M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 15 88 — Press Mis.

11-12

Dated 22-11-1929.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, for the month of November 1859.

No. 11. Read the following letter from the General Superintendent of the Operations for the suppression of Thuggee and Decoitee.

Submitting a Report of the state of the crime of Decoitee in the Territories of the Madras Presidency, and proposing the employment of the Decoitee Department for its suppression. (Dated 26th September 1859, No. 406.)

No. 12. ORDER THEREON, 22nd November 1859, No. 1588.

22 Enclosures.
2 Copies Selections from the Records of the Bombay Government in the Police branch.

The above letter with its enclosures and accompaniments will be forwarded in original to the Inspector General of Police for his remarks.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Memorandum

From the Magistrate of Madura. (Dated 12th October 1859, p. 213.)

The principle asserted by Government in this case will be found in their Proceedings of 26th March 1859 which are quoted by the Magistrate of Madura in his return under date 21st September last to the Sessions Judges Precept. A subsequent order is of 6th June 1859. There are also previous orders 29th August, 8th September and 6th October 1854 all put up.

2.— The gist is, that men have a natural right up which they must be supported to use the public streets for all the ordinary and necessary business of life — but that they have no right to carry out processions and demonstrations which are novel and

entirely contrary to the view taken in this Memorandum — but however erroneous, a Judicial Order has been passed, and can only properly be set aside by the Superior Courts — The Court Reader should, I think, be instructed to move the Foujdaree to cancel the Order,

and to obtain a
recognition of the
principle that
Orders of Magistrates
in such cases
should not be
set aside except
by any summary
proceeding — It
is to be understood
that the Civil
Party will be
at liberty to sue
the Magistrate
for damages
if thought
proper

Cynthia
Oct 27 — 1859

& unusual, and if their so doing would be likely to lead to a breach of the Peace, the Magistrate as the Guardian of the public tranquillity should prohibit it.—

3.— The present seems a case of the kind — The Roman Catholic Native Xtians had not been in the custom of carrying their images down the Street in question — and as this innovation tended to cause a disturbance, the Magistrate, in the cause of public order, was warranted in preventing it.—

4.— It is now for consideration what course should be taken in reference to the Session Judge's Proceedings, and whether the Sanjdari should be moved to quash them.—

5.— It seems to me very doubtful whether the Session Judge had any right to give a call in the matter or to interfere with the Joint Magistrate's order — The Magistrate is the proper authority to decide such questions, and ought not in such behalf to be subject to the orders of the Session Court — By the New Police Act Section XLIX the Regulation of such affairs is expressly given to the Superintendent and Superior officers of Police, subject to the general control of the Magistrate.—

6.— A party considering himself aggrieved by any orders of the Superintendent or Magistrate stopping his procession, might indeed sue him civilly for damages (if such a suit would lie) but that is another matter.

Judicial.

Proceedings of the Madras Govt.

Read letter from the General Superintendent of the Operations of Thuggee & Dacoitee for the Suppression of — Enter 26 Septr. 1859 No 2003.

Order — 22d November 1859. No 1588.

The above letter with its Enclosures & accompaniments will be forwarded to the Inspector General of Police for his remarks.

22 Enclosures
2 Copies Selections from the Records of the Bombay Govt. in the Police Dept.

in original

Read letter from Genl Supt Thuggee & Dacoitee 26 Septr 1859 No 2003

Read letter from Genl Supt Thuggee & Dacoitee 26 Septr 1859 No 2003

8 copies forwarded for collection and submission to Govt

To the Inspector General of Police — with the above. Dispd 24th

c 24 Oct
R 31 "

From the Govt 30 Nov.
Judicial 1859 Despatch

No 1588

Proceedings of Govt

No 863/62

Dated 21st Nov. 1859

Forwarding to the Inspector General of Police a Report of the state of the Crime of Dacoity in the territories of the Madras Presidency.

11412.