suspicion.

16. I would not, however, recommend a change of masters now until every opportunity had been given them to improve their schools. But they may in fairness be required to pass the lowest test of teachers.

17. No fees are levied in these schools, but Rupees 20 had been spent in buying books for the pupils before their charge was delivered to the department as sanctioned by Government.

18. A list of the school apparatus is enclosed.

19. The holidays named in the list appended had been allowed to the Bhadrachalam schools under the former Government and may be continued.

20. The best time to visit Bhadrachalam is February and early part of March.

No. 14. *From J. HOPE, Esq., Acting Collector of the Godavery District, to the Chief Secretary to Government, dated Cocanada, 29th November 1876, No. 22.*

With reference to paragraph 7 of the Government Order of the 26th August last, No. 1757, Judicial Department, I have the honor to forward herewith a copy (No. 1) of the Agency rules in force in Ganjam and Vizagapatam which I have obtained from the Agent in Vizagapatam. I also enclose a memorandum (No. 2) showing the amendments I propose.

2. I shall briefly state the reasons for the amendments in question.

3. As I propose to have the Court Fees Act in force in the taluqs in question, the institution fees spoken of are no longer required, and therefore the necessary alteration should be made in Rule 7.

4. The words "for the present" in Clause 2, Rule IX, appear to be unnecessary for obvious reasons. This clause lays down the limits of a Munsif's jurisdiction in regard to immovable property according as the land pays revenue to Government or not. This distinction has been abolished as regards the ordinary Civil Courts by Act III of 1873 (Madras), and I do not see why it should be maintained still in an Agency tract. Further the rule as it stands involves an absurdity. The Munsif is not to try suits of more than Rupees 300 in value if the property does not pay revenue to Government, but if it does, he can try a suit for land, the annual produce of which does not exceed 300 Rupees. It must be remembered here that land yielding annual produce worth 300 Rupees is not valued at 300 Rupees, but perhaps at least five or six times that amount. I would, therefore, abolish the distinction and add that the valuation of suits may be made as in the ordinary courts.

5. As the taluqs are far from head quarters, the Collector as Agent should be authorized to receive and try suits of less than 300 Rupees in value if the parties happen to be here. I have, therefore, provided for this power. In lieu of the words "Zemindar or Desoye or other Feudal Hill Chief," I have thought it best to substitute "superior or inferior proprietors," as there is nothing resembling feudal tenure in these taluqs.

6. Rule X as it stands at present specifies when suits can be entertained by the Court of the Agent, but the preceding rule contains no similar provision in regard to the District Munsifs.

7. Again, the present rule requires that the defendant should be a fixed inhabitant within the Agent's jurisdiction. The term "fixed inhabitant" is vague and does not take in cases in which a man resides for a time on business. I have, therefore, framed new Rule XI, Clause 1, in the words of Section 5 of the Civil Procedure Code.

8. There may occur cases in which property forming the subject-matter of a suit is to be found partly outside the limits of the Agency tract, and the question arises as to whether the Agent or the ordinary Civil Courts should entertain the suit. I have, therefore, provided that the Agent or his subordinates should not entertain a suit for property beyond the limits of the Agency tract. Clauses 2 and 3 of Rule XI will do away with the necessity of having the regulations about pleadings in force in the Agency tract.

9. As the provisions contained in the several clauses of Rule XII and Rule XXVI are quite defective in regard to the trial of civil suits or to the execution of decrees, during which many questions of cross claims arise, and as it is impossible to compile a complete code of rules without making it very bulky, I have proposed to adopt the rules prescribed for the ordinary Civil Courts *as far as possible*. I would omit clauses 2 to 7 as they are copies of Sections 126, 127, 128, 129, 130, 131, and 132 of the Code of Civil Procedure with the exception of the provision for subscribing the statements which was omitted in the rules.

10. I cannot understand why Rule XIII provides that the examination of witnesses shall be conducted according to the rules applicable to the examination of witnesses in criminal cases not referrible. I would therefore omit it altogether.

