M.R.O. 1—33,400—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1307 Press Mis.

143-145

Dated 13. 9 — 19-18.

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 13th September 1865.

No. 143. Read the following letter from E. G. R. FANE, Esq., Magistrate of the Madras District, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Saidapet, 16th August 1865, No. 137.

In consequence of the late rulings of the High Court, dated 22nd December 1864, and 22nd March 1865, Sub-Magistrates of the 2nd Class are debarred from entering upon any cases, except such as they are competent to try or to commit to the Session Court.

2. The intermediate cases, viz., those cognizable by the Magistrate concurrently with the Session Court, or by a Sub-Magistrate of the 1st Class, are necessarily very numerous, and I find my time almost entirely taken up with Magisterial cases.

3. Formerly the Sub-Magistrates used to enter upon the inquiry into these cases, and if there were no grounds for complaint (which frequently happened) dismiss them, or, if the complaint seemed true, refer them to me for disposal.

4. A further inconvenience resulting from their not being empowered to make this preliminary inquiry is that all the witnesses have to be summoned from the Taluqs to the Huzur, frequently a distance of 60 or 70 miles.

5. To obviate these difficulties, I have the honor to request that my Assistant, Mr. Wigram, may be invested at once with the powers of a Sub-Magistrate of the 1st Class.

6. I propose then that he should once a week, or once a fortnight, visit the Taluqs and dispose of all Magisterial cases which the Sub-Magistrates are not competent to try. The work would be especially useful to him, and give him many opportunities of seeing the District and knowing the people.

7. By the Government Notification of 8th November 1864, I am aware that no Assistant can be invested with the powers of the Subordinate Magistrate of the 1st Class until he passes the 1st standard; but I unhesitatingly make the present requisition, as, if granted, it will, I hope, only anticipate by a few months the use of powers that will then vest in him by right. Mr. Wigram has a thorough knowledge of the Penal and the Criminal Procedure Codes, and his decisions in such of the Magisterial cases as I have been able to refer to him show he posesses a sound judgment and a good knowledge of the Law of Evidence. He has been in the country for nearly two years, and has attended the sittings of the High Court for six months.

8. In case Government do not see fit to grant Mr. Wigram the powers I ask, I must request that the powers of a Subordinate Magistrate of 1st Class may be conferred on Ramasawmi Iyer, the Sub-Magistrate of Saltawaid, in Trivallur Taluq, and Cooppoo Row, the Sub-Magistrate of Ponnery Taluq.

No. 144. ORDER THEREON, 13th September 1865, No. 1307.

The Governor in Council does not consider it necessary, under the circumstances represented in the foregoing letter, to confer upon Mr. Wigram higher powers than those he now exercises according to rule; and, with reference to the application made in paragraph 8, he requests that the Magistrate will report in what manner the officers named by him have discharged their duties as Subordinate Magistrates of the second Class.

Proceedings of the Madras Government, Judicial Department,
13th September 1865.

2. His Excellency in Council is desirous to see what effect the High Court's Circular of the 22nd December last has had in Mr. Fane's own Range. Mr. Fane will, therefore, be good enough to furnish copies of the Magisterial statements submitted to the Session Court of Chingleput for the 1st and 2nd quarters of the current year.

3. His Excellency in Council is not clear as to the nature of the plan proposed in the 6th paragraph of the foregoing letter. If Mr. Fane means that cases in which Subordinate Magistrates of the second Class have no jurisdiction are to be received by them and kept on their files, until the arrival of an officer with competent powers, it would be an illegal revival, on a small scale, of the disadvantages of the old Circuit Court system.

(True Extract).

Chief Secretary.

To the Magistrate of the Madras District.

Exd. J. H. Fane

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Magistrate of Madras — dated 16th Augt. 1865 No. 137.

Order — 13th September 1865 No. 1307.

The Governor in Council does not consider it necessary under the circumstances represented in the foregoing letter, to confer upon Mr. Fane higher powers than those he now exercises according to rule, & with reference to the application made in para 8, he requests that the Magistrate will report in what manner ~~of ability~~ the officers named by him, have ~~shown in the discharged~~ their duties as Subordinate Magistrates

Magistrates of the Second Class.

2. H. E. in Council is desirous to see what effect the High Court's Circular of the 22nd Dec. last has had in Mr. Fane's own range. Mr. Fane will, therefore, be good enough to furnish copies of the Magisterial statements submitted to the Session Court of Chinglepet for the 1st & 2nd quarters of the current year,

3. H. E. in Council is not clear as to the nature of the plan proposed in the 6th para of the foregoing letter. If Mr. Fane means

No. 1765.

I wonder as here to the rule &c. q against Mr. Cargrain's proposed nomn. to the 1st Class magistracy.
Before leaving the two men named in the last para: I would like to know something about them & in their favor as able magts of the 2nd Class.
Referring to para 6, I am unable to understand Mr. Fane's plan. Does he mean that cases are to be received & kept on the files of the 2nd Class Labe magt, until Mr. Cargrain's arrival on periodical tours, the said cases being of a kind one or the other of the said magts can as well dispose of?!
I speak in his memory, & with the official reveal, on a small scale of the disadvantages of the old Circuit Court system.—
I wd request Mr Fane to lay before Govt a copy of the magisterial statement for each of the Sessions Court for the 1st & 2nd Quarters

istrate of the
ras District. } 15/9/66.

of the current year. & that one may know what cases 22 Decr. last have been effected on Mr Dawes' one range of the Nellore Circuit & local Jails.

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means that cases in which subordinate Magistrates of the Second Class have no jurisdiction are to be received by them & kept on their files until the arrival of an officer with competent powers, it would be an illegal revival on a small scale of the disadvantages of the old Circuit Court system.

The Magistrate of the Madras District. } 15/9/66-

Rev. Jud. Dept.

Jud. 1865. Department.

No. 1307.

PROCEEDINGS OF GOVERNMENT.

~~Feb. 2060.~~

Dated 13th September 1865

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