

MADRAS RECORD OFFICE.

Government of Madras.

Provincial DEPARTMENT.

G.O. No.	753	Press
		~~Mis.~~
213-214		
Dated	26. 5.	10-1884

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
26th May 1864.*

No. 213. . Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 14th May 1864, No. 260.

I have the honor to acknowledge the Proceedings of Government noted in the margin, relative to the mode in which a Cantonment Joint Magistrate can legally qualify on being invested with Civil jurisdiction under Act III of 1859.

- Dated 6th May 1864, No. 649, Judicial Department.
2. I submitted the matter for the consideration of the Officiating Advocate General and have also conferred with him thereon; and;
 3. I now forward a copy of his opinion.

COPY—OPINION.

I do not think that Mr. Clementson has properly qualified himself for exercising his Civil functions under Act III of 1859.

2. Had he gone to Chingleput to be sworn before the Civil and Session Court upon taking the oath of a *Justice of the Peace*, the case would have been different. Under Act XVI of 1841 that would have sufficed, though the journey would have taken up more time and cost more money than coming to Madras to be qualified before the High Court.

3. But Section 11 of Act III of 1859 expressly designates the authority before whom the Joint Magistrate is to qualify for the exercise of his functions under that Act.

4. This is "the Chief Civil Officer," or where there may be none such, the "Chief Military Officer of the District."

5. I have always understood the Collector to be the Chief Civil Officer of a District, and I think therefore that Mr. Banbury and not Mr. Phillips was the officer before whom Mr. Clementson ought to have taken the oaths.

6. This must still be done.

7. The above will supply the answer to the general question put by the Government, the Collector being by the Criminal Procedure constituted the Magistrate of the District.

(Signed) J. B. NORTON,
Advocate General.

14th May 1864.

(True Copy.) (Signed) J. R. BOYSON,
Government Solicitor.

No. 214.

ORDER THEREON, 26th May 1864, No. 753.

Under the opinion expressed by the Advocate General, the Governor in Council directs that Captain Clementson will take the oaths prescribed by Act III of 1859 before the Collector and Magistrate of the Madras District.

(True Extract.)

Chief Secretary.

To the Collector of the Madras District.
Government Solicitor.

Ed: J. Tullock.

*Rs No 42.44
6.5.64*

26 May 1864 N: 753.

under the opinion expressed
by the Advocate General
the former in Council direct
that Captain Munro
will be the one on the present
of Act II of 1859 upon
the Matter & Magistrate
of the Madras District.

W

MS

JP

W. A.

to the Collector of the Madras District
" Govt. Solicitor } 3/5