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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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5. In conclusion, I have to observe that in every respect I come under the Regulations of the Civil Service, as a Magistrate. I draw my pay from the Civil Budget, through the Civil Paymaster, and I come under the Civil rules as regards leave, &c.; and from this I infer that in all matters pertaining to my office and duties as a Magistrate, I am responsible to the Civil powers of the District, in this case the Sessions Judge of Tellicherry and the Collector of the District as the Chief Judicial and Magisterial Officers respectively, and I have therefore thought it [illegible] address the Magistrate on the subject, and I append a copy of my letter.

6. In the meantime I have, as ordered, advertised in the District Gazette for two other Clerks.

(True Copy.)
(Signed) A. D. CLAY, Captain,
Joint Magistrate.

No. 273. From G. A. BALLARD, Esq., Magistrate of Malabar; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Calicut, 24th June 1864, No. 74.

In continuation of my letters noted, dated 20th and 21st instant. I have the honor to submit, for the consideration of Government, the accompanying Memorials from the Head and Deputy Clerks of the Cannanore Joint Magistrate's office.

From Mr. M. D. PIRES, Head Clerk in the Cantonment Joint Magistrate's Office; to Captain A. D. CLAY, Cantonment Joint Magistrate, Cannanore, dated 20th June 1864.

With reference to your verbal order, informing me that myself and the Deputy Clerk are to be summarily dismissed the service from the 1st proximo, by order of the Brigadier General Commanding Cannanore, and at the same time inviting candidates to fill up our posts, I beg leave res[illegible]u will be good enough to favor me with the grounds under which I have [illegible]d punishment, in order to enable me to prove my innocence.

2. I am a servant of about 10 years' standing in the Government employ, having been under the orders of several officers, both Police and Magisterial, during which period you will perceive, from the enclosed attested copies of testimonials, that I have been discharging my responsible and onerous duties with zeal and probity, and that my character is unimpeachable.

3. It was ruled by Government in their Order, No. 421, dated 5th May 1854, paragraphs 5, 6, and 9, that persons appointed to permanent situations in any department, cannot be dismissed, but only for fraud, dishonesty, continued and wilful negligence, offences involving moral disgrace, and proved incompetency.

4. That in every case of dismissal, the specific ground upon which it is proposed to dismiss any servant is required to be reduced to writing and furnished to him: and the answer or defence, or explanation of the party taken in writing and the final decision of the superior recorded in writing; and that when a specific fraudulent act is charged, it is also required to be so proved in the presence of the party accused, and subject to his cross-examination; and so with other specific acts susceptible of proof by the evidence of witnesses upon which accusations within the category are built.

5. Under the above circumstances I would with due deference solicit that the indulgence so justly and liberally provided for by Government, may be extended in the present case also.

6. I beg most respectfully to point out that this dismissal ruins all my prospects and my hopes of even getting a pension, and as you are, I consider, the head of my office and the person to whom I alone can appeal, I would beg most respectfully to state that by you alone I can be discharged, and that I am no way under the authority of the Brigadier General Commanding Cannanore.

7. [redacted] Major Ewart, the officer whom I have served longest under, is on the spot I trust you will be so good as to call on him for his opinion to the manner in which I carried on my duties under that officer for nearly five years.

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The Magistrate of Malabar

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