11. Rule XIV requires that in suits for money the prescribed form should be filled in and delivered to the successful party. In other words the form is his copy of the decree. If this is so, it requires a stamp, and it is unnecessary to lay down that a copy will be given if the stamp is furnished. I would therefore omit the rule.

12. Rule XV.—Clause 2 is unnecessary as the Court Fees Act contains the necessary provision.

13. Rule XVI.—The time for appeal should be fixed at two months as the taluq is about 150 miles from Cocanada.

14. The time for a review should be three months under Rule XIX, instead of six weeks. The former is the time given by Section 376, Code of Civil Procedure. I have proposed to give the Agent the power of withdrawing an appeal also.

15. Rule XXI provides for an appeal from the decree of the Agent in every suit be its value or nature what it may. Under Rule IX, Clause 2, a suit of, say, 50 Rupees may be entertained by an Agent. In the ordinary Courts the decrees of a District Munsif in suits for money not exceeding 50 Rupees and those of a Subordinate Judge in similar suits not exceeding 500 Rupees in value are final. I would point out that the Agents should be placed in the same position as Sub-Judges.

16. Rule XXIII is unnecessary as a similar provision is to be found in the Code of Civil Procedure.

17. The other amendments are self-explanatory.

18. It will be observed that I have not tried to assimilate the rules with those of the Agency tracts of Vizagapatam and Ganjam. The Agent at the former place informs me that "all the Regulations and Acts which were in force over the whole Presidency up to the passing of Act XXIV of 1839 should be held to be in existence subject to the modifications contained in the rules with the exception, however, of those enactments which have since been repealed by others which are specially extended to the Agency by notifications published in the *Fort St. George Gazette*. Neither the Registration Act nor any other of the Acts passed subsequently to 1839 is now in force in the Agency with the exception of the Limitation Act." It will be noticed that Rule XVII, therefore, provides that the notice to the respondent should be issued

as directed by the Madras Code and Acts applicable to that Presidency prior to the enactment of Act VIII of 1859.

19. This Act (Civil Procedure Code) as also the General Stamp and Court Fees and other Acts have been in force in the Bhadrachalam and Rakapilli Taluqs and the Rampa country all this time, and there can be no object in going back to the old regulations prior to 1839, which were repealed many years ago and which have been entirely forgotten by the people.

20. I do not propose to keep the Registration Act, VIII of 1871, in force; there is not much trade; the number of documents registered last year was only 16; and the people are too poor to pay for the registration. As I have provided in the rules that the provisions of the Civil Procedure Code should be adopted *as far as possible*, it is unadvisable to have the Code itself in force.

21. The Village Munsifs or Potails as they are called never exercised any civil functions; they are rude and illiterate and never heard of such powers being exercised, and I think it unsafe to invest them with the powers of adjudication or arbitration.

22. The Curnams or Patnaries do not come under the category of Zemindari Curnams. I will not, therefore, have Regulations XXIX of 1802 and II of 1806.

23. It is not advisable to introduce the Local Funds Act (IV of 1871, Madras,) or the Canal and Ferry Act (I of 1870).

24. With reference to paragraph 6 of the Government Order under reply, I beg to forward herewith lists marked A, B, and C.

25. A is the list of all Indian Acts now in force in the Madras Presidency. Of course it includes Acts in force generally throughout British India. The Acts marked x were rendered inoperative in the scheduled districts by Act XV of 1874. We must, therefore, suppose that all the others of a general nature are in force in the said districts including the tract of country under reference.

26. B is the list of Regulations and Acts passed by the Madras Government now in force. It may be said that these came into force in the Bhadrachalam and Rakapilli Taluqs as soon as they were transferred to this Presidency.

27. If the assumption that the Acts as per lists A and B are in force in the Bhadrachalam and other taluqs in question is correct, I do not know how they will cease to be in force till their operation is suspended by a notification under Section 3 of the Scheduled Districts Act. But I do not think that any notification should be issued as to what Acts are *not* to be in force as (as observed by the Advocate-General) it is irrevocable under the proviso to Section 3 quoted above. For the present it will be sufficient only to declare what Acts *are* in force, and additions can be made hereafter as occasion arises.

