

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	882	Press ~~Mis.~~
27		
Dated	27-7-	19-65

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 28th July 1857.

No. 27. Extract from the Minutes of Consultation, dated 27th July 1857, No. 882.

Adverting to the present state of India, and to the fact that many disbanded Sepoys and other evil disposed characters have entered this Presidency from the Bengal and Agra frontiers, evidently as emissaries to promote mutiny and rebellion, the Right Honorable the Governor in Council determines to exercise the powers vested in him by the Legislature, and to appoint all Session Judges, and other Officers exercising the powers of a Session Judge, to be Commissioners under Act XIV of 1857, for the trial of offenders, within the jurisdiction of their respective Courts.

2. The Commissioners thus appointed will, it is observed, have power to try and punish the following offences :

- | | |
|---|---|
| 1st. Rebellion and waging war against the Government. | } As defined in Sections 1 and 2, Act XI of 1857. |
| Harbouring or concealing rebels. | |
| 2nd. Exciting mutiny or sedition in the Army. | } See Sections 1 and 2 of Act XIV of 1857. |
| Harbouring or concealing persons guilty of the above offence. | |
| 3rd. Any other offence against the State. | } See Section 7 of Act XIV of 1857. |
| 4th. All heinous crimes against person and property—
such as murder, arson, robbery, &c. | |

3. Under the 3rd class of the above offences, attempts to fire public buildings, to injure Arsenals ; to interrupt Telegraphic or other communications, and other acts of a similar description become punishable.

4. For a detailed description of what constitutes the "heinous offences" which form the 4th class of crimes punishable by the Commissioners, Section 2 of Act XVI of 1857, may with propriety be consulted when any doubt arises.

5. The Commissioners will observe that they are empowered to hold their Courts in any place within the limits of their jurisdiction, that the attendance or Futwah of a Law Officer may be dispensed with, that the Judgments passed by them are "final and conclusive" and that their Courts are not subordinate to the Sudr and Foujdarry Udawlut.

6. They are however to send the record of trials held before them to Government for its information, and when a capital sentence is passed it is not to be executed without the sanction of the Right Honorable the Governor in Council, unless circumstances call for an immediate example. On this point the Commissioners are vested with a discretionary authority.

7. It is not intended that the Commissioners should interfere with or supersede the Magistracy and Police in the exercise of their ordinary functions. The duty of the Commissioners is limited to trying offenders committed before them by the Magistrate or other Officers having power to commit for trial within the jurisdiction of their Courts.

8. The Commissioners will be careful to observe that their powers do not extend, to the trial and punishment of the following classes of persons :

- 1st. Any of Her Majesty's natural born subjects born in Europe, or of the children of such subjects.
- 2nd. Any persons who are liable to be tried by the Articles of War for the particular offence with which they are charged.

As respects individuals who belong to the 1st of these classes the ordinary course of Law is to be followed when an offence is charged against them.

Persons of the 2nd class are to be made over to the Commanding Officer of the Station or District, in order that they may be dealt with under the orders issued by Government in the Military Department.

9. Copies of these Proceedings will be sent to the Court of Foujdarry Udawlut, to all Session Judges and the Government Agents in Kurnool, Ganjam and Vizagapatam, and to all Magistrates.

Formal Commissions will be issued to the several Session Judges and Government Agents, and the powers newly vested in them will be promulgated in the Fort St. George Official Gazette, by the following Notification—

Fort St. George, Judicial Consultation, 28th July 1857.

Under the authority vested in him by Section 7, Act XIV of 1857, the Right Honorable the Governor in Council has appointed all Session Judges and the Government Agents in Kurnool, Ganjam and Vizagapatam, to be Commissioners, each within the limits of his jurisdiction for the trial of all offenders against the State, and perpetrators of heinous crimes, in conformity with the provisions of that Act.

(Signed) E. MALTBY,
Acting Chief Secretary.

To

Session Judge of the Zillah of

The Right Honorable the Governor in Council of Fort St. George, under the authority vested in him by Section 7, Act XIV of 1857, hereby appoints you Commissioner, for the purposes specified in that Act, within the limits of the Zillah Court over which you preside.

