

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1117

Dated 24th May 1895

INDEXED.

[Despatch Abstract.]

MAGISTERIAL POWERS.

Approving and ordering publication in the Fort St. George Gazette of the draft notification investing Lieutenant-Colonel Chalmers Superintendent of the Remount Depot, Hosur, Salem District, with first-class----

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cas.	1422/97.						

5/24 May/98 - 1st
Draft Notification

Under Section 14 of the Code of Criminal Procedure, His Excellency the Governor in Council is pleased to invest Lieutenant Colonel E. H. Chalvers, Superintendent of the Remount Depot at Holar, Salem District with the powers of a Magistrate of the First class in respect of the offences described in Section 260 clauses (c), (d), (e), (g) and (i) of the same Code, and also offences falling under Sections 160, 352 and 358 of the Indian Penal Code and Sections 3 to 7 of Madras Act III of 1889 which may be committed within the limits of the noted villages.

Figure
Karasastor
Mattiqin
Edelstein
Chukka Belapudapally

in the Hosur Taluk and under
Section 280 of the Code of Criminal
Procedure he is authorised to
try summarily the offences speci-
fied above.

(Sd) G. Stokes
Dist Magistrate

(True copy)

Thennuputhur
For Dist Magistrate

SP
44/28/5/95

1006
Taluk Dept
Enclos. No 1
To
G. No 2347

1117
24/5/95

Through the Sub Collector and Joint
Magistrate of Salem - Hosur
Army Remount Department

From Lt Col. E. W. Chalmers
Superintendent, Reserve
Remount Depot
Hosur (Madras)

To The Collector and Dist Magistrate
of Salem, Salem
No. 142. Remount Depot, Hosur
Dated 19/4/1895

Sir I have the honor to bring to your
notice that I have been now two years
at the Hosur Remount Depot and after a
careful consideration have now come
to the conclusion that it is not in the
interest of Government, advisable to
leave the Superintendent Remount Depot
without Magisterial powers.

I do not consider it necessary to
enter deeply into the explanation of the nec-
-essity which is fully set forth in Col.
Ewing's letter to you No 999 of 15th No-
vember 1890. The reasons which neces-
-sitated the invest of magisterial
powers on Col. Ewing exist more
now than in 1891.

Before addressing you on this subject
I consulted Mr Campbell the sub-
collector and joint magistrate of Hosur
and he quite sees the necessity for
the Superintendent Remount Depot
to be invested with the magisterial
powers.

I would therefore propose
for your consideration that I should
be made a First class magistrate
so as to have summary powers of
trial in the Depot and the few villages
within 2 or 3 miles where people
employed at the Depot chiefly live
as any other powers less than the
above will entail a lot of visiting
for which I have neither the esta-
blishment nor the time.

I send this communication
through the sub collector of Hosur
who will have an opportunity of
expressing his views on the subject
for your consideration.

I have the honor to be
Sir
Your most obedient servant
(Signed) E. Chalmers
Lt Col.
Superintendent Remount
Depot
Hosur

Endorsement No 506 of 22-4-95 of the
H. Joint Magistrate

Forwarded to the District Magis-
trate. Government in giving
Col. Ewing 1st class summary
powers has recognised the necessity
for investing the Superintendent of
the Remount Depot with magisterial
powers. Col. Ewing's successor
Capt. Leade was for the same
reasons as Col. Ewing, given 3rd
class powers on succeeding Col.
Ewing as Superintendent. I
do not under the circumstances
think it necessary to discuss the
question whether or not the Superi-
tendent should be a magistrate
as that question has twice been
decided in the affirmative.
2. The only question left for decision
is what powers should be given
to Col. Chalmers. Col. Chalmers
wishes to be made a 1st class