28. C is the list of the Indian and Madras Acts and Regulations which I think should be in force in the said taluqs hereafter. The Acts, &c., marked x were rendered inoperative in them by Act XV of 1874.

29. In conclusion, I propose that sanction be granted for the entertainment of a small establishment consisting of one clerk on 35 Rupees and another on 15 Rupees per mensem in the Agent's Court as there will be sufficient work for them. Should an Assistant Agent be appointed, this establishment will do for him, and, as he will relieve me of nearly all the civil and criminal work, no additional establishment would then be required for my office. The revenue derived from stamps in civil suits is more than sufficient to cover the cost of the proposed establishment. Last year (1875-76) the receipts under this head amounted to Rupees 1,038.

No. 15. From Major T. E. TENNANT, Inspector-General of Jails, to the Chief Secretary to Government, dated Madras, 21st November 1876, No. 268.

I have the honor to forward the accompanying letter from the Superintendent of the Central Jail at Rajahmundry, enclosing a petition addressed to His Grace the

Governor in Council by a convict named Vapa Ranganayakulu, who was sentenced on the 24th July 1876 to ten months' rigorous imprisonment and to pay a fine of Rs. 50, in default to undergo a further period of rigorous imprisonment for two months.

2. The appeal to the Sessions Judge of the Godavery District was rejected on the ground that that Court has no jurisdiction over the taluq of the Upper Godavery in which the prisoner was sentenced.

3. An usual nominal roll of the prisoner is enclosed.

ENCLOSURE No. 1.

From Surgeon-Major J. BILDERBECK, Superintendent of the Central Jail, Rajahmundry, to the Inspector-General of Jails, Ootacamund, dated 20th October 1876, No. 136.

I have the honor to forward, herewith, a Telugu petition from Convict No. 4330, Vapa Ranganayakulu, together with translation, for submission to Government.

2. It will be observed from the enclosed papers received from the Session Court that the appeal was rejected by Mr. Brandt, the Sessions Judge, on the ground that that officer has no jurisdiction over the taluq of the Upper Godavery in which the convict was sentenced.

3. I have also the honor to forward, for your perusal and return, Proceedings of Government No. 1737, dated 26th August 1876, in the Judicial Department, from which it will be observed that the question of the jurisdiction of the Civil and Sessions Judge, Godavery, over the newly annexed tracts of the Upper Godavery, does not appear as yet to have been determined by Government.

4. The nominal roll of the prisoner is, as usual, herewith forwarded.

No. 1932.

The Advocate-General will be requested through the Government Pleader to take the necessary steps for obtaining a ruling from the Court on this question of jurisdiction with reference to G.O., dated 26th August 1876, No. 1737.

Fort St. George,
23rd November 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 16. From E. BARCLAY, Esq., Government Pleader, to the Chief Secretary to Government, dated Madras, 22nd December 1876, No. 603, forwarding the following Opinion of the Advocate-General:—

OPINION.

The question of the jurisdiction of the District Magistrate and Sessions Judge of Godavery, in the Bhadrachalam and Rakapilli Taluqs, was recently considered by a full Bench of the High Court, 20th November 1876, in the same case as that on which the present Order of Government is passed. Notice was given to the Government Pleader to appear, and the matter was argued in his absence by the Crown Prosecutor and subsequently by myself.

2. I append a note of the observations of the Judges, which, it will be seen, refer not only to the matter of criminal jurisdiction, but to one of the civil jurisdiction of the Collector who had exercised the functions of a Civil Judge.

3. The Government Pleader informs me that there have been of late some instances of serious crime in these taluqs which render it imperative that the doubt as to the jurisdiction of the Criminal Courts should be cleared up without delay. This might be done by a Notification, under Sections 3 and 6 of Act XIV of 1874, declaring the Penal Code and Criminal Procedure (with the amending Acts in each instance) to be in force, and appointing the officers by whom the functions of Sessions Judge and Magistrate are to be exercised.

21st December 1876.

Signed H. S. CUNNINGHAM,
Advocate-General.

