

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 2005	Press <u>Mis</u>
Dated 7-12-1918	

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2005

Proceedings of the Madras Government, Judicial Department,
7th December 1867.

No. 82. Read the following Proceedings of Government in the Military Department, dated 26th November 1867, No. 4567.

Communicating letter from Bengal Government, requesting that the Station Staff Officer, or some other Military Officer, may be appointed Cantonment Magistrate of Cuttack. (Vide Proceedings, Military Department, dated 26th November 1867, Nos. 675 & 676).

No. 83. ORDER THEREON, 7th December 1867, No. 2005.

To be recorded.

(Signed) R. S. ELLIS,
Chief Secretary.

MILITARY DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter:—

From the Officiating Secretary to the Government of Bengal, Fort William, 29th October 1867, No. 5795; to the Secretary to Government, Military Department, Fort Saint George.

Judicial.

With reference to the correspondence noted in the margin, regarding the arrangements proposed for introducing into the Cantonment of Cuttack, the rules passed under Section 19 of Act XXII of 1864, and especially to paragraph 3 of the letter from this office, No. 3444, dated the 1st June 1867, I am directed to explain that the Lieutenant Governor considers that it will be better that the Joint Magistrate of Cuttack should exercise only the judicial functions of a Cantonment Magistrate, as mentioned in the first clause of paragraph 17 of the Simla Committee's letter, dated 14th September 1865, to the address of the Government of India,

"The Cantonment Magistrate will have to act under these rules or under any other rules that may be passed under the Act in two different capacities. He will act in the first place as a purely magisterial and judicial officer for the punishment of offences. In respect of the duties performed by him in this capacity, there would be no more reason or propriety in placing him under the control of the Commanding Officer than to do so in respect of these magisterial and judicial functions which he performs under the Code of Criminal Procedure and the Penal Code."

"But in addition to these duties, the Cantonment Magistrate will be, according to the system which has been proposed, the Chief Executive Officer of the Cantonment in respect of many matters of importance. He will be responsible for carrying into effect all arrangements connected with the general conservancy of the place, for the maintenance of the bazaars and all parts of the Cantonment not actually occupied by the soldiers, in a proper sanitary state, and generally for the regulation of the numerous matters of executive administration connected with the care of the public health, safety and convenience for which provision will be made in the rules. In respect of this part of the duties of the Cantonment Magistrate, it appears clear that he ought to be subordinate to the Officer Commanding the Cantonment."

which for facility of reference is re-produced in the margin.

2. The position of an officer performing the *executive* duties of Cantonment Magistrate, as mentioned in clause 2 of the paragraph above cited, being in direct subordination to the Commanding Officer, and, as it were, his executive, is one which, in the Lieutenant Governor's opinion, will be more appropriately filled by a Military Officer than by the Joint Magistrate of the District. I am therefore to request that, with the permission of His Excellency the Governor of Fort Saint George, instructions may be issued to the Officer Commanding at Cuttack, to appoint the Station Staff or some other Officer in Cantonment to perform the executive duties in question.

ORDER, No. 4567, 26th November 1867.

Communicated to the Commander-in-Chief, (Adjutant General's Department) with reference to Proceedings of Government, No. 2493 of 9th July 1867.

(True Extract.)

W. C. M. S. Major.

Offg. Deputy Secretary to Government.

To the Adjutant General.

" Quarter Master General.

" Controller of Military Accounts,

" Sanitary Commissioner, ...

" Judicial Department, ...

for information.

with 3 true copies

Fxd. J. E. Cashart.

