M.R.O. 1—77,000—8-6-31.

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Reference _____

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 727 Press Mis.

309-310.

Dated 29-4- 1874.

6/7

Not to be folded or roughly handled

No. 309. Read the following letter from Major the Hon. E. R. BOURKE, Postmaster-General, Madras, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madras, 10th April 1874, No. 415:—

In forwarding copies of correspondence marginally noted, relative to a recent search of the Sheally Post Office, which has passed between me, the Inspector-General of Police, and the Inspector of Post Offices, Cuddalore Division, I have the honour to request that Government will be pleased to issue orders to prevent post offices being similarly searched again. It will be seen that the proper procedure that should be followed in such cases by the Police is laid down in Section 369 of the Code of Criminal Procedure, Act X. of 1872, and which was followed by them in a recent case at Bellary, in which the sanction of the District Magistrate had been previously obtained, and the whole proceedings were conducted in perfect order and peace.

No. 5617, dated 24th January 1874, from the Inspector, Cuddalore Division, to the Postmaster-General, Madras.
No. 16429-5416, dated 4th March 1874, from the Postmaster-General, Madras, to the Inspector-General of Police.
No. 1066, dated 15th March 1874, from the Inspector-General of Police, to the Postmaster-General, Madras, with enclosures.
No. 17437-5416, dated 20th March 1874, from the Postmaster-General, Madras, to the Inspector-General of Police.
No. 1218, dated 26th March 1874, from the Inspector-General of Police, to the Postmaster-General, Madras.

2. I would beg to point out that there is a considerable amount of property belonging to the public always in the possession of the Post Office, and if it is permitted that post offices are to be suddenly entered and searched by the Police on such scanty information and bare suspicion as in the case now under review, and on the authority of a Sub-Magistrate, it will not be possible for the Postal Department to be responsible for the banghy parcels, registered letters, and other valuable property belonging to the public in possession of the Post Office.

3. It will be seen that the letter in question that was supposed to have been stolen by the Postal employés was never actually posted, and that, in truth, there was not an iota of suspicion against the postal employés which would justify such a strong and unauthorized measure as the searching of a Post Office. I would beg to maintain that the Police have exceeded their powers, and have acted improperly in searching the Sheally Post Office, and it is with a view of preventing a repetition of this objectionable practice that I ask the orders of Government.

From M. KINSLEY, Esq., Inspector of Post Offices, 10th Division, to Major the Hon. E. R. BOURKE, Postmaster-General, Madras, dated Karical, 24th January 1874, No. 5617.

I beg to bring to your notice that the Deputy Postmaster of Sheally reports that, on the night of the 21st January 1874, the Station Police Inspector, in company with some individual whom he calls the "Estate Manager," the Village Magistrate, and four Constables, invaded the Post Office premises, and, in the presence of a large concourse of people, compelled the Deputy Postmaster, his family, and the office establishment to leave the place for the purpose of searching it and that they were so engaged for four hours, or from 9 P.M. to 1 A.M., when they left the records in a state of hopeless confusion and disorder.

2. The object of this search is not very clear, but was grounded upon the circumstance of a cover to the address of the Collector of Tanjore, with seven Annas' worth of postage stamps affixed

to it, and containing certain documents, which is alleged to have been posted in the post office letter-box at half past 4 o'clock on the evening of the occurrence herein reported, by a servant acting under the instructions of the Manager of the late Chinniah Moodelly's estate, having been found with "some small bits of paper torn at a distance from the post office building," and that it was supposed to have been abstracted from the letter-box. When found, the cover was discovered to have been emptied of its contents and denuded of its stamps.

3. I have just addressed the Superintendent of Police, Tanjore, on the subject, suggesting for that officer's consideration whether it would not have been as well to have extended the search to the person and residence of the messenger who was entrusted with the posting of the cover in question, and asking him to favour me with the precise reasons which prompted the procedure adopted by his subordinates on the night of the 21st, as well as with its result so far as they affect this Department. The Superintendent's reply when received will be laid before you.

From Major the Hon. E. R. BOURKE, Postmaster-General, Madras, to Lieutenant-Colonel C. S. HEARN, Inspector-General of Police, dated Madras, 4th March 1874, No. 16429-5416.

In forwarding for your perusal letter, No. 5617, dated 24th January 1874, from the Inspector of Post Offices, Cuddalore Division, to my address, I beg to draw your attention to Section 369 of the Code of Criminal Procedure (Act X of 1872), where is clearly defined the manner in which the Police should act under such circumstance, and to request that the Station Police Inspector may be called upon to explain the authority under which he took upon himself the unauthorized step of entering and searching the Sheally Post Office.