- IX of 1875.—The Indian Majority Act.
 XV of 1869.—The Prisoners' Testimony Act.
 II of 1869.—The Justices of the Peace Act.

IMPERIAL ACTS RELATING TO MADRAS.

- XXXVI of 1837.—Malversation by Public servants.
 VII of 1839.—Sale of Distrainted property.
 XVII of 1840 }
 VII of 1852 } Salt.
 XXIV of 1869 }
 I of 1858.—Compulsory Labor.
 XXIV of 1859.—Police.

MADRAS REGULATIONS AND ACTS.

- Act I of 1867.—The Madras General Clauses Act.
 Reg. XII of 1816.—Disputed Boundaries—Punchayets.
 XI of 1816 }
 IV of 1821 } Village Police.
 IX of 1822 }
 III of 1823 } Malversation by Public servants.
 III of 1832 }
 Act III of 1869.—Power to Revenue Officers to summon persons in settlement matters.
 Reg. VII of 1828.—Powers of Subordinate and Assistant Collectors.
 Act V of 1865 }
 I of 1872 } Madras Police Act Amendment Acts.
 III of 1864.—Abkari.
 II of 1864.—Arrears of Revenue Recovery Act.
 Act of 1864.—Court of Ward.
 Reg. I of 1865.—Salt.
 Act VIII of 1865.—Rent Recovery Act.
 II of 1871.—Do. Amendment Act.
 III of 1863.—Service of Process under Act XIII of 1859.
 Reg. XI of 1832.—Hidden Treasure.

NOTIFICATION B.

By virtue of the powers vested in him by clause a, Section 6, Act XIV of 1874, the Governor in Council hereby appoints the Collector and Magistrate of the District of Godavari, and the officers from time to time subordinate to his control and authority, to administer civil and criminal justice, to superintend the settlement and collection of the public revenues and all matter relating to rent, and otherwise to conduct the administration within the taluqs of Bhadrachalam and Rakapilli and the Rampā country.

By virtue of the power vested in him by clause b, Section 6, Act XIV of 1874, the Governor in Council enacts the subjoined Rules for the purpose of regulating the procedure of the Collector and his officers.

By virtue of the authority vested in him by clause c, Section 6, Act XIV of 1874, the Governor in Council directs the Collector and Magistrate of the Godavari District to exercise the jurisdiction and powers and perform the duties incident to the operation of the enactments and rules declared to be in force in the Scheduled Districts in the respective capacities of Civil and Sessions Judge and District Magistrate and Collector.

APPENDIX TO NOTIFICATION B.

Rules for the guidance of the Collector and Magistrate and Civil and Sessions Judge in the Bhadrachalam and Rakapilli Taluqs and the Rampā country of the Godavari District, Madras Presidency.

Rule XII.—From decrees of the Collector as Civil Judge in suits wherein the landed possession of a Zemindar, Bessoie, or other Feudal Hill Chief may have formed the subject of litigation an appeal will lie to the Governor in Council alone, who may refer any such appeal for the decision of the High Court; provided that the decree of the latter Court shall not be carried into execution without the permission of the Governor in Council.

Rule XIII.—All civil processes of the Courts situated within the jurisdiction of the Collector as Civil Judge shall be served through the officer or peon of the Court, by whom it shall be returnable, on a fixed day, with an endorsement certifying the manner in which it may have been served.

Rule XIV.—As a general rule, a party in whose favor a decree is passed in suits for money claims may obtain execution thereof by the production of the decree without any formal petition; but the Collector as Civil Judge is at liberty when he deems it advisable to have execution applied for in the manner prescribed by the Code of Civil Procedure.

Rule XV, Clause 1.—With the exception of the Court of the Collector as Civil Judge which shall be at liberty in the execution of decrees to employ an Assistant or Munsif, all decrees of other Courts within his jurisdiction shall be carried into effect by the Court by which the suit may have been decided.

