M.R.O. 14—5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	710	Press / ~~Mis.~~
308-9 Dated	18 - 3 - 18 ~~68~~.	

Not to be folded or roughly handled

710
Ons

Proceedings of the Madras Government, Revenue Department,
18*th March* 1868.

No. 308. Read the following Proceedings of the Madras Government in the Judicial Department:—

Authorizing Mr. P. A. Cole to exercise the powers of a Magistrate in the Malabar District. } (Here enter 10th March 1868, No. 396.)

No. 309. ORDER THEREON, 18th March 1868, No. 710.

Miscellaneous.

Communicated to the Revenue Board.

(True Extract.)

(Signed) F. BRANDT,

Under Secretary to Government.

To the Board of Revenue, with Proceedings Judicial Department, No. 396.

Exd. S. T. Augustin.

No. 86. Read the following letter from the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 27th February 1868, No. 166.

I have the honor to submit copy of the Proceedings of the High Court, dated 21st February 1868, No. 319, by which it appears that the High Court is of opinion that Mr. Cole, my Treasury Deputy Collector, is not a Magistrate in Malabar.

2. Mr. Cole when in Coimbatore was invested with the full powers of a Magistrate, and I was under the impression that he was capable of exercising magisterial functions in any cases referred to him by me as District Magistrate in Malabar.

3. As it appears I was wrong in this, I have now the honor to request Mr. Cole may be gazetted as a full power Magistrate in Malabar. When I have an Assistant here very few, if any, cases will be referred to Mr. Cole; but for the reasons given at length in my letter of the 19th September last, No. 105, it is very desirable my Treasury Deputy Collector should have the powers of a Magistrate, so as to be able to take up such cases as circumstances may lead me to refer to him.

Proceedings of the High Court of Judicature at Madras, 21st February 1868, No. 319.

Read letter, dated the 12th February 1868, from the Sessions Judge of Calicut, referring for the orders of the High Court, under Section 434 of the Code of Criminal Procedure, the proceedings of Mr. P. A. Cole, in case No. 1 of 1868, as contrary to law.

(Here enter H. C. No. 1039 of 1868).

1. The prisoner in the above case was convicted of robbery.

2. The Session Judge considered that Mr. Cole acted without jurisdiction in exercising magisterial functions.

3. It appears that on 6th December 1864, Mr. Cole was appointed Deputy Collector and Magistrate of Coimbatore, and under the Government Notification of 8th November 1864, he exercised the powers of a Subordinate Magistrate of the 1st Class. On 10th January 1865, he was invested under Section 23 of the Criminal Procedure Code with the full powers of a Magistrate.

4. On 10th December 1867, Mr. Cole was transferred from Coimbatore to Malabar, and appointed a Deputy Collector of the latter district.

5. It does not appear that he was then or subsequently appointed Deputy Magistrate of that district. The High Court are therefore of opinion that Mr. Cole is not a Magistrate in Malabar, and had no jurisdiction. The proceedings therefore which formed the subject of this reference, must be set aside. Had Mr. Cole been duly appointed a Deputy Magistrate of Malabar, the powers conferred on him by Government on 10th January 1865 would doubtless remain in force.

(True Extract).

(Signed) H. WIGRAM,
Acting Registrar, Appellate Side.

(True Copy).

(Signed) G. R. SHARPE,
Session Judge.

(True Copy).

(Signed) G. A. BALLARD,
Magistrate.

No. 87. ORDER THEREON, 10th March 1868, No. 396.

The Governor in Council authorizes Mr. P. A. Cole to exercise the powers of a Magistrate in the Malabar District.

(True Extract).

Secretary to Government.

To the Magistrate of Malabar.
,, Revenue Department.

Exd. F. R. Bantleman.

Revenue 1868. Office
Bro of Govt Fondouk
No. 814

Proceedings of the
Jail & Officers

Dated 10th Sept
Recd 13th " 1868.
No. 396.

Forwarding Mr. P. A
Cole to exercise
the powers of a
Magistrate in the
Malabar District.

With Order
dated 10. 18 March

No. 308-309

No. 710.

Comm[r] to the
Revenue Board

18th March/68.

5 Copies to the Registrar and Ord Jail & 296 to Supt Vy