M.R.O. 1—52,000—16-1(-53.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1258	Press Mis.
137-138		
137-138 Dated	20-8-	19 1864

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th August 1864.

No. 137. Read the following letter from G. A. BALLARD, Esq., Magistrate of Malabar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Calicut, 30th July 1864, No. 100.

As directed in G. O., No. 843, dated 7th ultimo, I have the honor to submit for the information of Government the reply* received from the High Court to the reference made by me in pursuance of the order quoted above, on the subject of my letter to Government of the 26th May 1864, No. 60.

* Dated 18th July 1864.

Proceedings of the High Court of Judicature at Madras, 18th July 1864.

Read letter from the Magistrate of Malabar, dated 15th June, submitting a copy of a letter addressed by him to Government, and requesting a fuller exposition of the views of the High Court on the powers of the Magistrate of a District in divisions of his District.

The language of the High Court's Proceedings, to which the Magistrate refers, certainly seems to warrant the doubts which have been entertained. But the order in question was not intended to convey any ruling as to the powers of a District Magistrate.

2. The jurisdiction of a Division Magistrate within the limits of his division is rather co-ordinate with, than exclusive of, that of the District Magistrate. Looking at the definition of the Magistrate of a District in Section 14, the High Court are of opinion that such a Magistrate may do throughout his District whatever the Procedure Code authorizes him to do. The questions submitted by the Magistrate must therefore be answered in the negative. The Magistrate of a District is not debarred by the existence of a co-ordinate authority in certain parts of his District, from exercising within such parts the powers vested in him by Section 36.

3. The view stated by Mr. Ballard in the 5th paragraph of his letter to Government is undoubtedly correct. There is nothing to prevent him from issuing instructions, if such are necessary, which will, if in accordance with the law, be entitled to obedience by his subordinates.

(True Extract.)
(Signed) P. P. HUTCHINS,
Acting Registrar, Appellate Side.

(True Copy.)
(Signed) G. A. BALLARD,
Magistrate.

No. 138. ORDER THEREON, 20th August 1864, No. 1258.

Ordered to be communicated, with Proceedings 7th June last, No. 843, to all Magistrates of Districts.

(True Extract.)
J. D. SIM,
Secretary to Government.

To the Magistrate of
with No. 843 of 1864.

Exd. T. Cartledge.

Proc. No. 82-83
7-6-64

No 1288 20 August 1864

Ordered to be communicated with Revs. 7th June last, No 843, to all Magistrates of Districts.

To the Magistrate of
with No 843 of 1864