M.R.O. 1—23,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1491 Press ~~Mis.~~

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Dated 5 · 12 · 1861 ~~19~~ .

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Proceedings of the Madras Government, Judicial Department, 5th December 1861.

No. 14. Read the following Proceedings of the Board of Revenue, dated 16th October 1861, No. 5,653.

Read letter from H. A. BRETT, Esq., Collector of Salem: to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated 14th September 1861, No. 171.

1. With reference to the Board's Miscellaneous Circular, dated the 22nd June last, No. 3,264, circulating the Proceedings of the Madras Government, dated 11th June last, No. 760, requesting the Board to ascertain from the several Collectors what extent of Magisterial authority is exercised by each of their Deputy Magistrates; within what local limits such authority is exercised; and whether, in any case, the Collectors would wish more extended powers to be conferred on the Deputy Magistrates, or the sphere of their local jurisdiction to be enlarged; I have the honor to state, in reply, that two of the Deputy Magistrates under my control, viz., V. Ramiengar and Mr. Boalth, exercise the full powers of a Joint Magistrate, the former within the limits of his regular charge, which comprises the Taluqs of Namakal and Trichengode; the latter on the Shevaroy Hills, and, below the Hills, within the limits of the new Salem Taluq.

2. Though these two Deputy Magistrates are invested with the full powers of a Joint Magistrate, they are not qualified to dispose of any cases in which the Defendants are Europeans, or any cases in which the Defendants are East Indians, when the latter are able to claim the privileges of British born subjects. I should be glad to see both these Officers invested with the powers of a Justice of the Peace, but more particularly Mr. Boalth, who, as Deputy Magistrate for the Shevaroy Hills, has a considerable number of persons entitled to the privileges of British born subjects within his jurisdiction. At present, this Officer has full authority to entertain charges preferred before him on the Hills by Europeans or East Indians against Natives, but when the case is reversed he is obliged to refer the complainants to myself at Salem, as the only qualified Officer to hear complaints against British born subjects.

3. Mr. Boalth's jurisdiction as Deputy Magistrate has hitherto been confined below the Hills to the Salem Taluq. At the time he was first appointed to the District it was uncertain how far his duties on the Hills as Deputy Magistrate and District Munsiff would occupy his time. It appears now that these duties are light enough to allow of his undertaking a more extended Magisterial charge below. I, therefore, would propose that the Taluq of Attur should be included in future in Mr. Boalth's charge as Deputy Magistrate in addition to the Salem Taluq.

4. The 3rd Deputy Collector is in charge of the Treasury. This Officer has authority to try cases in the Magisterial Department under Regulation IX of 1816, but is not placed in any separate charge as Deputy Magistrate.

5. The Government, in their Order dated 19th August 1859, No. 1,093, directed that Deputy Collectors in chage of Treasuries should not be vested with powers under Act VII of 1843, without their special sanction. I beg to recommend that these extended powers be conferred on the Treasury Deputy Collector in the Salem District, for without such extended powers, the help which this Officer can give the Magistrate when the latter is in want of help is greatly restricted.

6. The Government has not, I think, reason to fear that this class of Officers, if vested with extended powers, would be required to do more Magisterial work than they could properly attend to with due regard to their other duties. In this District the Deputy Collector in charge of the Treasury is never required to do any Magisterial work, except in the absence on leave, or from the Head Quarter Station, of other qualified Officers; but if, on such occasions, the Magistrate would wish to refer any particular case to him for trial, it is as likely as not that the case is one which ought to be disposed of under the extended powers.

In Consultation, 12th June 1861, No. 3,573.

1. Ordered to be submitted to Government, with reference to their Proceedings, dated 11th June 1861, No. 760, Judicial Department.

2. The Board see no objection to the Attur Taluq being included in Mr. Boalth's Magisterial charge, or to the Deputy Collector in charge of the Treasury being vested with the

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extended powers under Act VII of 1843. They are not however prepared to support Mr. Brett's proposal to place the two Deputy Magistrates on the Commission of the Peace, whereby they would have jurisdiction over Europeans when Defendants. The Board consider that very serious objection exist to such a course in the present state of education and the circumstances of the country.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

No. 15. ORDER THEREON, 5th December 1861, No. 1,491.

The Sudder Court are requested to state, whether there is any objection, as respects his duties as District Moonsiff, to extend Mr. Boalth's Magisterial charge to the Attur Talook.

2. On the Criminal Procedure Code coming into operation, it is proposed to invest Deputy Magistrates generally with the powers of Sub Magistrates of the First Class. The Deputy Collector in charge of the Salem Treasury will then have these powers, and they will be sufficient.

3. The Government concur with the Board of Revenue that it is inexpedient that Mr. Boalth, and the Deputy Collector in charge of the Namkul and Trichengode Talooks should be appointed Justices of the Peace.

(Signed) T. PYCROFT,
Chief Secretary.

Lvd. E. Cartledge.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Proceedings of the Board of Revenue dated 16th Oct. 61 No. 5,653.

Order—d/s 5th December 1861 No. 1491

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The Sudder Court. 5
" Revenue Board. 1
" Collector of Salem. 3
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Judicial 1861 Department.

No. 1491.

PROCEEDINGS of GOVERNMENT.

Dated 5th December 1861.

Requesting the Sudder Court to state whether there is any objection as respects the duties as District Moonsiffs to extend the Peculiar Magisterial Charge to the Attur Taluk.

43603] Madras—Printed at the Government Press.