

Revenue (1899) Department.

MISCELLANEOUS SERIES.

G.O., No. 1078

DATED 15th March 99

[Despatch Abstract.]

Receiving G.O. Judicial Submitting to the
Govt. of India, for approval, certain proposals
in connection with the —, & enclosing
draft notifications for issue under Sec. 3 or
Sec. 5 of the Scheduled Districts Act.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
20	2901 11-2-99						

Revenue (1899) Dep^t

Government {1899} of Madras.

JUDICIAL.

Current No 1680

Recd. } 9th March } 1899.
Regd.

Enclosures one.

Spare copies

G.O., No. 379, 2nd March 1899.

MARCH.



G.O. No. 1078 of 15th March 99
Recorded.

15/3/99

Enactments in force in the Agency Tracts of
Ganjam and Vizagapatam.

Submitting to the Government of India, for approval, certain proposals in connection with the —, and enclosing draft notifications for issue under section 3 or section 5 of the Scheduled Districts Act.

11/3/99

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

From W. O. HORNE, Esq., Agent to the Governor, Vizagapatam, to the Chief Secretary to Government, dated 2nd November 1898, R.C. No. 1303-Agy.

With reference to G.O., No. 1546, Judicial, dated 30th September 1898, I have the honour to report that the marginally-noted five Acts have in practice been treated as in force in the Agency tracts.

India Acts.
XIII of 1859 (Workman's Breach of Contract Act).
I of 1871 (Cattle Trespass Act).
I of 1872 (Indian Evidence Act).
IX of 1872 (Indian Contract Act).

Madras Act.
III of 1864 (Abkari Act).

2. India Act VIII of 1851 (Indian Tolls Act) has not been so treated, but I consider that its extension to the Agency is desirable. I have in my letter, R.C. No. 236, dated 22nd April 1898, recommended such extension.

3. India Act IX of 1874 (European Vagrancy Act) and Madras Acts IV of 1862 (Enfranchised Inams Act) and VIII of 1869 (Inam Title Deeds) are not in force in the Agency and are not wanted.

From H. D. TAYLOR, Esq., I.C.S., Acting Agent and Collector of Ganjam, to the Chief Secretary to Government, dated Chatrapur, 9th January 1899, Dis. No. 1-R-Ag.

With reference to G.O., No. 1546, Judicial, dated 30th September 1898, calling for a report as to whether, in view of finally notifying certain Acts to be in force in the Agency tracts of this district, such Acts (a) have actually been acted upon as being in force, (b) may be desirably treated as in force, in the Agency tracts of this district, I have the honour to state as follows.

4. *Act VIII of 1851* (The Indian Tolls Act) has never as yet been acted upon. The question of collection of tolls in the Agency tracts has more than once been raised, but no tolls have hitherto been collected. As communications are opened up at Government expense, I think that some contribution might be levied on the chief routes from traders who use those routes: the Act may therefore be declared to be in force.

6. *Act XIII of 1859*.—No specific instances are adduced in which this Act has been applied. It is, however, a very necessary Act. It is a common thing for people to take advances and enter into contracts for specific work on labour and then to abscond without performing the same. This is specially the case in regard to skilled workmen imported from the low country at great expense.

Indian Evidence Act, I of 1872, and Indian Contract Act, IX of 1872, have been treated as in force and must remain so.

11. * * * The Cattle Trespass Act, I of 1871, has been recognised as in force and may be continued.

14. * * * Act IX of 1874 (European Vagrancy Act) has not been hitherto treated as in force and is unnecessary.

16. *Madras Acts*.—Acts IV of 1862 and VIII of 1869 appear to be necessary. There are inams in Chokapad and the question of the enfranchisement of the Bissoyees' inams in Parlakimedi Maliahs has been discussed before now. There are also two enfranchised inams in Parlakimedi Maliahs. Act III of 1864 is the Abkari Act in force under which the abkari of the Agency is worked. It is necessary until the Act I of 1886 is introduced either wholly or in part * * *

ORDER—No. 379, Judicial, dated 2nd March 1899.

The Government of India will be addressed.

[Here enter Letter No. 380, Judicial, dated 2nd March 1899]

(True Extract.)

for Chief Secretary.

To the Agent to the Governor, Ganjam.
" Revenue Department. Vizagapatam.

Government {1898} of Madras.
JUDICIAL.

Recd.

Regd.

} 1898.

Enclosures

Spare copies

G.O., No. 1546, 30th September 1898.

SEPTEMBER.

Enactments in force in the Agency tracts.

Considering the applicability of certain India and Madras Acts to the Agency tracts in Ganjam and Vizagapatam as doubtful, and requesting the Agents to report on certain points with regard to each of the Acts in view to deciding whether they should be made applicable by notification under the Scheduled Districts Act.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

G.O., No. 446, Judicial, dated 28th February 1895.