From Lieutenant-Colonel C. S. HEARN, Inspector-General of Police, to Major the Hon. E. R. BOURKE, Postmaster General, Madras, dated Sadras, 15th March 1874, No. 1066.

With reference to your letter, No. 5416, dated 4th March, I have the honour to forward three letters from the Superintendent of Police, Tanjore, on the subject.

2. Section 369 of the Criminal Procedure Code, quoted by you, does not appear to me to apply to the case under reference, but to cases where it is wished to obtain possession of a letter legally in charge of the Postal Department. I have however informed the Superintendent of Police that there seems to have been little necessity for a search, and that it should certainly not have been made at night. The Inspector it seems acted under the advice of a Magistrate.

3. The Postmaster appears to have admitted to Captain Court that his first account of the circumstances of the search was exaggerated. Captain Court states that the search was conducted with care and decorum.

From Captain A. T. ROLLAND, Superintendent of Police, Tanjore, to the Assistant Inspector-General of Police, dated Tanjore, 10th March 1874, No. 52.

With reference to your endorsement, No. 909, of the 7th instant, on letter No. 16429-5416, dated 4th March 1874, from the Postmaster General (herewith returned with its accompaniment), I have the honour, for the information of the Inspector-General of Police, to forward herewith copy of my letter, No. 28, dated 12th ultimo, to the Inspecting Postmaster, Cuddalore Division, as also the Assistant Superintendent's diary for the week ending 8th February 1874, giving an account of the inquiry. There is no doubt whatever that the Sheally Deputy Postmaster's account was very much exaggerated; in fact, it was false in the statements it contained.

2. Quite lately, the real delinquent was arrested and charged, but released on the ground that he was under twelve years of age. With regard to this, I beg to forward also copy of my letter, No. 51, dated 10th March 1874, to the Inspecting Postmaster.

From Captain A. T. ROLLAND, Superintendent of Police, Tanjore, to M. KINSLEY, Esq., Inspecting Postmaster, 10th or Cuddalore Division, dated Tanjore, 12th February 1874, No. 28.

I have the honour, in reply to your letter, No. 5618, of the 24th ultimo, forwarding a complaint from the Deputy Postmaster of Sheally (returned herewith as requested), to transmit a copy of a report received from the Inspector of Police, Sheally, in which he describes the action taken by him and his reasons for the same.

2. It would appear that the report of the Deputy Postmaster is much exaggerated. There is no doubt that the covers in question were posted by the messenger entrusted with them for that purpose; two runners and others speak to this fact. The Inspector of Police consulted with the Sub-Magistrate, who thought it advisable under the circumstances that the Post Office should be searched at once. The Deputy Postmaster made no objection to the search, and it would appear that the records in the Post Office were not thrown into the state of hopeless confusion described by the Deputy Postmaster.

3. I may add that Captain Court, the Assistant Superintendent of Police, visited Sheally and personally inquired into the matter; he is perfectly satisfied as to the truth of the Inspector's report. The Deputy Postmaster admitted to Captain Court that the records were not thrown into any confusion. There appears to be reason to suspect the Deputy Postmaster's son as the party who abstracted the letters and afterwards destroyed them.

From Captain A. T. ROLLAND, Superintendent of Police, Tanjore, to M. KINSLEY, Esq., Inspector of Post Offices, 10th or Cuddalore Division, dated Tanjore, 10th March 1874, No. 51.

In accordance with the request contained in your letter, No. 6627, of the 3rd instant, I have the honour to inform you that the circumstances of the case are as follow :—The Inspector of Police at Sheally received information from a certain individual that a boy twelve years old had offered him some stamps for sale; he also pointed out the boy to the Inspector, and he was found to be a pupil in the school next door to the Post Office. The boy confessed to having taken a letter that had a number of stamps on it which he found sticking out of the letter box, and gave information as to the persons to whom he had sold some of the stamps, three of which (half anna ones) were found with him; these latter bore traces of having been affixed and removed. The lad was charged, but the Magistrate released him as he was declared to be under twelve years of age.

From Major the Hon. E. R. BOURKE, Postmaster-General, Madras, to Lieutentant-Colonel C. S. HEARN, Inspector-General of Police, dated Madras, 20th March 1874, No. 17437-5416.

Referring to your No. 1066, dated 15th March 1874, I think it would be as well, to avoid any future misunderstanding on the subject, if you would kindly issue a departmental order pointing out that Police are not justified in entering any Post Office, and that no Post Office can be searched in the manner Sheally Post Office was lately.

