M.R.O. 1—38,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 851 Press Mis.

13-14

Dated 18-3-1908

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 19*th March* 1858.

No. 13. Read the following letter from W. FISHER, Esq., Magistrate of Canara; to the Chief Secretary to the Government of Fort St. George, dated Mangalore, 9th March 1858, No. 22.

SIR,

In forwarding copy of a letter now received from Mr. Robinson, I have the honor to submit the proposition therein contained for the favorable consideration of Government, on the grounds set forth by Mr. Robinson.

2. It appears to me however that, if Mr. Robinson is specially appointed under Act XIV of 1857, his time will be so completely occupied, that Mr. Ballard had better relieve him of all revenue duties within his present Division, and take Magisterial charge also of the Talooks of Yellapoor, Sondah, and Bilghy, leaving Mr. Robinson to exercise Magisterial powers in Soopah.

From J. D. ROBINSON, Esq., Joint Magistrate of Canara; to W. FISHER, Esq., Magistrate of Canara, dated Camp Tinay Chowky, 3rd March 1858, No. 127.

SIR,

I have the honor to request that you will give to the proposition, I am now about to make, your best consideration, and if it meet your approval, and be, under the peculiar circumstances in which it originates, in your opinion advisable that, you will advocate its adoption by Government.

It is this, that under the peculiar circumstances attending the revolt in this neighbourhood, the necessity of prompt and local example in the cases of all prisoners and other persons, who have directly or indirectly taken part therein; I be specially commissioned under the provisions of Act XIV of 1857, to try and sentence all such without reference or appeal.

The transmission of such persons to the Honore Courts there to be dealt with as the Act prescribes, would in my opinion, greatly weaken the force of example, in the very quarter where it should be most directly and promptly felt, besides which, there are many other considerations too obvious for me to enumerate, which seem to indicate the advisability of some more summary mode of procedure than that which under present circumstances would be open for adoption. Of course should Government decide to invest me with such powers, I should require an able and experienced Native Subordinate to act under me in my Judicial capacity. Such special Commissions have, I am aware, been already issued by the Bombay Government to several of their Officers Civil and Military.

In the Belgaum Camp, Mr. Erskine one of the 2nd Assistants to the Collector holds such a Commission; and in the Saventhwaree country, Captain Schneider has similar powers. Mr. Ballard, now I believe in the District, and without place, might probably be made available as my coadjutor on this frontier. Having said thus much, I leave the matter in your hands, as one which if entertained at all should be immediately referred to Government for their consideration and instructions.

(True Copy.)

(Signed) WM. FISHER,
Magistrate.

No. 14. ORDER THEREON, No. 351; dated 15th March 1858.

In compliance with the above recommendation, the Right Honorable the Governor in Council resolves under Section VII, Act XIV, 1857, to issue to Mr. J. D. Robinson, Joint Magistrate of Canara, a Commission under the said Act for the trial of all or any persons charged with having committed in the Canara District, any offence punishable by Sections I and II, Act XI, 1857, or by Act XIV, 1857, or any other crime against the State or murder, arson, robbery or other heinous crime against person or property. Mr. Robinson will not carry out any sentences of capital punishment without the previous sanction of Government unless circumstances call for an immediate example.

N. B.—By late orders Commissions issued to other Commissioners have been restricted to the trial of offences against the State. This Commission to the Joint Magistrate of Canara is purposely made of larger scope so as to empower him to try other heinous offences.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

To J. D. Robinson, Esqre
~~Session Judge of the Zillah of~~ Joint Magistrate of Canara

The Right Honorable the Governor in Council of Fort St. George, under the authority vested in him by Section 7, Act XIV of 1857, *hereby appoints you Commissioner, for the purposes specified in that Act, within the limits of the* ~~*Zillah Court over which you preside.*~~ Canara District

You are accordingly directed to try all or any persons or person charged with having committed any offence against the State, or heinous crime against person or property within the above described limits, who may be committed before you by the Magistrate, or other Officer having power to commit for trial within the District, and upon conviction you are authorised to pass sentences of punishment in accordance with the provisions of the said Act, No. XIV of 1857.

This Commission is hereby declared to be in force while you continue to hold the office of ~~*Session Judge of the Zillah of*~~ Joint Magistrate of Canara *or until the further orders of Government.*

By order of the Governor in Council.

Fort St. George
15th March 1858

/Sigd/ T. Pycroft
~~*Acting*~~ *Chief Secretary.*

Magistrate's Cutcherry,
Mangalore 9th March 1858

No. 22.

From

W. Fisher Esqre
Magistrate of Canara

To

The Chief Secretary to
Government
Fort St. George

Sir,

I have forwarding copy of a letter now received from Mr. Robinson, I have the honor to submit the proposition therein contained for the favorable consideration of Government, on the grounds set forth by Mr. Robinson.

2. It appears to me however that, if Mr. Robinson is specially appointed under Act XIV of 1859 his time will be so completely occupied, that Mr. Ballard had better relieve him

him of all revenue duties within his present Division, and take Magisterial charge also of the Talooks of Yellapoor, Soudalu, and Bilghy, leaving Mr. Robinson to exercise Magisterial powers in Soopalu.

I have the honor to be,

Sir,

Your most obedient Servant

Wm Forbes

Magistrate

N.B. By Late Orders Commissioners issued to other Canara Commissioners have been restricted to the trial of Offences against the State. Their Commissions to the Joint Magistrates of Canara purposely made of larger scope so as to empower them to try other heinous Offences.

Comp. to Govt

Recd 18 Mar.

Magr. of Canara Joint Mag. & do. with a Commission dated Fort St George 15 March 1858

No 357.

In compliance with the above recommendation the R H & Sessions under S VII Act XIV. 1857 to issue to him a Commission as Joint Magistrate

Wm I D Robinson

of Canara a Commission under the Act for the trial of all persons charged with having committed any heinous crimes in Canara & punishable by Sect 1 & 11 Act XI. 1857 or by Act XIV. 1857 or any other crime against the State or murder arson robbery or other heinous crime against person or property. Mr Robinson will not carry out any sentence of capital punishment without the previous sanction of both the Commissioners & in immediate example. ~~In this case~~ ~~circumstances will arise~~ I do recommend that other Law Officers be deputed to proceed to Soopah for the Trial of Wm Ballard carrying on Mr Robinson's duties as Sub Collr. and Joint Magistrate during his employment against the insurgents. Mr Robinson may however if he deems it advisable retain Magisterial charge of the Soopah Taluk or make any similar arrangement that he finds expedient.

JP

2842

Judl-Dept to Secy:- 30th June
No 9 of 1858- Pages- 283

13976.

Recd 2nd & Copy 13th March
Judl Dept 1858

From
Magistrate
of Canara

To
Chief Secretary to Govt.
Fort St. George

Dated 9th March 1858
Rec'd 13 " "
No. 22.

C. No 486.

Encl. 1.

Ans. No 2142.

Forwards Copy of a letter from the Jr. Magistrate Mr. Robinson on the subject of his being specially appointed Commissioner under Act XXX of 1857 and Mr. Ballard taking charge of his duties- & recommending the proposition for the favourable consideration of Government.

[illegible]