G.O., No. 760, Judicial, dated 25th May 1897.

G.O., No. 1029, Judicial, dated 4th July 1898.

ORDER—No. 1546, Judicial, dated 30th September 1898.

With the first of the proceedings read above the Government issued, for the information of the Agents to the Governor in Ganjām and Vizagapatam, a list of the enactments which appeared to be undoubtedly in force in the Agency tracts. The question of the enactments in force in the Agencies has since been the subject of a prolonged correspondence with the Government of India, with the result that notifications have recently been issued under the Scheduled Districts Act, XIV of 1874, regarding the operation of a large number of Acts.

2. As a result of the steps which have thus been taken, it has now become necessary to revise the executive list issued in 1895. Of the enactments entered in that list some have since been formally notified under the Scheduled Districts Act, XIV of 1874, and others are mere amending Acts, the operation of which follows that of the original enactments. Excluding these, and also all Acts passed subsequent to the Laws Local Extent Act, XV of 1874, which contain, as a rule, definite provisions as to their local application, there remain on the list only thirty-seven enactments. On a careful review of the whole matter, His Excellency the Governor in Council is inclined to the opinion that the reasons which originally led to some of these enactments being declared to be undoubtedly in force are inconclusive. Act XXIV of 1839 being held to be both retrospective and prospective in its operation, every enactment, passed either before or after it, affecting "the administration of civil and criminal justice, and the collection and superintendence of revenues of every description" is *prima facie* inoperative in the Agency tracts unless it is specially declared to be in force or extended by formal notifications under the Scheduled Districts Act. Applying this principle to the enactments included in the appendix to these proceedings, the Government considers that the operation of six India Acts (viz., Acts VIII of 1851, XIII of 1859, I of 1871, I of 1872, IX of 1872 and IX of 1874) and three Madras Acts (viz., Acts IV of 1862, III of 1864 and VIII of 1869) is barred by the deregulationizing enactment of 1839, and that the doubt which must therefore exist regarding their applicability to the Agency tracts can only be set at rest by notification under the Scheduled Districts Act. In order to determine whether such notification is required, and, if so, whether it should be issued under section 3 or 5 of the Act, the Agents to the Governor in Ganjām and Vizagapatam will be requested to report at an early date, with regard to each of the enactments referred to, whether

- (1) it has in practice been treated as if it were in force in the Agencies, and,
- (2) if not, whether its extension to the Agency tracts is desirable.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Agent to the Governor, Ganjām.
" " " " Vizagapatam.

Exd. P. Seetharam.

APPENDIX.

Year.	No.	Short title or subject.
1	2	3
<i>Part I—Acts of the Governor-General in Council.</i>		
1839	XXIV	Ganjām and Vizagapatam.
1850	XXXIV	The State Prisoners Act, 1850.
1851	VIII	The Indian Tolls Act, 1851.
1857	XXVII	The Madras University Act, 1857.
1858	III	The State Prisoners Act, 1858.
1859	XIII	The Workman's Breach of Contract Act, 1859.
1860	XLV	The Indian Penal Code.
1860	XLVII	The Indian Universities (Degrees) Act, 1860.
1861	XVI	The Stage Carriages Act, 1861.
1864	XVII	The Official Trustees Act, 1864.
1865	X	The Indian Succession Act, 1865.
1866	XXVII	The Indian Trustee Act, 1866.
1869	V	The Indian Articles of War.
1869	XX	The Indian Volunteers Act, 1869.
1870	XXIII	The Indian Coinage Act, 1870.
1871	I	The Cattle-trespass Act, 1871.
1871	XXIII	The Pensions Act, 1871.
1871	XXXI	The Indian Weights and Measures of Capacity Act, 1871.
1872	I	The Indian Evidence Act, 1872.
1872	III	The Special Marriage Act, 1872.
1872	IX	The Indian Contract Act, 1872.
1872	XV	The Indian Christian Marriage Act, 1872.
1873	V	The Government Savings Banks Act, 1873.
1873	XIV	The Lunatic Soldiers' Property Act, 1873.
1874	II	The Administrator-Generals Act, 1874.
1874	III	The Married Women's Property Act, 1874.
1874	IV	The Foreign Recruiting Act, 1874.
1874	IX	The European Vagrancy Act, 1874.
1874	XIV	The Scheduled Districts Act, 1874.
1874	XV	The Laws Local Extent Act, 1874.
<i>Part II—Acts of the Governor of Fort St. George in Council.</i>		
1862	IV	Enfranchised Inams.
1864	III	Abkari.
1865	VI	Official Seals.
1866	V	Labour Contracts with Natives.
1867	I	General Clauses Act.
1869	VIII	Inam-deeds.
1873	I	Wild Elephants.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189

READ AGAIN G.O., No. _____, DATED
 189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.