2. My reason for making this request is that in every Post Office there is a large quantity of letters, banghy parcels, &c., the property of the public, and often containing a large amount of valuable enclosures.

3. If the Police are permitted to act as in the instance under notice, it would be quite impossible for the officers in charge of Post Offices to be responsible for the property belonging to the public entrusted to their care.

From Lieutenant Colonel C. S. HEARN, Inspector-General of Police, to Major the Hon. E. R. BOURKE, Postmaster-General, Madras, dated Madras, 26th March 1874, No. 1218.

In reply to your letter, No. 5416, dated 20th March, I have the honour to state that I am not aware of any provision of the Law absolutely prohibiting search in Post Offices.

2. In the Sheally case, as I have already stated, the Police acted under the advice of a Magistrate.

No. 310. ORDER THEREON, 29th April 1874, No. 727.

The Governor in Council is of opinion that the proceedings of the Police in this case, taken, as alleged, under the advice of the Sub-Magistrate, were altogether irregular. It is clear that the course prescribed by Section 369 of the Code of Criminal Procedure should have been followed.

(True Extract.)

Acting Chief Secretary.

To the Postmaster General.
" Inspector-General of Police
" Magistrate of Tanjore.

Exd. J. H. Burns.

M a

Read letter No 615 of 10/9/74
from Postmaster General.

It appears here that one a boy, who
was offering stamps for sale, being
asked where he had got them, con-
fession was made that they were
stamps wh had been affixed to
a letter posted in the Shelly
Office box - such letter h's been aborted
-ed by the boy as it was sticking
out of the mouth of the box.

2. The Inspector of Police, acting, it
is stated, on the advice of the Lieut
Mayor, thereupon searched the Post
Office, with the object, apparently,
of ascertaining whether it contained
any letters with its stamps missing;
because, if no such letters were
found, he wd then be free to accept
the explanation that the stamps discovered
on the boy belonged to a certain
letter, fragments of which were
lying about the street, and which
there was evidence to show had been
dropped into the Box -

Ignatius Neil Mr Byrne was to
ascertain whether the Letter
supposed to have been destroyed
was in the Office or not

Govt. of 1874 Warrants.

FINANCIAL.

To

THE POSTMASTER-GENERAL, &c., &c., &c.

Dated April, 29th.

Read.

G.O., 29th April 1874, *No. 727.*

APRIL.
Nos. 309-310.

Post Offices being searched by the Police.—The proceedings of the Police in instituting a search into the Shelly Post Office, as brought to notice by the Postmaster-General, considered by Government to have been altogether irregular, and the opinion expressed that the course prescribed by Section 369 of the Code of Criminal Procedure should have been followed.

Sound Rejs Bowman to
corroboration [illegible] of the
letter was [illegible] there. It is a
case scarcely falling under
Red 369 C.C.P. They did
not want a certain letter
with reference to a pending
judicial proceeding but to
verify the fact that a miss-
ing letter was and then

not read

S. 369
Code of Crim. Pro.

3. It does appears
that the Police were in want
of a letter, with marks on it
as of stamps removed, "for the
purpose of a Criminal proceeding
then pending; and that such
letter was "in the custody of the
"Postal dept."

4. There is no doubt, therefore,
that the procedure adopted was
irregular, and that the course
laid down in the marginally noted
provision of the Code should have
been pursued.

H.E. 14/4/74.

The whole thing was
most irregular but no harm
harm was done & there was
a prima facie ground for
search - ~~[illegible]~~
~~[illegible]~~. Not warm
with sub Insp. & Police Off
the Insp. of Lunacy but
Spain from Italy should
have passed
1874 Col

The spirit & not
the letter of the Regula-
tions to have
been followed
appears that they
course followed
as it
should be said as it
remains -

If we can find
no opportunity
to keep a short
order should be
disapproved &
the inquiry after
Police, & under
1369 of the Code
as to find fault
as have been shown
& communicate
to order of the
authorities concerned

HP

727
Order on this letter
from Postmaster Genl

13

Fenwicks S
Dated 29th April 1874 No 727

The L. in C. is of opinion that the proceedings of the Police in this case, taken, as alleged, under the advice of the Sub Magr, were altogether irregular. It is clear that the course prescribed by S. 369 of the Code of C. P. shd. have been followed. DR 28/4/74

C The Post Master Genl } DR 28/4
C The Insp. Gen. Police } DR 28/4
C The Magr of Tanjore } DR 28/4

C 15-2. A 27-4.