M.R.O. 1—39,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1067 Press ~~Mis.~~

159-160

Dated 23-8-1861 ~~15~~ .

415

Not to be folded or roughly handled

Mis

Proceedings of the Madras Government, Judicial Department, 23rd August 1861.

Read again Proceedings 14th August 1861, No. 1,021.

No. 159. Read also the following letter from J. MILLER, Esq., Acting Government Solicitor, Madras; to J. D. SIM, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 16th August 1861, No. 633.

Dated 14th August 1861, *No.* 1,021, *Judicial Department.*

1. I have the honor to acknowledge the Proceedings of Government noted in the margin.

2. I submitted same for the consideration of the Advocate General, and

3. I now forward for the information of Government, a copy of his opinion.

COPY—OPINION.

I am of opinion that under Sections 44 and 45 (reading them in connection with Section 1) it is competent to a Magistrate to punish a European British subject, being a Police Officer, who shall have violated the provisions of those Sections.

I am quite at a loss to understand on what grounds the Inspector General of Police draws the inference that he does from Section 4 of Act V of 1861, unless indeed he reads it by the light of the sentiments which the authorized Reports of the Debates of the Legislative Council attribute, to the majority of the Council as to their determination in one way or another to introduce a law, the principle of what are generally known as the Black Acts.

(Signed) T. SYDNEY SMYTH,
Advocate General.

15*th August* 1861.

(True Copy.)
(Signed) JOHN MILLER,
Acting Government Solicitor.

No. 160. ORDER THEREON, 23rd August 1861, No. 1,067.

A copy of the Advocate General's opinion will be furnished to the Inspector General of Police and to the Magistrate of Bellary, in reference to Proceedings 14th August 1861, No. 1,021.

2. Ordered that copies of paragraph 1 of the Advocate General's opinion be forwarded to the other Magistrates of Districts.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

Proceedings of the Madras Govt.
Read again Pro^{d} 14th Augt. 61 No^{s} 1021.
Read also letter from
Govt. Solicitor — Entd 16th Augt. 61 No^{s} 533

Order. 23^{d} August 1861 No 1067.

A copy of the Advocate General's opinion will be furnished to the Inspector General of Police & to the Magistrate of Bellary in reference to Pros: 14th Augt. 61. No^{s} 1021.

para 1 of

2. Ordered that copies of the Advocate General's opinion be

be forwarded to the other Magistrates of Districts.

d/ DS

The Inspector Genl. of Police.
" Magistrate of Bellary } 28/8
" Magistrate of the 19 Dists &c } With No: 1021/61.
" Sudder Court. } 28/8
D.M.B.

Re

The jurisdictional & Magistrate Functions Duties & Responsibilities of the Police &c.

(Copy)

Office of Town Assistant
No 633.

To:
The Sub Inspectors of Police
& Head Constables
Stations

Dated August 16, 1861.

Sir

I am directed to forward herewith for your information & guidance a copy of a letter No 1331 dated 16th instant from the Secretary to Government on the subject of the jurisdictional Magistrate Functions Duties & Responsibilities of the Police &c.

I am Sir
Your obedient Servant
Town Assistant