Clause 2.—Decrees shall be executed by an order addressed to the officer or peon of the Court. If the decree be for personal property, or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed, to be levied by the public sale by auction of a sufficient portion, or, if requisite for the satisfaction of the decree, the whole of the lands, houses, and all effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or where it may be necessary, both by the sale of his property and effects, and the attachment of his person. But no sale of any landed property shall be made in execution of a decree until the legal, unless the authority of the Collector as Civil Judge for such sale shall have been previously obtained.

Clause 3.—Decrees against such Zemindars and other Chiefs as the Collector as Civil Judge may except from the ordinary process shall be executed, under such rules as may be specially provided, with the sanction of Government.

Rule XVI, Clause 1.—The Collector as Civil Judge is authorized at his discretion to refer any suit, or special questions in a suit, whether pending before himself, his Assistants or Munsifs, for examination and judgment by a Punchayet, to consist of three or five persons, to be selected by the Collector as Civil Judge or by his Assistant, after the plaintiff and defendant have had notice, and the witnesses, have been assembled.

The Assistant Collectors as Assistant Civil Judges shall be competent to exercise a similar discretion in regard to suits pending before themselves.

The plaintiff and defendant, or their Pleaders or Mooktiars, shall each be permitted to challenge any members of the Punchayet, and on giving sufficient reason for the challenge, another person or persons shall be selected to supply his or their place.

Punchayets assembled under these rules shall be guided by the enactments for District Punchayets, contained in the Madras Code of Regulations and Acts applicable to that Presidency; except as they are modified by these Rules.

Clause 2.—When a Punchayet has been nominated, the Collector as Civil Judge or his Assistant shall immediately direct a Gumastah or Clerk to attend the Punchayet, whose duty it shall be, under the direction of the Punchayet, to record their proceedings and award.

The Collector as Civil Judge or Assistant shall then direct them to proceed forthwith to some convenient place in his Cutcherry or Court, or adjoining it, to investigate the matter at issue.

Clause 3.—When the pleadings shall have been closed and evidence taken, the Punchayet shall direct the parties and Gumastah or Clerk to retire, and shall consult and decide on their award; and when they have come to a decision, they shall recall

the Gamastah or Clerk to record the award, which (award) having been duly attested with their signature, they shall deliver to the officer appointing the Panchayet, by whom, if approved, a decree in conformity therewith shall be passed, which decree in cases where the Panchayet has been assembled by a subordinate shall previous to its execution be submitted to the Collector as Civil Judge who shall either confirm, modify or reverse the award, or remand the case for further investigation or reinvestigation by a panchayet or otherwise as may to him seem expedient.

Rule XVII.—The Collector as Civil Judge will submit to the High Court half-yearly statements of the number of causes filed and disposed of by himself or his Assistants, or by the Munsifs, prepared in such form as may be by them prescribed.

CRIMINAL JUSTICE.

Rule XVIII.—The Indian Penal Code and the Code of Criminal Procedure are in force. The Collector of the Godavari District is the Magistrate of the District and the Sessions Judge, and shall be governed, in the administration of criminal justice, by the said Codes.

REVENUE RULES.

Rule XIX, Clause 1.—In conducting their local duties in the Revenue Department, the Collector and his Assistants will be guided by the rules in force for the time being, and exercise the same powers as are vested by law in the Collectors of land revenue, both as regards the realization of the public revenue, and the trial of the public servants charged with malversation and corruption.

Clause 2.—The Collector and his Assistants will continue in their revenue capacity subject to the control and orders of the Board of Revenue.

Clause 3.—It shall not, however, be incumbent on the Board of Revenue to interfere, except in matters referred to them by the Collector, unless a strong necessity for interference should appear; and in cases of the nature described in Regulation 10 of 1862, no interference by them only will be required.

GENERAL RULES.

Rule XX.—All processes, civil or criminal, issued at the instance of any authority situated beyond the jurisdiction of the Collector as Civil and Sessions Judge of the Scheduled Districts, to, or against any person subject thereto, or situated therein, shall be forwarded by letter to the Collector as Civil or Sessions Judge as the case may be, who shall execute the same as if it were his own process, returning the said process, by letter, to the authority from whom it issued, duly endorsed by his proper officer, showing what has been done thereon.

