M.R.O. 1—39,000—16-10-19.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 216 Press ~~Mis.~~

B.No: 1-2

Dated 18-2-~~19~~18

Not to be folded or roughly handled

No. 1. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 1st February 1858, No. 3.

SIR,

1. Adverting to the "Bill to authorize the infliction of corporal punishment in certain cases," brought into the Legislative Council of India by Mr. Peacock, the Judges of the Foujdaree Udalut direct me to point out that the Preamble and the Act do not appear sufficiently to correspond with each other. The Preamble grounds the expediency of the Act upon a present (and temporary) want of means to enforce Prison discipline, owing to the destruction of Jails; while the Act appears to relate to all future time, when ordinary security and means of incarceration may be re-established throughout India.

2. The Judges conclude that, in Section II, the twenty-eighth Section of Act XXVIII of 1857, has been erroneously quoted instead of the *twenty-seventh*.

3. It is not expressly stated, that the Act is intended to be applicable to all India; but, as such may be inferred from the Acts quoted in Section II being of a general nature, the Judges would suggest the advisability of confining its operation to the disturbed localities. The Madras Regulations already authorize the infliction of corporal punishment with a cat-o'-nine-tails for simple theft, and it appears to the Judges to be wholly inexpedient, in places where the public tranquillity has not been broken, to render fines, if not paid, commutable to corporal punishment, in cases of assault or other petty offences.

4. In respect to the "Bill for the punishment of certain offenders who have escaped from Jail, and of persons who shall knowingly harbour such offenders," brought in by the same member, the Judges observe that the Preamble relates to the special circumstances of the present day, making it appear that the Act is designed for the punishment of those who have been set at large by the existing disturbers of the public peace, while the terms of the Act seem to embrace all escapes of the ordinary description which may occur hereafter at any time.

No. 2. From T. PYCROFT, Esq., Chief Secretary to the Government of Fort St. George.; to the Honorable D. ELIOTT, Esq., Member for Madras of the Legislative Council of India, Calcutta, dated 18th February 1858, No. 216.

SIR,

1. I am directed by the Right Honorable the Governor in Council to forward, for your information, copy of a letter from the Acting Register of the Court of Foujdaree Udalut, commenting on the Bills before the Legislative Council respecting (1) the infliction of corporal punishment in certain cases, and (2) the punishment of certain offenders who escape from Jail and of persons who knowingly harbour them.

2. The Government, I am instructed to state, do not concur in the views of the Foujdaree Udalut, and would not restrict the operation of either Act to the disturbed localities. They observe too, that the latter of the two Bills referred to above, has since received the assent of the Governor General.

Exd. F. Cartledge.

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and it appears to the Judges to be
wholly unexpedient, in places where
the public tranquillity has not
been broken, to render fines, if not
paid, commutable to corporal
punishment, in cases of assault
or other petty offences.—

In respect to the "Bill
for the punishment of certain
offenders who have escaped from
Gaol, and of persons who shall
knowingly harbour such offenders",
brought in by the same member,
the Judges observe that the
Preamble relates to the special
circumstances of the present
day, making it appear that the
Act is designed for the punish-
ment of those who have been
set at large by the existing dis-
turbers of the public peace, while

the

the terms of the Act seem to em-
brace all escapes of the ordinary
description which may occur
hereafter, at any time.-

Tanjore Adalut,
Register's Office,
1st February, 1858.

I have the honor to be,
Sir,
Your most obed.t servt,

C. F. Chamier.
Act.g Register.

To
C. D. Drummond Esq.
Judicial Department
&c

Judicial Department

No. 210

From the Acting Register of the Tanj.e Adalut.
Dated 1st February 1858.

Submitting

For Orders

I should let the Legislative
Council alone - see the
Judges of the Sudder Adalut
& Dpn. on opinion on the
Bills introduced into the
Legislative Council -
I think action should be taken

the Judges consider if they
have yet heard what
remarks direct to the
Legislative Council -
that read and passed
them - as the Govr asked
no opinion from them
& they might be called
to read them direct to the
Secretary to the L C -

Nov. 5th

Equivocally applicable - he don't know
when duty may be required - 2 two
thirds of the Laws done in cases
of Insolvency - Libellous & Lewd
are carried Equivocally by those terms
no law in which the Authorities
can act intelligibly -

The Judges are by no means critical
nor Read the Letters

6

The Petition of Jno Bisshead
and the General Assembly of Jersey

Desp. 28th

5

Judicial Dept.

No. 218

To D. Elliott Esq

Member, for Madras, of the Legislative

Council of India,

Sir,

I am directed by the Right
Honble the Governor in Counc
to forward, for your informa
tion, copy of a letter from the
Acting Registar of the Court
Foujdaree Adawlut, communicat
on the Bills ~~laid~~ before the
~~Legislative Council~~ Legislative Council, respecting
(1) the infliction of corporal pu
nishment in certain cases,
and (2) the punishment of
certain offenders who escape
from Gaol and of persons who
knowingly harbour them.

The

I am instructed to state

2. The Government do not concur in the views of the Legislature, and cannot not restrict the operation of either Act to the disturbed localities. They observe that the latter of the two Bills referred to above, does not embrace all grades, but only those of offenders accused or convicted of the serious crimes specified in Section III.

so that the latter of the two Bills referred to above has since received the assent of the Governor General—

For the Lt Governor,
18th February 1858.

Copy to the Col. of the 1st Regt Dispd. 20

In Dy to cons. 25. Feby
Judicial 1858 Separate

No. 216.

To
The Member for Madras
of the Legislative Council
of India

2/18 February 1858

1 – 2