

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1582	Press
	33-34	Mis.
Dated	8-22-1948	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 8th December 1857.

No. 33. Read the following letter from the Adjutant General of the Army; to the Secretary to Government, Military Department, dated 18th November 1857, No. 1424.

SIR,

Letter dated 29th October 1857, No. 373, 3 enclosures
Forwarding copies of correspondence between the Acting Magistrate, Masulipatam, and Officer Commanding 7th Regiment N. I., relative to Police entering Regimental lines without written permission.

In forwarding for submission to the Right Honorable the Governor in Council, the accompanying copies of correspondence from the Officer Commanding Northern Division, I have the honor, by order of the Commander-in-Chief to state that, His Excellency considers the request of the Officer Commanding 7th Regiment N. I., to be perfectly reasonable, and hopes that the Acting Magistrate of Masulipatam may be instructed accordingly.

(Signed) W. G. WOODS, Lieut. Col.,
Adjutant General of the Army.

To the Adjutant General of the Army, Fort Saint George, dated Masulipatam, 29th October 1857, No. 373.

SIR,

I have the honor to forward, for submission to His Excellency the Commander-in-Chief, copies of two letters received from the Acting Magistrate at this station, Mr. T. J. Knox.

The circumstances connected with these letters are as follows—

1. On the night of the 18th Instant, a burglary occurred in the lines of the Regiment under my command, and on the afternoon of the 20th, a Duffadar of Police, who said he had been sent by the Tahsildar to investigate the matter, presented himself to the Adjutant of the Regiment, who refused him permission to do so, unless he produced authority from the Acting Magistrate.

2. Subsequently, I received from the Acting Magistrate, letter No. 428, to which I forwarded a reply, copy of which is enclosed, to the effect that the head of Police would be permitted to send parties to enquire into such matters in future, and at the same time suggested that they should be furnished with some document to shew that they had been deputed to do so.

3. I then received letter No. 430, informing me that it was unnecessary to furnish a paper on such occasions, as "Peons and Duffadars are known by their badges."

4. Being of opinion that the course Mr. Knox wishes to adopt might cause collision between the men of the Regiment and the Police, owing to the jealousy with which the Moossulmans especially view any unauthorized person approaching their houses, I beg to submit for his Excellency's consideration, whether it is expedient that the Civil authorities should be at liberty to send Peons or others into the lines of my Regiment for the purpose of making Police enquiries without any document to show that they are authorized to do so.

5. Feeling the Acting Magistrate's first letter No. 428, to be dictatorial in tone, and his second objectionable and uncalled for, I also beg to submit to the Commander-in-Chief whether the style adopted by Mr. Knox is consistent with the courtesy usually observed in official correspondence, and such as an Officer in my position has a right to expect.

(Signed) J. DAVIDSON, Brevet Col.,
Commanding 7th Regiment N. I.

No. 157.

Masulipatam, 30th October 1857.

(Signed) T. M. CAMERON, Brigadier,
Commanding Masulipatam.

No. 731.

Head Quarters, Northern Division, Waltair, 5th November 1857.

(Signed) A. TULLOCH, Major General,
Commanding Northern Division.

Fort St. George, Judicial Consultation, 8th December 1857.

From T. J. KNOX, Esq., Acting Magistrate, Masulipatam; to Colonel J. DAVIDSON, Commanding the 7th Regiment N. I., Masulipatam, dated 22nd October 1857, No. 428.

SIR,

It has been reported to me by the Head of Police of Bunder, that a burglary was committed in the Regimental Lines, that he as usual, sent his Duffadar to ascertain the truth and the particulars thereof, and that the Adjutant refused to allow him to make enquiries, unless I wrote for permission. I request you will issue orders for this and for every future occasion, that every facility and assistance be afforded the Police, when crimes are committed in the lines of a purely non-Military nature.

(Signed) T. J. KNOX,
Acting Magistrate.

(True Copy.)

(Signed) J. DAVIDSON, Bt. Colonel,
Commanding 7th Regiment N. I.

To the Acting Magistrate of Masulipatam, dated 23rd October 1857, No. 369.

SIR,

With reference to your letter, No. 428, dated 22nd Instant, I have the honor to inform you that, on future occasions, the Head of Police will be at liberty to make enquiries into similar occurrences to the one referred to in your letter now under reply, but I would suggest that the party deputed to make such enquiries, should be furnished with a paper, to show that he has authority to enter into them.

(Signed) J. DAVIDSON, Bt. Colonel,
Commanding 7th Regiment N. I.

(True Copy.)

(Signed) J. DAVIDSON, Bt. Colonel,
Commanding 7th Regiment N. I.