Rule XXI.—All petitions against the proceedings of the Collector as Civil and Sessions Judge, or as District Magistrate, or as Collector, must in the first instance be submitted to the Government, and will be referred, when necessary, either to the High Court or the Board of Revenue, as the case may be.

Rule XXII.—Reference will be made by the Collector, whether as Civil and Sessions Judge, or District Magistrate, or Collector in all cases not provided for by the rules; and whenever it may be expedient, the opinion of the High Court or of the Board of Revenue, as the case may be, will be sought by the Collector in his capacity of Civil or Sessions Judge, or District Magistrate, or Collector, as the case may be, for his information and guidance.

(True Extract.)

D. F. CARMICHAEL,
Chief Secretary.

To the Collector of the Godavari District.
" Government Solicitor.
" Inspector-General of Jails.

Edw. J. W. Fischer and J. Wright.

CIVIL JUSTICE.

Rule I, Clause 1.—The Collector as Civil Judge is empowered to appoint any of his principal native officers, or with the sanction of Government any other duly qualified persons to exercise, in such places and within such portion of the Scheduled Districts as he may consider proper, the judicial and other powers vested in District Munsifs by the Madras Code and the Acts applicable to that Presidency, subject to the modifications contained in these Rules.

Clause 2.—Such Munsifs shall not have cognizance of any suits for real or personal property exceeding in value 300 Rupees, nor shall they at any time have cognizance of any suit in which any superior or inferior proprietor may be concerned, nor of suits in *forma pauperis*, except such in *forma pauperis* as the Collector as Civil Judge or his Assistants may specially refer for decision to them.

Clause 3.—The valuation of a suit will be made according to the provisions of Section 7 of the Court Fees Act. Suits of the amount cognizable by the District Munsifs shall in the first instance be instituted in the Courts of those Munsifs alone; provided however that the Collector as Civil Judge shall be at liberty at his discretion to entertain in his own Court a suit cognizable by a District Munsif.

Rule II, Clause 1.—With the single exception of the particular suits specified in the preceding Rule, which are cognizable by such District Munsifs as are there described, all civil suits of whatever description or value arising within the Scheduled Districts shall be instituted in the first instance in the Court of the Collector as Civil Judge; and the Collector as Civil Judge, and (solely upon reference by him of suits to them) his Assistants, 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 Subordinate Courts, or in the Collectors' Courts respectively, subject to the modifications in these Rules contained.

Clause 2.—The Collector as Civil Judge shall alone be competent to try and determine suits for real or personal property exceeding 5,000 Rupees, or lands paying revenue of which the annual produce exceeds Rupees 500. But he shall have the power of either deciding himself or referring for decision to his Assistants all suits for a less value, excepting however cases of succession to Hill Zemindaries or other landed possessions held on feudatory tenures; and shall, through the Board of Revenue, submit the result of his inquiry for the orders of Government who, should there be more than one claimant, will exercise their inherent right to select as successor the one among them most acceptable to the people and best qualified to fulfil the duties of the situation. But this shall not affect the succession to estates held under the Sanad-i-Milkiat Istimrar, or to estates the succession to which is regulated by any particular usage. What that usage is will be a question for the decision of Government.

Rule III, Clause 1.—The Civil Courts of each grade shall receive, try and determine suits hereby declared to be cognizable by those Courts, if in the case of suits for land or other immovable property such land and property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases if the cause of action shall have arisen, or the defendant at the time of commencement of the suit shall dwell or personally work for gain within such limits. In no case will the Courts have jurisdiction to adjudicate upon property not within the jurisdiction of the Collector as Civil Judge of the Scheduled Districts.

Clause 2.—The Collector as Civil and Sessions Judge is authorized at his discretion to employ such number of Pleaders in his own Court or in the Courts of his Assistants and the District Munsifs as may from time to time appear to him necessary.

Clause 3.—The Pleaders will be entitled to receive a fee according to the provisions of Regulation XIV of 1816 of the Madras Code. The Collector as Civil and Sessions Judge shall be competent to punish any misconduct of a Pleader by fine not exceeding 50 Rupees, leviable as an arrear of land revenue, or by cancellation of his sanad, or both.

