M.R.O. 1—29,000—15-1[illegible]-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1468 Press / Mis.

191-192

Dated 21. 9. 1866. 19

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
21st September 1866.

No. 191. Read the following letter from the Acting Magistrate of the Madras District, to the Secretary to Government, Fort Saint George; dated Saidapet, 17th September 1866, No. 184.

I have the honor to acknowledge the receipt of the Proceedings of the Madras Government of the 14th instant, No. 1428, stating that Captain Clementson has been granted privilege leave for one month, and requiring me to report immediately what arrangements I propose to make for the performance of Captain Clementson's duties during his absence.

2. As Captain Clementson will only be absent for a short time, on consultation with him I considered it unnecessary to make any provision for the conduct of his duty as a Small Cause Court Judge.

3. I supposed, that while he is away and there is no resident Cantonment Magistrate, the Cantonment of Saint Thomas' Mount reverts naturally to the direct jurisdiction of the Magistrate. Under this impression, I intended that Mr. Warner, the Assistant, should carry on Captain Clementson's Magisterial duty.

4. If I am in error in the deduction I have thus drawn from Section 3, Act I of 1866, I beg that the Government will be so good as to confer temporarily the powers of a Cantonment Magistrate on Mr. Warner.

No. 192. ORDER THEREON, 21st September 1866, No. 1468.

The Governor in Council considers it inexpedient that the Cantonment of Saint Thomas' Mount should be left without a resident Magistrate during Captain Clementson's absence.

2. His Excellency in Council resolves, therefore, as a temporary arrangement, under the provisions of Section 23 of the Criminal Procedure Code, and with reference to Section 5 of Act I of 1866, (Madras,) to invest Mr. R. L. Warner with the powers of a Subordinate Magistrate of the first class within the limits of the Cantonment of Saint Thomas' Mount.

3. His Excellency in Council further resolves to invest Mr. Warner, under Section 10, Act I of 1866, (Madras,) with the powers of a Judge of a Court of Small Causes within the limits of the said Cantonment.

4. Mr. Warner will proceed to Saint Thomas' Mount without delay and reside there.

5. These arrangements will lapse on Captain Clementson's resumption of his office of Cantonment Magistrate. The date of his resumption will be reported to Government by the Acting Magistrate, in order that Mr. Warner's appointment may then be formally cancelled.

(True Extract).

Secretary to Government.

To the Acting Magistrate of the Madras District.
" Military Department.

Exd. T. Cartledge.

Read letter from the Hg Majr. Madras District — 17 Sept 1866.

Order thereon 21 Sept 1866. No. 1468.

The first consideration is expedient that the Cantonment of St Thomas Mount should be left without a resident Magistrate during Capt Clementson's absence.

His Ex in C. re-solves therefore, under as a temporary arrangement, under the provisions of Sect 23 of the Crim: Proc: Code & with reference to Sect VI of Act I of 1866 (Madras) & invests Mr R. L. Warren in the powers of a Justice of the Peace of the first class within the limits of the Cantonment of St Thomas Mount.

Note

Sect 3 of Act 1 of 1866. Madras requires, I think, that either an Acting Cantonment Magte or an Assistant Magte should be appointed. I would in preference. The latter seems the most convenient arrangement - it raises no difficulties. If we must confess, I should like to know how business is conducted at this Station from the W! I know of no Military Officer available & available at the Mount. The pet. can appoint "any person" Sect 3. Act 1 of 1866.

N.

I would say "first" class
Mgr
Yes JP

H.M. in Council
for their orders to
invest Mr Warner,
under Sect X Act 1.
V: 1866 / Madras / with
the powers of a Judge
of a Court of Small
Causes within the
limits of the said
Cantonment.

Mr Warner inte
-rested & St Thomas
Mount is most deley
-ide there.

These arrange-
ments will take place
on Capt Clements's
relinquishment of his
office of Cantonment
Magte - The date of his
termination will be the

I do not think
the S.C. Court can
properly enquire into
Judge for only a month: Will
Act as there has been no
meeting since Captain C is work
has been done in the Court: I am willing
mean while Mr L. Warner is at hand
carry on the papers in question
as per Mem

+ This seems very doubtful JP
doubtful. There has
been some excitement
in the Bazaars - and
at one time a riot was
apprehended.

reported of Sept by the
Ag Magte, in order that
Mr Warner's appoint-
ment may then be
formally cancelled.

The Ag. Magte of the Mad Dist } Despatch
Dist. } 27 Sept

L. D.S

Mem JP. I do not hesitate abt giving Mr Lee Warner first Class
Sub Magte powers - These carry with them the power to try
under the Whipping Act - wh would teach Mepht: but when I say
young man Mr L. Warner now is, I had the misfortune of
an Assistant Criminal Judge wh also carried with it the
Flogging power, subject to the control of the Sessions
Judge in whose place now stands the District
Judge - Mr L. Warner is an Oxford man and
has seen Honour day, a good deal of the world -
Further; if Mr Sinton had not demurred, it is more
than probable that the Tale-Examination papers wh
have probably not of what under these, Mr L. W
have been despised of, would have entitled him to
obtain the first Standard pass, according
to wh he would have been qualified, if appointed Acting
Asst Magte any where, to exercise first Class
Sub Magte powers. - I can point to no one Civil
Servant in the whole Presidency - Mr Warner
a Magistrate should be on the spot - and Section
7 Madras Act I of 66 enables Govt to confer
the power - I would ask to do the Collector
Mepht, to treat it under the General Magte's
power, until the Collector has resumed them
himself during Captain Clements's absence -
It has been decided made a Military Cantonment
& must be treated as such until authorized
otherwise

20 Sept

JP

Judicial. 1866 Departt.

No. 1468.

Proceedings of Govt.

Dated 21st September 1866.