

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1896	Press
		~~Mis.~~
Dated	22 - 11 - 1867	

276-277

4/5

Not to be folded or roughly handled

Read the following:—

No. 276. From the Adjutant General, to the Secretary to Government, Military Department; dated Fort Saint George, 6th November 1867, No. 590.

Mrs. Catherine Dorje having recently attended at the Court of the Magistrate of the Town Police, for the purpose of making the usual declaration of widowhood before the presiding Magistrate and Justice of the Peace, was informed that her declaration could not be received.

2. In explanation of the above, Mr. Clarke, the presiding Magistrate, furnished the accompanying Memorandum to the address of the Staff Officer and Superintendent of Details.

3. Some misapprehension appears to exist on the subject, as Mr. Clarke uses the term "Affidavit." It is simply a "Declaration."

4. As these declarations are of constant occurrence, and necessary to enable the Pay Department to pass the amount of pension due to widows, the question is one of importance, which I am directed by the Provincial Commander-in-Chief to submit for the orders of Government.

5. A Memorandum from the Judge Advocate General is also attached.

No. 84.

MEMORANDUM.

The presiding Magistrate of the Town Police Court has the honor to state, with reference to the Memorandum, No. 2208, of this day's date, just received from the Staff Officer and Superintendent of Details, that he has not the power to administer the Extra-Judicial Affidavit submitted by Mrs. Catherine Dorje. Although the Affidavits were formerly administered, yet they are no longer considered as falling within the province of a Magistrate or Justice of the Peace to administer them, without subjecting him to criminal information.

MADRAS TOWN POLICE COURT,
23rd October 1867.

(Signed) T. G. CLARKE,
Justice of the Peace & Magistrate of Police.

To the Staff Officer and Superintendent of Details.

No. 488.

MEMORANDUM.

The Judge Advocate General has the honor to return the papers received with the Memorandum of the Adjutant General, No. 4347, of 28th October 1867, in the case of Mrs. Dorje, and the refusal of the Magistrate, Town Police Court, to allow her to make and subscribe a declaration to support her claim to pension before him.

2. The Judge Advocate General is not aware of any law preventing it, and the Magistrate does not state the authority that forbids his following the practice that has hitherto obtained. On application he may afford this.

3. The Declaration in G. O. G., 3rd October 1862, No. 387, refers to Officers' widows only: but on page 540 the declarations are shown to be made before a Magistrate, or the resident Minister of the Parish.

4. Perhaps if the widow attends before some other Magistrate she may be allowed to make her declaration; if not, the cause should be obtained.

5. Similar declarations for widows on the Military Fund are directed to be made and signed here, "either before the Minister of the Parish, one Church Warden, one Justice of the Peace, one retired or other Civil or Military Officer of Her Majesty's Service." All the Magis-

*Proceedings of the Madras Government, Judicial Department,
22nd November 1867.*

Magistrates of the Town Police are also Justices of the Peace, as required by Madras Act VIII. of 1867, Section 10.

JUDGE ADVOCATE GENERAL'S OFFICE,
FORT SAINT GEORGE,
31st October 1867.
To the Adjutant General.

(Signed) H. PRITCHARD, Colonel,
Judge Advocate General.

Referred to the Judicial Department, with advertence to Madras G. O. G., No. 387 of 3rd October 1862, re-publishing G. O. G. G., No. 877 of 1862.

FORT SAINT GEORGE,
11th November 1867.

(Signed) H. MARSHALL, Major Genl.,
Secretary to Government.

No. 277. ORDER THEREON, 22nd November 1867, No. 1896.

Ordered that copies of the Proceedings of Government in the Judicial Department of the 10th September last, No. 1474, and of the 7th instant, No. 1791, be furnished to the Military Department, and to the Magistrates of the Town of Madras.

2. Under the opinion expressed by the Acting Advocate General on the 29th ultimo, embodied in the Proceedings of the 7th instant, No. 1791, the Governor in Council is of opinion that the Magistrates for the Town of Madras may receive declarations of the nature adverted to in the Adjutant General's letter, No. 590, above recorded.

(True Extract).

Chief Secretary.

To the Military Department, with Nos. 1474 and 1791.

"	Magistrate of the Town Police Court,	} with No. 1474—(1791 already communicated).
"	do. Vepery do.	
"	do. Royapettah do.	

Esd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the

Adjutant General, then the truly, Sept.

Here enters 6 Nov 1867. No. 590.

*98.150
7-11-67*

Order thereon 22 Nov 1867 No. 1896.

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Adjutant General's letter
N^o 590 above recorded.

MR

MR
11/10

To the Military Department - 21/10/91

desp^d 27/10

Magistrate of the Town, Vepery
+ Royapettah Police Courts

21-10-91

with N^o 1174 - (1798 already
communicated)

196-277

W. B. Smith
1867. Department.

No. 1856

PROCEEDINGS OF GOVERNMENT.

Dated 22nd March 1867