

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 929-930	Press
156-159	~~Mis.~~
Dated 20.7.1861	15

7/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th July 1861.

Read the following papers:—

No. 156. From C. U. AITCHISON, Esq., Under Secretary to the Government of India; to the Secretary to Government, Fort Saint George, dated Fort William, the 28th June 1861, No. 3,437.

Foreign Department.

Opinion of Advocate General, dated 14th May 1861.

To Advocate General, No. 3,006, dated 8th June 1861.

From do. dated 13th June 1861.

To Resident Hyderabad, No. 3,436, of this date.

I am directed by the Governor General in Council to forward for the information and guidance of the Government of Fort Saint George a copy of the papers noted on the margin, relative to the appointment of Justices of the Peace at Hyderabad.

OPINION.

There seems to be no greater objection to a Justice of the Peace appointed for Bengal and the Provinces annexed to the Presidency of Fort William, Acting as a Justice of the Peace in regard to European British subjects or persons in the service of the British Government in such a territory as Hyderabad, than in a non-annexed or non-Regulation British Province, such as the Punjab, for under Section 9, Geo. 4, C. 74, the jurisdiction in such case of a Justice of the Peace is either restricted to the Province for which he is specially appointed (i. e. in the present case Bengal and the annexed Provinces) or it extend to both classes of Provinces beyond the local limits, the annexed or non-regulation provinces.

If therefore it be intended that the Officers Acting at Hyderabad should commit prisoners to the Supreme Court at Calcutta, I think they may be joined in the Commission of the Peace for Bengal, on the same principle and subject to the same questions as the Officers for the Punjab or other non-annexed Provinces are so joined. But if it be practically more convenient that these Officers should commit to the Madras Court, it would be better to join them in the Commission of the Peace for Madras, and to issue a Supplementary Commission for that Presidency on the Warrant of the Governor in Council of Madras.

14th May 1861.

(Signed) W. RITCHIE.

(True Copy.)

(Signed) F. C. SANDES,
Solicitor to Government.

From E. C. BAYLEY, Esq., Officiating Secretary to the Government of India; to the Advocate General, Fort William, dated 8th June 1861, No. 3,006.

Foreign Department.

With reference to your opinion submitted with the letter from the Solicitor to Government, No. 60, dated 16th May, I am directed to draw your attention to Sections 29 and 30 of 26th of George third, Cap. 57, and also to Section 10 of 37 of George third, Cap. 142, and to enquire whether under the provisions of these Sections it will not be imperative to commit offenders being European British subjects in the Hyderabad territories for trial at Madras.

From W. RITCHIE, Esq., Advocate General; to E. C. BAYLEY, Esq., Officiating Secretary to the Government of India, Foreign Department, dated Calcutta, 13th June 1861.

In reply to your letter No. 3,006 dated the 8th instant, I have the honor to state that I do not think the Acts referred to by you render it absolutely imperative to commit offenders being European British subjects in the Hyderabad Territories for trial at Madras. For the Supreme Court of Calcutta has under the 33 Geo. 3, C. 52, S. 67 and the 37 Geo. 3, C. 142, Sec. 10, a concurrent jurisdiction in such offences which would enable it if the case were committed to it instead of to the Madras Court to try the prisoner quite as effectually as that Court could, and would enable a Justice of the Peace holding a Commission under a Warrant from the Supreme Government (supposing him in other respects to have jurisdiction) to commit to the Calcutta Court.

*Proceedings of the Madras Government, Judicial Department,
20th July 1861.*

But I at the same time quite concur with you in thinking that under Sec. 30 of 26 Geo. 3, C. 57, the primary and natural jurisdiction in regard to all offences committed by British subjects in any of the territories of the Soubah of the Deccan (i. e., the Hyderabad territories referred to by you) is vested in the Madras Court and that therefore unless there be some strong reason of convenience in favor of committing such offenders to Calcutta instead of to Madras for trial, it will be preferable that the Officers in the Hyderabad territories whom it is intended to invest with the Commission of the Peace should be nominated by the Warrant of the Madras Government and appointed by Commission from the Supreme Court of Madras, and that they should commit offenders to the Madras Court for trial.

From C. U. AITCHISON, Esq., Under Secretary to the Government of India; to the Resident at Hyderabad, dated Fort William, the 28th June 1861, No. 3,436.