You are accordingly directed to try all or any persons or person charged with having committed any offence against the State, or heinous crime against person or property within the above described limits, who may be committed before you by the Magistrate, or other Officer having power to commit for trial within the District, and upon conviction you are authorised to pass sentences of punishment in accordance with the provisions of the said Act, No. XIV of 1857.

*This Commission is hereby declared to be in force while you continue to hold the office of Session Judge of the Zillah of
or until the further orders of Government.*

By order of the Governor in Council.

Acting Chief Secretary.

To

Superior Judge of the Zillah of

The Rt Hon the Gov. in Council of Fort St George, under the authority vested in him by Sect 7 Act XIV of 1857, hereby appoints you Commissioner for the purposes specified in that Act, within the limits of the ^{Zillah} ~~district~~ Court over which you preside.

you are accordingly ^{directed} ~~authorised~~ to try all or any persons or person charged with having committed ^{any} offence against the State, or heinous crime against person or property within the above described limits who may be committed before you by the Magistrate of the District, or other officer having power to commit for trial within the District, and upon conviction you are authorised to pass sentences of punishment in accordance with the provisions of the said Act No XIV of 1857.

This Commission is to ~~be in force~~ hereby declared to be in force while you con-

- leave to hold the office of ^{or until} ~~Supernumerary~~ Judge
of the Zillah of
the further orders of Govt

By order of the Governor in Council

Signed,

Act-Chief Secy.

[Signature]

Mem^o

I have not found any form of Commission for
my guidance, since on prior occasions such
as Messrs Vaughan & Thange appointed to try
rebels in Camara in 1837, and Mr. Inglis
more recently in Ludhiana, an Extract
from the M of C, containing the order of
Govt was only sent to them. -

^{L 8}
The working however of Sect 7, Act XIV
seems to render it advisable formally
"to issue a Commission" and the form
of one has therefore been prepared
by me & is circulated for approval.

[Signature]

27 July/57

- Prepared according to the list of
 as at present - Mr. C. W. Sanders

W. Knox Esq^r Agent to the Governor of
 Fort St. George in Ganjam.

Captain J. C. Russell Esq ^r	D ^o	D ^o	Thiruvool
~~P. B. M. Esq^r~~	D ^o	D ^o	Visagapatam
P. Irvine Esq ^r			Deputy Judge of Bellary
W. D. Cook Esq ^r	D ^o	D ^o	Bahient
C. B. Glass Esq ^r	D ^o	D ^o	Chicacole
W. Dowdewell Esq ^r	D ^o	D ^o	Chingleput
G. A. Harris Esq ^r	D ^o	D ^o	Chittoor
J. N. Ward Esq ^r	D ^o	D ^o	Coimbatore
G. T. Beauchamp Esq ^r	D ^o	D ^o	Comlacomun
G. W. Ellis Esq ^r Acty.	D ^o	D ^o	Cuddalore
W. Elliot Esq ^r	D ^o	D ^o	Cuddapah
T. Onslow Esq ^r	D ^o	D ^o	Guntur
W. M. Malle Esq ^r	D ^o	D ^o	Monore
C. R. Baynes Esq ^r	D ^o	D ^o	Madura
J. D. Maignes Esq ^r	D ^o	D ^o	Mangalore
J. J. Cotton Esq ^r	D ^o	D ^o	Marulipattinam
F. W. Prozier Esq ^r	D ^o	D ^o	Melore
J. Radcliff Esq ^r Acty.	D ^o	D ^o	Rajahmundry
J. W. Cherry Esq ^r	D ^o	D ^o	Salem
R. M. Hatfield Esq ^r	D ^o	D ^o	Tellicherry
C. Mory Esq ^r	D ^o	D ^o	Trinavally
T. J. P. Harris Esq ^r	D ^o	D ^o	Trichinopoly

I have power in my own name

Commission of
9th November 1857

To Matthew Friere, Esqre
Session Judge of the Zillah
of Tellicherry.

To

R. E. Clarke, Esqre.

Session Judge of the
Zillah of Coimbatore.

To

A. W. Phillips, Esqre.

Session Judge of the
Zillah of Madras.

R. H. Chaffield Esqre. Session Judge of the
Zillah of Mangalore.

15th December 57. J. H. Goldie Esqre. Session Judge of the
Zillah of Chittoor.

18th Dec 57. F. H. Weston Esqre. Session Judge of the
Zillah of Rajahmundry.

