

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	957	Press
170-171		~~Mis.~~
Dated	17.6.1883	19

5/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

17th June 1863.

No. 170. Read the following letter from D. F. CARMICHAEL, Esq., Acting Agent to the Governor; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government Fort Saint George, dated Vizagapatam, Camp Rayabiji of Jeypore, 21st January 1863, No. 17.

In replying to No. 10, Judicial Proceedings of Government, dated 6th instant, I beg to recommend "that the several Officers subordinate to the Governor's Agent be invested with the same jurisdiction under the Code of Criminal Procedure as they respectively exercise under that Code within the non-Agency Taluqs of the Vizagapatam District."

2. With reference to that part of the Government Order, which authorizes the Governor's Agent "to exercise the powers of a Session Judge (in addition to those belonging to a Magistrate of a District) under the Code of Criminal Procedure," I have the honor to explain that that is precisely the jurisdiction the Governor's Agent has exercised since the extension of that Code to the Agency. If, therefore, as the High Court would appear to imply, there has been any informality in his so acting, we require a law to legalize his proceedings. It is more likely, however, that I am mistaken in the meaning of the High Court, as the Judges of course have passed all these proceedings in review, the same as those of other Session Courts in the Provinces.

No. 171. ORDER THEREON, 17th June 1863, No. 951.

To be recorded.

(Signed) J. D. SIM,
Secretary to Government.

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The second of them is that the
the first of them is that the

(1) I do not understand the recommendation made by the

agent in Paris that the effect of the for. order issued (Paris)

dated 6th January/65 is to place the whole of the legacy under

equally under the Code of Civil Procedure.

Under the Code the only process that can be granted to

the agent's assistants are those of magistrates which have

now been granted to all of them by the order dated

26th May, & 24th October 1862.

(2) With regard to Paris 2. although the order of 30th
referred to would seem to imply that the agent's ^{being} distinctly
invested with the authority of a previous judge was
necessary to enable him to act, there is nothing in
the Civil Proc. Code which would seem to take from the agent
the authority he had previously, & nothing in the latter

of the High Court that leaves any ground for
supposing they considered the agents had up to
that time been acting illegally - for at the time
the Court knew they had been acting as judges.
The Court's letter seems to have recommended
a formal declaration of what was known or
supposed to be already the actual practice.
(3) The agent's letter is dated in June last &
really, needs no reply.
Should it be recorded with
the other papers?
The Court's letter should be
recorded.

*Within
 Memo on letter
 to Agent. V. 1/1*

*17 June 1851
 Just. Pr. 17 June 1851 at 961.*

Recd 23/6/51

Pro. 6th Jan 1860. Act 10.

ditto 1860

*55-73 ✓
 25/6/97 ✓
 18-11-03 ✓
 15-10-03 ✓
 23. 11. 20. 11 ✓*

*1863 Pro. 10
 Judicial Reports
 From 951
 The Acting Agent
 to the Governor
 Vizagapatam
 The High Secretary
 to Government
 Fort St. George
 dated 21st January 1863
 Recd 2nd Feb 1863
 N^o 17
 No 232*

*Replying to order of Govt
 dated 6th January 1863 Re 14
 and recommending that the
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 under the Code of Criminal Pro-
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 the Non-Agreement of
 the Vizagapatam District
 J. P. Recorder
 J. P. Recorder*

170 & 171