I am directed by the Governor General in Council to forward for your information and guidance a copy of the papers noted on the margin* relative to the appointment of Justices of the Peace at Hyderabad, and to request that you will submit to the Madras Government the names of existing Justices of the Peace, in order that a new Commission may issue for them, and that you will in future make application to that Government instead of to the Supreme Government.

(True Copies.)

(Signed) C. U. AITCHISON,
Under Secy. to the Govt. of India.

No. 157. From Lieutenant Colonel C. DAVIDSON, c. B., Resident at Hyderabad; to the Chief Secretary to Government, Fort Saint George, dated 11th July 1861, No. 1,120.
Political Department.

In compliance with the instructions of the Government of India, I have the honor to enclose the names of existing Justices of the Peace in the Hyderabad territory in order that a new Commission may be issued by the Madras Government.

List of Officers in the Hyderabad territory Commissioned as Justices of the Peace for the half year ending 30th June 1861.

Names.	Designation.	Station.	Remarks.
Lieutenant Colonel Cuth. Davidson, c. B.	Resident...	Hyderabad...	
Major A. R. Thornhill...	1st Assistant Resident...	Do. ...	
Captain W. R. Newlyn...	Assistant Commissary General H. S. Force.	Secunderabad	Left Secunderabad.
Major T. A. Cowper.....	Commissioner Hyderabad As- signed Districts.	Booldanah ...	
Captain M. Taylor...	Deputy Commissioner East Berar.		On sick leave to Eu- rope for 18 months.
Captain Ivie Campbell...	Deputy Commissioner West Berar.		On 3 months privilege leave from 1st April 1861, Chickulda.
Lieutenant J. Allardyce...	Officiating Deputy Commis- sioner East Berar.	Oomraotee ...	
Lieutenant W. Cadell. ...	Assistant in charge West Berar Akola		
Mr. G. A. Boswell.....	Extra Assistant Commissioner, Hyderabad...		} For the attestation of Europeans.
Mr. C. Hordern...	Extra Assistant Commissioner, Jaulnah...		

HYDERABAD RESIDENCY,
11th July 1861.

(Signed) A. R. THORNHILL,
1st Assistant Resident.

*Proceedings of the Madras Government, Judicial Department,
20th July 1861.*

No. 158.

ORDER THEREON, 20th July 1861, No. 929.

Lieutenant Colonel C. Davidson, C. B.
Major A. R. Thornhill.
Captain W. R. Newlyn.
Major T. A. Cowper.
Captain M. Taylor.
Captain Ivie Campbell.
Lieutenant J. Allardyce.
Lieutenant W. Cadell.
Mr. G. A. Boswell.
Mr. C. Hordern.

His Excellency the Governor in Council is pleased to appoint the Officers named in the margin to be Justices of the Peace, within and for the Presidency of Fort Saint George, and the several Provinces and places thereto subordinate.

2. Application will be made to the Judges of Her Majesty's Supreme Court of Judicature for the issue of a Commission of the Peace on their behalf. On being apprized of its having issued, these Officers will qualify before the Court of Justice or Magistrate's Court, nearest their respective stations, under instructions from the Resident.

3. Ordered that copies of these Proceedings be furnished to the Resident, Hyderabad, for communication to the several parties above named.

(Signed) T. PYCROFT,
Chief Secretary.

No. 159. To the Honorable Sir COLLEY HARMAN SCOTLAND, Kt., Chief Justice, and the Honorable Sir ADAM BITTLESTON, Kt., Puisne Judge of Her Majesty's Supreme Court of Judicature at Madras, dated Fort Saint George, 20th July 1861, No. 930.

We, the Governor in Council, having duly nominated and appointed the Officers named in the margin to be Justices of the Peace, within and for the Presidency of Fort Saint George, and the several Provinces and places thereto subordinate, request you to issue from the Supreme Court, a Commission of the Peace on their behalf, in conformity with the provisions of Act VI, 1845, for which this will be your warrant.

2. These Officers will qualify before the Court of Justice, or Magistrate's Court, nearest their respective stations in the Hyderabad Territory.

(Signed) W. T. DENISON,
(") E. MALTBY.

