

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	775	Press
	25-26	~~Mis.~~
Dated	12-6-	19 185.8

Not to be folded or roughly handled

Ind

Fort St. George, Judicial Consultation, 15th June 1858.

No. 25. Read the following letter from WILLIAM FISHER, Esq., Magistrate of Canara ; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Mangalore, 2nd June 1858, No. 43.

SIR,

I have the honor to submit the following facts for the information of Government, and for their orders for the guidance of the Special Commissioners in North Canara.

2. Mr. Robinson informs me that where no specific offence against the State can be brought home to parties against whom the strongest suspicion of having acted with the insurgents exists, he has exercised the powers given to Session Judges by Section X, Regulation VI of 1827, no provision having been made by Act XI and XIV of 1857 for such cases ; and he at the same time requests my opinion on the legality of the step taken.

3. As Mr. Robinson's present powers are derived from the Act above quoted, the provisions of which do not authorize him to take security from persons of a character notoriously bad and dangerous, against whom no specific offence can be proved, I suppose he has no authority to detain such people. As it is very desirable however that such authority should be placed in his hands, and those of Mr. Ballard, I trust the Government will be pleased to confer the necessary powers, or to favor me or the Commissioners with their instructions for future guidance.

No. 26. ORDER THEREON, No. 775 ; dated 12th June 1858.

The Right Honorable the Governor in Council considers that the Special Commissioners should act upon their own discretion, having regard to circumstances and the exigency of the times, in respect to the seizure and detention of suspicious or dangerous characters against whom no overt act of criminality may have been proved.

2. Clause I, Section V, Regulation VI of 1827, would seem to apply to such cases—or in graver instances report should, immediately on arrest, be made to Government in view to the provisions of Regulation II, 1819, being resorted to.

(Signed) T. PYCROFT,
Chief Secretary.

No 475.

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their own discretion, having regard to circum-
stances and the exigency of the times,
in respect to the seizure and detention of
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Clause 1. Sect V. Reg VI of 1827 wd.
seem to apply to such cases - on in fact
instances report should, immediately
on arrest, be made to Govt in view to

Procedural Cons. 15 June
1858 Sept.

From Magistrate of
Canara.
to Chief Secy to Govt.
Fort St George.

Dated 2nd } June 1858.
Recd 9

No 43

No 1021

Against the instructions
of Govt, as to the course to
be pursued by the Commis-
sioners in North Canara, in
cases where no specific of-
fence against the State can
be brought home to the per-
sons against whom the strong
suspicion of having acted
with the insurgents exists.
as no provision has been made
by Act XI & XIV of 1857 for such
cases. With an Order

The provisions of Reg II. 1819 being
resorted to

J.P.

To Mr George
12 June 1858

Magistrate of Canara Desd 12th

Additional Letter
to Mr George
12 June 1858
Gans 204

c 10 June
1858

25 & 26