From T. J. KNOX, Esq., Acting Magistrate of Masulipatam; to Colonel J. DAVIDSON, Commanding the 7th Regiment N. I., Masulipatam, dated 24th October 1857, No. 430.

SIR,

In reply to your letter of the 23rd Instant, No. 369, I have the honor to inform you that it is unnecessary to furnish Police making enquiry, such as that referred to in my letter of the 22nd Idem, No. 428, with a paper, Peons and Duffadars are known by their badges and the Head of Police is just as much a constituted authority as I am.

(Signed) T. J. KNOX,
Acting Magistrate.

(True Copy.)

(Signed) J. DAVIDSON, Bt. Colonel,
Commanding 7th Regiment N. I.

(True Copies.)

(Signed) W. G. WOODS, Lieut. Col.,
Adjutant General of the Army.

Referred to the Judicial Department.

Fort Saint George, }
19th November 1857. }

(Signed) C. A. BROWNE, Col.,
Secretary to Government.

Fort St. George, Judicial Consultation, 8th December 1857.

No. 34.

ORDER THEREON, No. 1592; dated 8th December 1857.

1. It appears from the above communication, that on a Duffadar of Police proceeding to the Lines of the 7th Regiment N. I., stationed at Masulipatam, for the purpose of investigating a case of burglary that occurred there; the Adjutant refused him permission to do so, unless he produced a written authority from the Acting Magistrate. As however, Mr. Knox considered this unnecessary, the Officer Commanding submits that it is inexpedient that the Civil authorities should be at liberty to send Peons or other persons into the Lines of his Regiment for the purpose of instituting Police enquiries without a document to shew that they are authorized to do so; and His Excellency the Commander-in-Chief considers this perfectly reasonable.

2. The Right Honorable the Governor in Council concurs in this view, and directs that in future, when heads of Police depute their Subordinate Officers to investigate cases occurring within Military limits, they furnish them with a Memo: to be delivered to the Officer Commanding, stating the duty they are commissioned to perform.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Dept

No 1916

From the Adjutant General of the Army

Dated 10th November 1857

In order.

Is there no established rule
on this subject?

In the case of non-rectifying
soldiers.

Officers. The rules are therefore

in the same category as any
other directing houses.

As per my experience, it was
always the practice in the desert
in the Herod to summon a party

then the Command Officer, who now also
a previous case was always made in any case. It is but a small matter.

Section xxxix Reg VII of 32 - in matters
of forest in Military Cantonments - for cases
of removal of forest - requires necessary to be
sanctioned by officer for mandating -

In this present instance - I suppose
a complaint had been made to the
Head of Police of the Bangalore & he
issued a Duffadon to make the
enquiry and report on the spot -
The Duffadon sent to the C. O. also
refused to treat him as a duly authorized
to hold the investigation -

I would desire that in future when
Heads of Police - Deputy Duffadons &c
to make enquiries - in Military Cant-
they furnish them with a memo.
to be returned to the C. O. reporting
the result of the duty they have been

deputed to perform -
H. D. -
28th

That is all that is asked - and it is no
more than is reasonable & proper -
Some disturbance would certainly arise
if the Police were to be authorized to
enter the limits of a Regt. amongst the
families of the men without first com-
municating with the Camp Officer -
J. G.

Judicial Department.

N^o. 1592.

Extract from the Minutes of Consultation

Dated 8th December 1857.

Read the following Letter from
the Adjutant General of the Army
(Here enter 18th Nov/57 No 1424)

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M
D
M

It appears from the
above communication that one
Duffaden of Police proceeding to
the lines of the 7th Regt. M.L.
stationed at Masulipatan, for
the purpose of investigating
a case of Burglary that occurred
there, the Adjutant refuses
him permission to do so,
unless he produced a written
authority from the Acting

Magistrate

limits, they furnish them
with a Memo. & be delivered
to the Officer Commanding,
stating the duty they are com-
missioned to perform.

JP

As however Mr Kirk considered
this unnecessary, the Officer
Commanding submits that
it is inexpedient that the Civil
authorities should be at liberty
to send Peons or other persons
into the lines of his Regt. for
the purpose of instituting
police enquiries without a
document to show that they
are authorized to do so, and
His Excellency the Comman-
der-in-Chief considers this
perfectly reasonable.

2. The Right Honble the
Governor in Council concurs
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in future, when Heads of
Police dep^{ts} ^{their subordi}
nate Officers to
investigate & enquire
within
occuring in Military Com.

Copy to All Magistrates }
" Hvy. Mount }
" Military Dept. } Disp. W.
" Agent at Kurnool }

Cons. 84 Deer.
Industrial 1857 Department

No. 1572

Extract Mins. Cons.

Dated 8th December 1857

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