M.R.O. 1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 229 Press
~~Mis.~~

115-116

Dated 20. 2. 1931 D.

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th February 1861.

No. 115. Read the following Proceedings of Government in the Revenue Department, dated 15th February 1861, No. 359.

Communicating the Order passed on a letter from the Collector of Coimbatore, supporting an application from Captain Brine, Assistant Conservator in charge of the Anamalai Forests, to be vested with the powers of a Joint Magistrate in that locality.

(Vide Proceedings Revenue Department, dated 15th February 1861, Nos. 201 & 202.)

No. 116. ORDER THEREON, 20th February 1861, No. 229.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from E. B. THOMAS, Esq., Collector of Coimbatore, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Coimbatore, 15th January 1861, No. 4:—

SIR,

1. I beg to forward a letter from Captain Brine, Assistant Conservator in charge of Ánnmalai forests, and to recommend that his application be complied with.

2. His predecessors (several of them) held such an appointment, and exercised it beneficially and judiciously, and I have no doubt Captain Brine would do the same.

Vide Government Orders dated 29th June 1852, No. 616, 13th November 1855, No. 1,244.

From Captain J. J. BRINE, Assistant Conservator of Forests, to E. B. THOMAS, Esq., Collector of Coimbatore, dated Coimbatore, 14th January 1861, No. 263.

SIR,

1. I have the honor to request that you will do me the favor to address the Government on the subject of my desire to be appointed a Joint Magistrate in the Ánamalai Forests.

2. I desire this appointment on the following grounds:—

(1.) That it will enable me to act promptly and effectively in recovering sums advanced to cart and other Contractors, as well as punishing them for their breach of contract. This matter is at present a constant source of annoyance and also of loss to the State.

(2.) That it would enable me to act at once in all cases of timber robbery. This is a crime of frequent occurrence; and with my limited establishment of Peons, it is impossible for me to have the large tract of forest, both above and below ghát, simultaneously watched. I consider that the mere fact of its being known that I was a Magistrate, would of itself go far towards the prevention of theft; and illegal felling of timber, especially after one or two parties had been convicted and punished.

(3.) That I might be enabled to exercise my authority beneficially on behalf of the tribes of Malsars and Kaders residing in my vicinity.

The former are a troublesome and lawless set; and they are not improved by the free indulgence in Arrack, which is illegally brought into the forest, and sold by persons having no license or authority to do so.

(4.) In conclusion, I have the honor to inform you that I was Joint Magistrate and Justice of the Peace for nearly two years at Paumben, and am therefore not unacquainted with the duties pertaining to the appointment I solicit.

(True Copy.)

(Signed) E. B. THOMAS, *Collector.*

ORDER THEREON, 15th February 1861, No. 359.

1. The Collector of Coimbatore sends up with his support an application from Captain Brine, Assistant Conservator in charge of the Ánamalai forests, to be vested with the powers of a Joint Magistrate in that locality.

2. The Government decline to comply with this application. They consider it objectionable to invest men with Magisterial powers for the very purpose of enabling them to be Judge in cases in which they are themselves officially interested; they see nothing in Captain Brine's arguments to countervail the impropriety universally allowed to attend such a union of the functions of accuser and judge.

3. With respect to the second reason given, Captain Brine appears not to be aware, that the duty of apprehending thieves and preventing theft does not now belong to the Magistracy.

(True Extract.)

Secretary to Government.

To the Collector of Coimbatore.
" Conservator of Forests.
" Board of Revenue, for information.
" Judicial Department.

Exd. S. T. Augustin.

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Judicial Dept

Proc: of Govt in the
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No 263.

Copy the order passed on a letter from the Collector of Combatore enclosing an application from Capt Prime Asst Conservator in Charge of the Anamalai Forests, desiring to be invested with the powers of a Joint Magistrate in that locality.

No 329 – 20 February 61.

To be recorded. JP

115 & 116