No 882
Jud Sept
2. M. of C. dated 27th July 1857.

Adverting to the present state of
India, & to the fact that many
dishonoured sepoys & other
wicked characters have entered
this Presidency from the Bengal
& other provinces, evidently
intent to promote mutiny
& rebellion, the M. of C. has
determined to exercise
the power vested in him
by the Legislature, and to
appoint all Session Judges &
other officers exercising the
powers of a Session Judge, to
be Commissioners for the
trial of offenders, within the
jurisdiction of their respective
Courts.

2 - The Commissioners thus ap-
pointed will it is observed
have power to try & punish

the following offences.

1st - Rebellion & waging war
against the Govt — } as defined in
Sections 122
Harboring or concealing } Act XI of 1857
rebels.

2nd - Exciting mutiny or
sedition in the Army } See Sections
182 of Act
Harboring or concealing } XIV of 1857
persons guilty of the above
offences.

3rd - Any other offence against
the State. } See Section
VII of Act
14 of 1857

4th - All heinous crimes against
person & property - such
as murder, arson, robbery &c

3 — Under the 3rd class of the above
offences ~~it is deemed that~~ attempts
to force public buildings, to injure persons
to intercept telegraphs or other
communications, & other acts of a
similar description ^{become} punishable.

4 - For a detailed description
of what constitutes the "heinous
offences" which form the 4th class
of crimes punishable by the
Commissioners. Sect II of Act
XVI of 1857 may ~~be~~ with propriety
be consulted when any doubt
arises.

5 - The Commissioners will observe
that they are empowered to hold
their Courts in any place within
the limits of their jurisdiction -
that the attendance is not
a Law Officer may be dispensed
with - that the judgment is
final & conclusive
and that their Courts are not
subordinate to the Sadr & Fouj-
darry & lawluts.

6 - They are however to send
the ^{record} proceedings of trials held
before them to Government for
its information, and when a

Capital sentence is passed it is not
to be executed without the sanction
of the R. H. the J. in C, unless circum-
stances call for an immediate example.
On this point the Commissioners are
vested with a discretionary authority.

7. It is not intended that the Commis-
sioners should interfere with or supersede
the Magistracy or Police in the exercise
of their ordinary functions. The
duty of the Commissioners is limited
to trying offenders committed before
them by the Magistrate or other Officer
having power to commit for trial
within the jurisdiction of their Courts.

8. The Commissioners will be careful
to observe that their powers do not
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1st Any of Her Majesty's natural born
subjects born in Europe, or of
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2nd - Any persons who are liable to be
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particular offences with which they are
charged.

As respects ^{individuals who belong to} the 3rd of these classes the ordi-
nary course of Law is to be followed
when an offence is charged against
them.

Persons of the 2nd class are to be
~~sentenced~~ made over to the Commanding
Officer of the Station or District,
in order that they may be dealt
with under the orders issued
by Govt in the Military Dept.

9. ~~The~~ Copies of these Proceedings
will be sent to the Court of Foujdar
& Khawlat - to all Sepsim Judges &
the Govt Agents in Karnool, Ganj
& Vizagapatnam, and to all Ma-
gistrates. ~~The provisions relating to~~
Formal Commissioners will be applied to the several
Sepsim Judges & Govt Agents, and the

10
powers newly vested in them will
be promulgated in the
St George's Official Gazette by
the following Notification -

Under the authority vested
in him by Act 7 of 14 of
1857 the R. H. the G. in C
has appointed all the
Judges of the Court of Sessions in
Harnool, Ganjam & Vizagapatnam
to be Commissioners
each within the limits of his
jurisdiction for the trial of
cases against the State & perpetrators of heinous crimes
all offenders in conformity
with the provisions of that Act.

W. H.

To the Judges of the C. of S. Madras

the Session Judge of all the Districts

the Magistrate of all the Districts

the Board of Revenue ^{except Ganjam & Vizagapatnam}

The Agents in Harnool

do Ganjam
do Vizagapatnam - Dated 10/8 -

Despatch 28th

John to Aug 21 to 21
Dec 31 of 1857
Q 28

in 84 hours: 28
July
Jude 1857 Sept 18
1852
Ex. Union of 1857
Q 28 July

1873
2243