M.P.O. 1—50,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1570 Press ~~Misc.~~

266–267

Dated 29.7.1863. ~~10~~ .

4/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 29th September 1863.

No. 266. Read the following letter from T. J. KNOX, Esq., Session Judge of Chicacole; to J. D. SIM, Esq., Secretary to Government, Judicial Department, Fort Saint George, dated Chicacole, 9th September 1863, No. 290.

1. The adjournment of the High Court prevents my following the regular course and seeking instructions from the Chief Justice and Judges of the High Court regarding a difficulty which has arisen; but as the matter is of importance, and the solution is one resting on the intention and power of Government, I venture to submit for the instructions of Government a question, to which I trust I may receive a reply.

Has Captain H. C. Marshall, Acting Assistant to the Agent to the Governor in Ganjam, any powers as a Magistrate within the ordinary jurisdiction of this Court?

2. I cannot find that Government however appointed Captain Marshall Assistant to the Magistrate, or ever appointed him especially under Act IV of 1847.

3. On a Calendar of a case tried by Captain Marshall being laid before this Court, I applied to the Agent, Mr. Forbes, for information regarding Captain Marshall's position.

4. I enclose a copy of Mr. Forbes' reply; but I cannot think that the Order of Government, dated 17th June 1863, referred to by the Agent, is applicable; for in my opinion it only invests Captain Marshall with full powers of a Magistrate as regards the operation of the Criminal Procedure Code in the Agency tracts.

5. However the Agent's opinion as that of an Officer holding high office must be respected, and he would be as unwilling as any one to authorize any illegal assumption of power.

6. I confess unless I receive clearer instructions from Government, I shall feel bound under Section 434, Criminal Procedure Code, to submit this and all other similar sentences by Captain Marshall to the High Court as illegal and to be cancelled.

7. I trust Government will, under the circumstances, overlook any irregularity in this direct reference, and favor me with a speedy answer.

From G. S. FORBES, Esq., Magistrate of Ganjam; to T. J. KNOX, Esq., Sessions Judge, Chicacole, dated Chetterpore, 5th September 1863, No. 13.

With reference to your letter of the 1st instant, No. 250, I have the honor to state that Captain Marshall exercises the powers of a Magistrate.

Enclosed are the order of Government on Captain Marshall's Magisterial office and the extract of Calendar forwarded by you.

(True Copy.)

(Signed) T. J. KNOX.
Session Judge.

No. 267. ORDER THEREON, 29th September 1863, No. 1,570.

The question put in the foregoing letter is one which can only be determined by the Honorable the Judges of the High Court, to whom it will be referred for decision.

2. It was not the intention of the Governor in Council that the Acting Assistant Agent Captain Marshall, should exercise the powers of a Magistrate in any but the Agency tracts. Pending the decision of the High Court the Agent should interdict Captain Marshall from taking up cases in those parts of the District which are subject to the jurisdiction of the Civil and Session Court.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

No 1570 of 29th Sept 63.

The question put in the foregoing letter is one which can only be determined by the Honorable the Judges of the High Court to whom it will be referred for decision.

It was not the intention of the Govt in Council that the retiring Assistant Agent Captain Goodrich should exercise the powers of a Magistrate in any but the Agency Courts.

To
The Honorable the Judge of the High Court
" Sessions Judge of Ahmedabad
" Agent to Governor

Subject: Doubt regarding the decision of the High Court to whom Assistant Agent Captain Goodrich is subordinate

Re: Estate of Late Ahmed Bin Abdullah Al Ghaith, Deceased.

Ahmed Abdullah Ghaith
Al Ghaith Lodge
Al Ghaith

25/6/1974

23.11.96

To

The Secretary to
Government
in the Judicial Dept.
Dubai.

Dated the 25th/6/74

Reading:- Nil

Subject

Requesting to know if C. Branch Crediting Rs. C. Branch Acting Assistant to the Agent to the Government Bahrain has any knowledge as regards Ahmed Abdullah Ghaith Al Ghaith deceased

Fdh-2466
2677

206-262

Miscellaneous Papers