27TH FEBRUARY 1883, No. 561, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

From J. F. PRICE, Esq., District Magistrate, Chingleput, to the Chief Secretary to Government, dated Saidápet, 8th November 1882, No. 588.

Adverting to G.O., Judicial Department, No. 651, dated 10th July last, I have the honor to report that, upon my calling upon him to send in the calendars and statements required by the orders of the High Court, Major Drake-Brockman has addressed to me a letter, of which the enclosed is a copy.

2. It will be, of course, a great hindrance to the Superintendent of the Canal if he can only impose and levy fines for breaches of the Canal Rules after holding a magisterial inquiry, but it appears to me from the following remark of the High Court in the Proceedings alluded to in the letter of the Government Pleader to the Superintendent of the Canal, No. 37, dated 4th April 1882, embodied in the Proceedings of Government, quoted above, and from the Government Pleader's own observations, that no fine can be inflicted for breach of the Canal Bye-laws unless a trial before a Magistrate has been held. The High Court give no definite opinion, but what they say, which is, "whether the power to fine given by Section 14 to the Executive Engineer is lawful seem to us doubtful" shows pretty clearly what would be the decision if the point was brought before it as a Court of Revision.

3. Major Drake-Brockman's mode of dealing with matters, which is imposing a fine on reports received by him and trying only the recalcitrant, is about the only one that he can very well follow, though I think it, at the same time, illegal. To deal with cases always by a magisterial inquiry would involve much loss of time and travelling, not only to the Superintendent but also to his subordinates, to say nothing of the inconvenience to the parties and those witnesses not in the public service.

4. If Government do not approve of the plan followed by Major Drake-Brockman, the only remedy that I can suggest is the appointment of a Special Magistrate for the Canal, but I should think that there would hardly be work enough in that line only for him. Salt cases, which occur chiefly in villages close to the Canal, would, however, added to Canal cases, give him a very fair amount of occupation, and would be a relief to the regular Magistracy of this district and of others along the 260 miles within Major Drake-Brockman's jurisdiction.

From J. F. PRICE, Esq., District Magistrate, Chingleput, to the Chief Secretary to Government, dated Acharapákam, 23rd November 1882, No. 617.

ABSTRACT.—Enclosing as directed in Official Memorandum, dated 20th instant, No. 1376, a copy of the Proceedings of the High Court, dated 4th April 1882, in Criminal Petition, No. 605 of 1881.

From J. F. PRICE, Esq., District Magistrate, Chingleput, to the Chief Secretary to Government, dated Moothicanullancooppum, 5th February 1883, No. 67.

Abstract.—Submitting a list of the places and distances at which there are Lock Superintendents on the Buckingham Canal.

Order—dated 27th February 1883, No. 561, Judicial.

The papers read above relate to the difficulty felt with reference to the disposal of offences against the Bye-laws framed under the Canal Act I of 1870.

2. The Government are of opinion that the only course free from objection is, to leave such cases to the ordinary Sub-Magistrates. They have before them at present no statistics to show how often such offences are committed, and how much work there would be for a Special Magistrate. There are Sub-Magistrates stationed at various points along the Canal, and, probably after a few convictions, cases would not be frequent. It will probably be found that there will be no serious interference with the Canal Service. On the Railways the Company's servants are taken away as witnesses without much inconvenience, and with reference to the present matter, Sub-Magistrates should be directed to make a point of avoiding delay in the disposal of Canal cases.

(True Extract.)

Chief Secretary.

To the District Magistrate, Chingleput.
" Do. Nellore.
" Do. Kistna.
" Public Works Department.

Exd. A. F. Aaron.

3. 3. 84

No 705 Jud. 5th March/83

Communicated
to the Supdg Surgr. SE
Circle in continuation
of G.O. 1900 of 26th
July 1882

2/3

2/3/83

Govt. of {1883} Madras.

JUDICIAL.

Issued

Recd. 2 March/84. Encl.

G.O., 27th February 1883, No. 561.

No 705 Jud 5-3-83.

FEBRUARY.

Buckingham Canal.

Passing orders on correspondence relating to the disposal of offences against the Bye-laws framed under the Canal Act I of 1870.

Circular
Issued
5/3

B No 1900 of 26-7-82

S. E. 5th Circle

Despatched 6/3/83

Written order

Entered in the Book