Exd. F. Cartledge

Staff Officer in the Hyderabad Military Commissioned as Officer of the Force
for the Staff Force during 30th June 1861.

Names	Designations	Station	Remarks
Lieut. Col. Smith, Quarter Master	Quartermaster	Hyderabad	
Major G. R. Thompson	1 st Lieut. Quarter	Hyderabad	
Capt. W. R. Hindley	2 nd Lieut. Quarter	Hyderabad	
Major S. J. Cooper	Commissioner of Police	Hyderabad	
Capt. M. Taylor	Commissioner of Police	Hyderabad	
Capt. Eric Langford	Commissioner of Police	Hyderabad	
Lieut. J. S. Murray	Commissioner of Police	Hyderabad	
Lieut. W. Smith	Commissioner of Police	Hyderabad	
Mr. J. Brown	Commissioner of Police	Hyderabad	
Mr. J. Brown	Commissioner of Police	Hyderabad	

Hyderabad
11th July 1861.

M. H. Hill
1st Lieut. Quarter

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters
From the Govt of India - - - - - Here enter 28 June 1861 N. 3457
" the Resident of Hyderabad - - - - - 11 July - - - - - 420

Order thereon 20th July 1861 N. 929.

His Excellency the Governor in Council is pleased to appoint the Officers named in the margin to be Judges of the Peace within and for the Presidency of Fort Saint George and the several Provinces and places thereto subordinate.

2. Application will be made to the Judges of Her Majesty's Supreme Court of Judicature for the issue of a Commission of the peace on their behalf. On being apprized of its having issued, these Officers will qualify before the Court of Justice or Magistrate's Court, nearest their respective Stations under instructions from the Resident.

St. John L. Davidson Esq.
Major A. R. Thornhill
Captain W. R. Newlyn
Major J. A. Cooper
Captain M. Taylor
Captain J. C. Campbell
Lieut J. A. Hardy
Lieut W. Padell
Mr. J. A. Bassett
Mr. C. Horsley

W

W

Ordered that copies of these
Proceedings be furnished to the Re-
sident, Hyderabad, for commu-
nication to the several parties
above named.

JF

To, Resident, Hyderabad.
• Adjutant General of the Army
• Govt. Solicitor
• Military Department. } Dec 24

JUDICIAL DEPARTMENT.

No. 930.

THE HONORABLE Sir Colley Harman Scotland Kt.,

Chief Justice, and

THE HONORABLE Sir Adam Bitterston Kt.,

Puisne Judge of

Her Majesty's Supreme Court of Judicature at Madras.

HONORABLE SIRS,

We, the Governor in Council, having duly nominated and appointed the Officers named in the margin —

to be Justices of the Peace, within and for the Presidency of Fort Saint George, and the several Provinces and places thereto subordinate, request you to issue from the Supreme Court, a Commission of the Peace on ^{their} behalf, in conformity with the provisions of Act VI, 1845, for which this will be your warrant.

2. These Officers will qualify before the Civil Court of Justice, or Magistrates Court, near at their respective Stations in the Hyderabad Territory.

- Lieut. Col. C. Davidson, C.B., Resident, Hyderabad.
- Major A. R. Thorahill, 1st Asst. Resident, Hyderabad.
- Captain W. R. Newlyn, Asst. Commissary General, Hyderabad, Subsidiary Force, Secunderabad.
- Major T. R. Cooper, Commr. Hyderabad, Asst. District, Booldanah.
- Captain M. Taylor, Deputy Commr., East Berar.
- Captain Sir Campbell, Asst. Commr., West Berar, Chikindah.
- Lieut. J. Alchayce, Asst. Deputy Commr., East Berar, Dourastee.
- Lieut. W. Cadell, Asst. in charge, West Berar, Akola.
- Mr G. A. Boswell, Asst. Dist. Secy, Hyderabad.
- Mr C. Horden, do do, do.

Fort St. George
20 July 1861

From the Chief Secy to Govt
Dated 20th July 1861

Official 1861. Department.

Grassley July

No. 929.

PROCEEDINGS of the MADRAS GOVERNMENT.

Sept. 12 39/64

Dated 20th July 1861.

Appointing to leave Officers named within to be Justices of the Peace within and for the Presidency of Fort St. George and the several Provinces and places thereto subordinate.