Vide p. 1057 of
3-6-92
but there were some
cancelled in 8088
8-7-92

Class Magistrate and given summary powers under section 26 of the Code of Criminal Procedure on the ground that anything short of these powers would necessitate his recording evidence & writing long judgments. For this, he says he has no time and no establishment. He would certainly require a special Magistrate Clerk if he were given 2nd or 3rd class powers. There is another reason for giving Col. Chalmers 1st class powers which I submit for consideration and that is that Col. Chalmers is a senior officer far superior in rank to the local Sub Collector and Joint Magistrate who is, as a rule, like myself an officer of only 8 or 9 years service. It would, I submit, be undesirable to place an officer of Col. Chalmers' rank in a subordinate position to the Joint Magistrate. Col. Chalmers tells me that he is not new to Magistrate work, having once acted

vide this letter
to G. P. 808 R.
2.7.92

acted for 3 months as Cantonment Magistrate at Allahabad. I believe that Col. Ewing was given 1st class powers in consideration of his seniority in rank and that the same powers were denied to Capt. Good on the ground of his junior rank and experience. If the above surmises be correct I submit that Col. Chalmers should be placed in the same position as Col. Ewing and given the following powers.

1. 1st class powers and powers of summary trial in respect of offences described in section 260 clauses (C), (D), (E), (F) & (G) of the Code of Criminal Procedure and offences ^{falling} under sections 160, 352 & 354 of the Indian Penal Code
 2. Special powers under section 149 of the Code of Criminal Procedure for the trial of offences falling under sections 357 of act IV of 1889.
- His jurisdiction may extend like Col. Ewing's to the villages of Matgiri, Edellar, Chikkar, Belagondapalli, Jiguri & Karamur. Col. Ewing's powers were notified in

the Fort St. George Gazette of the 3rd February
1891 (p. 67) and June 16th 1891 p. 551

(Signed) R. H. Campbell
A. G. Joint Magistrate

(True copy)

CURRENT NO. 2347

Endorsement No. 804 27-6-95
in

Submitted to Government

The reasons which induced me
to recommend the grant of magis-
terial powers of the 1st Class to
Col. Ewing apply with as much
reason to the grant to Lieutenant
Colonel Chalmers. I consider
that summary powers bearing
a close resemblance to military
discipline, the best and most
suitable powers when an officer
of experience and discretion like
Col. Chalmers is available.
The matter stands quite a different
looking ^{where} a junior officer of known
indiscretion like Captain Lord
is concerned. I think too there
is much force in the sub-
view

x vide page number
with tape in p. 913
27-6-95

view that a senior military officer should
not be placed under a junior civilian
as would be the case if any 1st class
powers be given. Col. Chalmers
has, he states, exercised magisterial
powers as a Cantonment Magistrate.

I would strongly recom-
mend therefore, that Col. Chalmers's
application be complied with in
this special case and I submit
herewith a draft notification de-
fining his powers and the local
limits of the jurisdiction within
which they should be exercised
which is in all respects the same
as that issued in Col. Ewing's Case.

Thurman J. Hughes

for District Magistrate

x
on
4.5.95

Judicial Dept
From CURRENT NO. 2347
The Dist Magistrate
Salem

Jul 1051 of 3rd June 92

To, The Chief Secretary to
Government
Judicial Department
Madras

Dated 18th May 1895

Sd/- 6th May 1895

Recd 9th 30
Repd 10th 30

Do 804

CHIEF SECRETARY
GOVERNMENT OF MADRAS
9 MAY 1895
Enclosure

Subject

Submitting the applica-
tion of Col. Chalmer
Super of the Remount
Dept Hosur for foris
dis powers and
recommending the
same under the circum-
stances herein mention-

d/24th May 1895 No 1117

Order
Mis

22/5/95

The draft notification is approved
and will be published in the Fort St George Gazette.

20.5.95 21/5/95

DESPATCHED
30 MAY 95 27/5
To The D. M. Salem
Gazette (not for) 28/5/95

Note

Col. Ewing was invested with these powers
in 1877 37 Aug. 91 R. No 125, Judl. Perhaps
for the same reasons the D. M. recommendation may be
accepted? Col. Chalmer states that he has
exercised magt. powers as a court magistrate.

20.5.95

20

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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