

ACT No. XVIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th July 1868).

An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.

Preamble. WHEREAS it is expedient that the Commissioner and the Assistant Commissioner of the Neilgherry Hills appointed under the provisions of Madras Act No. I of 1868 (*for the appointment of a Commissioner for the administration of Civil and Criminal justice and for the superintendence and collection of the revenues on the Neilgherry Hills*) should be invested with the powers of a Court of Small Causes constituted under the provisions of Act No. XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the limits of the ordinary original Civil jurisdiction of the High Courts of Judicature*); It is hereby enacted as follows:—

1. The Governor of Fort St. George in Council may, by notification in the local official Gazette, authorize the said Commissioner and Assistant Commissioner to exercise jointly or separately within the territorial limits of the jurisdiction of the said Commissioner the powers of a Judge of a Court of Small Causes constituted under the provisions of the said Act No. XI of 1865, but subject to the rules hereinafter referred to.

2. The said Governor in Council may frame rules providing for the distribution of business between the said Commissioner and Assistant Commissioner in their capacity of Judges of a Court of Small Causes, and generally for defining their duties and relative positions

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when acting in such capacity, and may also from time to time alter and add to the rules so made: Provided that such rules, alterations and additions are consistent with the provisions of this Act.

3. Whenever there is a difference of opinion between the said Commissioner and Assistant Commissioner sitting together as aforesaid upon any question of fact, law or practice, or upon any usage having the force of law, the opinion of the Commissioner shall prevail.

Opinion of Commissioner to prevail in case of difference.

4. Suits and proceedings pending before the Civil Judge at Ootacamund in his capacity of a Judge of a Court of Small Causes, when this Act comes into operation, shall be heard and determined by the said Commissioner or Assistant Commissioner in accordance with the rules to be made under Section 2.

Pending suits.

5. This Act shall come into operation on such day as the said Governor in Council shall notify in the said Gazette.

Commencement of Act.