Clause 4.—Zemindars within the scheduled tracts are however at liberty to conduct their business in the Courts, either in person, or by their own special Mooktiar; but suits for the remuneration of such Mooktiars shall not be received or filed in any Court.

Rule IV.—Except where otherwise provided in the rules herein contained, the trial of civil suits and execution of decrees shall be conducted as far as practicable under the rules and regulations prescribed for the ordinary Civil Courts of the Presidency.

Rule V.—Parties shall by mutual consent be at liberty at any stage of the proceedings to settle all suits by Razeenamah upon both parties making it a record in the Court where the suit is filed, whereupon a decree embodying the condition of the Razeenamah shall be passed by the Court if the terms be not objectionable.

Rule VI.—From decrees in all original suits an appeal shall lie from the Courts of the Munsifs, and from the Courts of the Assistants, to that of the Collector as Civil Judge; provided that the petition of appeal be preferred to him within two months after the date of passing the decree; or that the appellant can show just and reasonable cause to his satisfaction for not having preferred it within that period.

Rule VII.—The Collector as Civil Judge is authorized to refer to his Assistants for decision all appeals to him from the decisions of the District Munsifs; and the decree of the Assistant in such appeals shall be final, excepting in cases where, for reasons to be recorded, the Collector as Civil Judge shall think the ends of justice require the admission of a special appeal.

Rule VIII.—When an appeal shall be preferred from the Munsif's or the Assistant's decisions, it shall not be necessary to summon the respondent in the first instance; but, forthwith, the original record of the proceedings in the case shall be called for; and if after the perusal of the record of the original suit and petition of appeal the officer hearing the appeal shall see no reason to alter the decision appealed from, ~~all be competent to him to dismiss the same, or to order a retrial.~~ If the officer hearing the appeal see cause on the contrary not to adopt such procedure, he shall cause a notice to be issued to the respondent and proceed therein as directed by the Madras Code and Acts applicable to that Presidency.

Rule IX.—The Collector as Civil Judge, or his Assistant as the case may be, is empowered to call for further evidence in any case appealed, or to refer the suit back to the officer who originally decided it for further evidence and for a decree *de novo*. The Collector as Civil Judge is likewise empowered, on the application of any party, in a suit decided by a Munsif or an Assistant, but not appealed, to direct a review of judgment; provided sufficient cause be shown, and that the application be preferred within three months, or satisfactory cause given why that period has been exceeded; and the Collector as Civil Judge is further competent to authorize a Munsif or an Assistant to review his own judgment on sufficient ground assigned; and also to remove to his own, or any other Court within his jurisdiction, by precept under his official seal and signature, any suit which may be pending in a lower Court, recording his reasons for so doing.

Rule X.—All decrees passed by the Collector as Civil Judge on appeals from decrees of his subordinates shall be final, the High Court having the power, on special grounds, to require him to review his judgment as may be directed by them.

Rule XI.—From all decrees upon original suits passed by the Collector as Civil Judge (with the single exception specified in the next following rule and with the exception of decrees passed in suits for money not exceeding 500 Rupees in value) an appeal shall lie to the High Court.

Provided such appeal is preferred to the High Court, within three months, after the decision of the Collector as Civil Judge; or after that period, if sufficient cause can be assigned to the High Court for any delay which may have occurred, by petition, on the prescribed stamp, and subject to the other rules required in other appeals to the High Court, as provided in the Madras Code and Acts applicable to the Presidency.

4248

Communicated to the
Board of Revenue.

25th of January 1877 21st of 4/77

Revenue Department

No 3450

Govt. of Madras

JUDICIAL.

THE COLLECTOR OF THE

CRIVIL DISTRICT

Madras

From

25th July

1877

3017

Nov 13-77

Chief B 31-7-77

Reference to the 21st of 4/77
The order of the Board of Revenue
dated 21st of 4/77 is hereby
communicated to the
Collector of the Crivil District
for his attention.

W. H. Mear