M.R.O. 1—5,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1041 Press ~~Mis~~

33-35

Dated 3 — 8 — ~~19~~ 1855

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 30th July to 5th August 1859.

Read the the following papers.

No. 33. From GEORGE THORNHILL, Esq., Justice of the Peace, Chicacole; to J. D. BOURDILLON, Esq., Secretary to Government in the Judicial Department, dated 15th July 1859, No. 252.

I have the honor to request the instructions of Government, as to the course to be pursued by a Justice of the Peace, on receiving complaints from domestic servants of the non-payment of wages, by European Military Officers, in places where there is no Military Cantonment.

2. Under 53 of George 3rd, Chapter 155, Section 106, as published in Regulation II of 1820, Justices have jurisdiction in cases of debt up to 50 Rupees, but this power is entirely repealed, as far as Officers and Soldiers are concerned, by 4th George 4, Chapter 81, Section 57, by which enactment, the power of recovering such debts is vested in Military Courts of Requests, and no provision is made for cases where such a Court cannot be assembled.

3. In the present instance, a complaint of arrears of wages has been made before me; I have applied to the Senior Military Officer, to know if he is able to convene a Court of Requests, and he informs me, he has no authority to do so, as Chicacole is not a Military Cantonment, and I, therefore, solicit information, as to whether as Justice of the Peace, I have any authority to receive such complaints, and if not, from whom are persons bringing similar charges to be directed to seek redress.

Referred for the opinion of the Advocate General.

Fort Saint George, 26th July 1859.

(Signed) T. PYCROFT,
Chief Secretary.

To the Government Solicitor.

No. 34. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Chief Secretary to Government, dated 27th July 1859, No. 1327.

Order, dated 26th July 1859, and made on letter from Mr. George Thornhill, to the Secretary to Government, Judicial Department, dated 15th July 1859, No. 252.

1. I have the honor to acknowledge the Order of Government, noted in the margin.

2. I submitted Mr. Thornhill's letter for the consideration of the Advocate General, and

3. I now forward a copy of his opinion, on the point in question.

COPY—OPINION.

I am not aware of any Act of Parliament, Regulation or Legislative Act, that gives Justices of the Peace such powers as Mr. Thornhill enquires about. As for the question where persons seeking redress in similar cases are to go for it, the only answer is, that they must do as merchants and planters and other employers of labourers have to do, when they are cheated by the men they employ, viz., go to the nearest Civil Court, or—as they usually do—say that the remedy is worse than the wrong, and put up with the wrong.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

27th July 1859.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 35. ORDER THEREON, 3rd August 1859, No. 1041.

Resolved that the Advocate General's opinion, respecting the authority of a Justice of the Peace, to adjudicate claims preferred against European Military Officers, resident at a place where there is no Military Cantonment, be communicated to the Justice of the Peace at Chicacole, in reference to his letter on the subject.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

August 1859

My dear Mr Lyons

The Opinion of the Advocate General applies only to the recovery of debts due from Officers and Soldiers being British subjects. It is quite clear that Sect CVI 4 Act 53 Geo III chap 155 authorises in a Martial Regulation

Judicial.

Proceedings of the Madras Govt.

Read the following letters—

From the Justice of the Peace, Chicacole — Enter 15th July 1859 No. 252.
the Govt. Solicitor — 27th do — 1327.

Order thereon—3d August/59

Resolved that the Advocate General's opinion respecting the authority of a Justice of the Peace to adjudicate claims preferred against European Military Officers resident at a place where there is no Military Cantonment—be communicated to the Justice of the Peace at Chicacole in reference to his letter on the subject.

To Mr. Geo. Thornhill
Justice of the Peace
the Milry. Depot
} Despd 6th

11 of 1820 which is in opinion with respect to debts not exceeding 50 Rupees due from British Subjects not belonging Officers or Soldiers to Retainers. I think it as well to send you both to the Advocate General and Secretary for perusal his reply which please return

J. Thomas Secy
H. Boyton

G for R

Judicial 1859 Dept 4

No 1041

Proceedings of Court

of 3d August 1859