

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 73

Press
Mis.

113-114.

Dated 13. 1. 1865

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Not to be folded or roughly handled

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

No. Read the following Proceedings of Government in the Legislative
Department.

Read the following.

Proceedings of Government in the Judicial Department.

Directing that steps be taken for the intro-
duction of a Bill repealing Act VII of
1852, and giving }
ferred by that Act, for punishing petty } (13th December 1864, No. 1796).
offences against the Salt Laws, to 2nd
Class Magistrates, and extending the
powers conferred by Act XVII of 1840,
to 1st and 2nd Class Magistrates.

Draft Bill prepared by the Assistant Secretary.

**A
BILL**

*to
Make better provision for the punishment of offences against Special
and Local Laws.*

Whereas it is expedient to give Magistrates in the Madras Presidency jurisdic-
tion to the extent of their ordinary powers,
in respect of offences created by Special
and Local Laws in the said Presidency, it is enacted as follows:—

I. Every Magistrate within the Madras Presidency shall be authorized to take
cognizance of any offence committed
Magistrates to have jurisdiction over offences created by spe-
cial or Local Laws, to the extent of their ordinary powers. within his local jurisdiction, against any
Special or Local Laws now in force in
the said Presidency, notwithstanding any law to the contrary in any Act or
Regulation now existing; and also of any offence against any Special or Local Law
which may hereafter be passed, unless such law shall make the offences to which
it refers punishable by some other authorities therein specially mentioned. Provided
always, that every such Magistrate shall be restrained within the limits of his ordi-
nary jurisdiction as to the amount of punishment which he may inflict.

II. This Act shall come into effect from such date as the Governor in Council
may notify in the *Fort Saint George
Gazette*; and it shall also be lawful for
the Governor in Council from time to time, by a similar Notification, to exclude any
particular law, either generally, or in any special locality, from the operation of
this Act.

ORDER THEREON, 7th January 1865, No. 4.

Upon the representation of the Magistrate of Madura and of the Advocate General,
the Government, in their Judicial Proceedings, No. 1796, dated 13th December
1864, directed that steps be taken for the introduction, into the Local Council for
making Laws and Regulations, of a Bill for repealing Act VII of 1852, and giving
the jurisdiction conferred by that Act, for punishing petty offences against the Salt
Laws, to 2nd Class Magistrates, and for extending the powers conferred by Act
XVII of 1840 to 1st and 2nd Class Magistrates.

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

2. Upon consideration in the Legislative Department, it seemed that the simpler course would be to pass a general Act, founded on the principle of placing offences not only against the Salt Laws, but also against all Special and Local Laws of the Madras Presidency, on the same footing as offences under the Penal Code, and leaving them to be dealt with by the ordinary criminal authorities, in the manner provided by the Criminal Procedure Code.

3. The Governor in Council approves of the Draft Bill which has been prepared in accordance with this view, and directs that the necessary steps be taken for its introduction into the Council, at the next Meeting for making Laws and Regulations.

(True Extract).

(Signed) J. D. MAYNE,
*Assistant Secretary to Government,
Legislative Department.*

No. 114.

ORDER THEREON, 13th January 1865, No. 73.

Communicated to the Magistrates of Districts.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of

Exd. J. H. Burns.

*Proceedings of the Madras Government, Legislative Department,
7th January 1865.*

Read the following papers:—

Proceedings of Government in the Judicial Department.

Directing that steps be taken for the introduction of a Bill repealing Act VII of 1852, and giving the jurisdiction conferred by that Act, for punishing petty offences against the Salt Laws, to 2nd Class Magistrates, and extending the powers conferred by Act XVII of 1840, to 1st and 2nd Class Magistrates. (Dated 13th December 1864, No. 1796.)

Draft Bill prepared by the Assistant Secretary.

**A
BILL
TO**

Make better provision for the punishment of offences against Special and Local Laws.

Whereas it is expedient to give Magistrates in the Madras Presidency jurisdiction to the extent of their ordinary powers in respect of offences created by Special and Local Laws in the said Presidency, it is enacted as follows:—

I. Every Magistrate within the Madras Presidency shall be authorized to take cognizance of any offence committed within his local jurisdiction against any Special or Local Laws in force in the said Presidency, notwithstanding any provision to the contrary in any Act or Regulation existing; and no Law shall be passed, unless such Law shall make the offence punishable by some other authorities therein specially mentioned. Provided always, that every such Magistrate shall be restrained within the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict.

II. This Act shall come into effect from such date as the Governor in Council may notify in the *For. Sec. Gazette*; and it shall also be lawful for the Governor in Council from time to time by a similar Notification to exclude any particular law, either generally, or in any special locality, from the operation of this Act.

Operation of the Act.

ORDER THEREON, 7th January 1865, No. 4.

Upon the representation of the Magistrate of Madura and of the Advocate General, the Government, in their Judicial Proceedings, No. 1796, dated 13th December 1864, directed that steps be taken for the introduction, into the Local Council for making Laws and Regulations, of a Bill for repealing Act VII of 1852, and giving the jurisdiction conferred by that Act, for punishing petty offences against the Salt Laws, to 2nd Class Magistrates, and for extending the powers conferred by Act XVII of 1840 to 1st and 2nd Class Magistrates.

Office of the Madras Government, Legislative Department,
7th January 1865.

2. Upon consideration in the Legislative Department, it seemed that the simpler course would be to pass a general Act, founded on the principle of offences not only against the Salt Laws but also against all Special Acts of the Madras Presidency on the same footing as offences under the Criminal Code, leaving them to be dealt with by the ordinary criminal authorities, in the manner provided by the Criminal Procedure Code.

3. The Governor in Council approves of the Draft Bill which has been prepared in accordance with this view, and directs that the necessary steps be taken for its introduction into the Council at the next Meeting for making Laws and Regulations.

(True Extract.)

Wm. D. M. M. M.
Assistant Secretary to Government,
Legislative Department.

To the Judicial Department. *With 6 spare copies*
„ Revenue do.

13 Jan. 1865.

lit. 13. Jan.

The Magistrate of

He is to be informed of the result of the proceedings in the Council of the Government of Madras.

13 Jan 1865

Proceedings of the Legislative Department

13 Jan 1865