M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1256

Press
~~Mis.~~

150-152

Dated 18 - 8 - ~~19~~ 1866

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 15th August 1866.

Read the following papers :—

No. 150. From the Magistrate of Malabar, to the Acting Chief Secretary to Government, Fort Saint George; dated Calicut, 4th July 1866, No. 88.

Adverting to G. O., dated 11th June 1866, No. 916, I have the honor to bring the following points to notice.

2. To begin with the Sub-Division, I beg to enclose a letter* from the Joint Magistrate. I agree with Mr. Thomas that the Joint Magistrate cannot efficiently undertake the work, though I cannot altogether approve of the arrangements he suggests. I do not think it desirable to extend the Cannanore Cantonment Magistrate's jurisdiction beyond the Cantonment, nor do I think the services of an Honorary Magistrate can be made available.

*Dated 19th June 1866, No 76,

I think the simplest arrangement would be for the Small Cause Court Judge to be invested with the Criminal Powers of a Principal Sudder Ameen. The work in the Small Cause Court is, I believe, very light, and the services of a most efficient Officer would be secured by the arrangement.

As far as the Joint Magistrate's criminal work was concerned, matters would be exactly as they were before the High Court's late order, and the arrangement, as regards parties concerned in cases, would produce no inconvenience.

3. As regards Calicut, I have before pointed out that a Full Power Assistant should be always allowed for Calicut.

With a Full Power Assistant always available, the cessation of the performance of criminal work by the Principal Sudder Ameen is of little importance. But it is now absolutely necessary that a Full Power Assistant should be always allowed, or very great public inconvenience will be caused, and the efficient discharge of Magisterial duties will be impossible.

From E. C. G. THOMAS, Esq., Joint Magistrate of Malabar, to the Magistrate of Malabar, Calicut; dated Tellicherry, 29th June 1866, No. 76.

I have the honor to point out that Government Order, No. 916, of 11th June 1866, will throw a very large amount of additional work on this office, in which the duties are already anything but light.

2. I observe that the number of cases tried by the Principal Sudder Ameen of Tellicherry, up to 17th instant, amount in this year to 61. Looking at former numbers, it is probable that there will be an average of at least 100 cases in the year.

3. The Officer in charge of the Sub-Division has already to conduct the Revenue Administration of three Taluqs, and supervise the work of eight Sub-Magistrates.

4. Being the only Magistrate in the Division with full powers, all appeals (and they are numerous) from the decisions of these eight Magistrates, and all recommendations from them for increase of punishment, have to be considered by him alone.

5. You are aware that, generally speaking, the duties of public offices in Malabar are more onerous, and require more thought and discretion than in most other Districts, and, though it is possible to get through, in a way, any amount of work that is assigned, it is, in my opinion, objectionable, in the extreme, so to burden the Officer in charge of this Sub-Division as to necessitate the whole of his duties being discharged under a feeling of stress and difficulty that will prevent the possibility of his giving that deliberate consideration which many of the subjects brought before him require.

6. As Government, however, have ordered the immediate relief of the Principal Sudder Ameen from all cases hitherto commitable to him, it is only left to us to consider the means of somewhat diminishing the extra amount of work thus suddenly thrown on the Joint Magistrate.

7. As the amount of criminal work that would thus devolve on the Joint Magistrate would be about one-third more than that in the Session Court of this place, I would suggest that the Joint Magistrate should not be left to meet this extra call alone.

9. The Judge of the Small Cause Court here would probably offer no objection to a certain proportion of the cases being committed to him, and I submit, for your consideration, whether the Honorary Magistrate, Mr. Brown, might not with advantage be entrusted with full powers over a limited tract of country. The Joint Magistrate of Cannanore might also have the jurisdiction of his full powers extented over a few of the neighbouring Amshoms, and the remainder could then be dealt with by the Sub-Collector and Joint Magistrate, without detriment to his other duties.

9. Annexed is shown the extent of each jurisdiction, as I would propose to have it.

10. Whatever may be thought of the particulars of this proposition, I am convinced that unless some such relief is afforded, the Officer in charge of the Sub-Division will be very injuriously hampered, when he suddenly has to take up, in addition to his other duties, an amount of criminal work, which has hitherto occupied fully half of the Principal Sudder Ameen's time, and considerably exceeds that brought before the Session Court.

MEMORANDUM.

1. Joint Magistrate	Tellicherry, Taliparamba, and Kottayam	Sub-Magistrates.	
2. Judge of Small Cause Court	Quilandy and Kurumbranad	do.	do.
3. Joint Magistrate of Cannanore	Cherikal and Cannanore	do.	do.
4. Honorary Magistrate at Anjerakandy.	Chavachary	do.	do.

(Signed) E. C. G. THOMAS,
Joint Magistrate.

The Magistrate will be good enough to state within what local limits the Judge of the Court of Small Causes at Tellicherry should be invested with Magisterial powers.

Fort Saint George, (Signed) A. J. ARBUTHNOT,
2nd August 1866. *Chief Secretary.*

No. 151. From the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 4th August 1866, No. 109.

Adverting to the docket on my letter, dated 4th ultimo, No. 88, calling on me to state within what limits the Judge of the Court of Small Causes should be invested with Magisterial powers, I have the honor to state that I would only propose to require that Officer to exercise *quasi* Judicial, and not executive Magisterial, functions, and would consequently empower him to try all cases (triable by an Officer exercising the powers of a Magistrate) which may be referred or committed to him by any Magistrate in the Zillah of Tellicherry.

2. This would be in accordance with the hitherto existing practice, with respect to the Tellicherry Principal Sudder Ameen. The Joint Magistrate would, as hitherto, dispose of appeals from his Sub-Magistracy, and such full power cases as circumstances may lead him to take up.

3. I have had the advantage of speaking to the present Acting Civil and Session Judge here on this matter, and am authorized to say that, in his opinion, the Small Cause Court Judge at Tellicherry may well perform the Criminal duties till lately discharged by the Principal Sudder Ameen at that station.

4. My original letter with its docket is herewith returned.

No. 152. Order thereon, 15th August 1866, No. 1256.

Under Section 51, Act XI of 1865, the Governor in Council is pleased to invest the Judge of the Court of Small Causes at Tellicherry with the powers of a Magistrate, within the local limits of the Zillah of Tellicherry, to enable him to try all cases referred or committed to him by any Magistrate within those limits.

(True Extract).

Chief Secretary.

To the Magistrate of Malabar.
" Judge of the Court of Small Causes, Tellicherry.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from the Magistrate of Malabar [illegible] 4th July & 4th Augt /66 Nos 88 and 109.

Order 15 August 1866 No 256.

Under Section 51 Act XI of 1865, the Governor in Council is pleased to invest the Judge of the Court of Small Causes at Tellicherry with the powers of a Magistrate within the local limits of the Zillah of Tellicherry, to enable him to try all cases referred or committed to him by any Magistrate within those limits.

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E.K.

To the Magte of Malabar
- Judge of the C. of S. C. at Tellicherry } desp 20/8
Gazette 17/8

Judicial 1866. Department.

No. 1256

PROCEEDINGS OF GOVERNMENT

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Dated. 15 August 1866

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