1. Number of Paper 111
2. Date of reply 2-11-35
3. Initials of Reference

M.R.O. 1—50 400—32-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 684 Press Mis.

253-254

Dated 29 4 1862.

6/9

Not to be folded or roughly handled

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Major W. J. WILSON, Commissioner of Police; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 14th April 1862, No. 38.

I have the honor to inform you that in conformity with an old Order of the Sudder and Foujdary Adawlut, dated 1st June 1829, Lunatics from the Mofussil are occasionally forwarded to the Commissioner of Police at Madras, to be sent by him to the Lunatic Asylum.

2. On the 24th February last, an Insane patient having been sent to Madras by the Session Judge at Nundial, he was admitted into the Asylum, but I was at the same time apprised by the Medical authorities that no patient could be received in future unless accompanied by the Medical Certificate specified in Act XXXVI of 1858, and I was requested to call upon the Judge at Nundial to forward the necessary document, which I did accordingly.

3. On the 4th instant, I received intimation from the Sessions Judge of Trichinopoly that he had dispatched an Insane patient for admission into the Lunatic Asylum here, but as that Officer also had omitted to send the Certificate required by the Surgeon of the Asylum, I considered it desirable that the attention of the Mofussil authorities should be called to the provisions of the Act in question, and supposing that the proper mode of attaining that object was through the Judges of the Sudder Court, I addressed the Registrar on the subject and herewith enclose his reply.

4. I am thereby advised either to address the Inspector of Prisons with reference to Act VIII of 1856, or the Government with reference to Section 394 of the Code of Criminal Procedure.

5. The Act specified is that which created the office of Inspector of Prisons, and the Section of the Criminal Code has reference solely to Criminal Lunatics.

6. The Act under which the Medical authorities require a Certificate was passed in 1858, and seems to have been intended to provide for the safe custody of Lunatics not being Criminals. Section XI of this Act gives the Inspector of Jails power to direct the removal of any Lunatic from any public Asylum to any other public Asylum within the Circle of his Inspection, but it does not appear that Lunatics can be confined in the first instance except in the mode prescribed in Section IV.

7. The Inspector of Prisons does not appear to have ordered the transfer of either of the Insane patients in question, and as I did not receive any Warrant with them I infer that neither of them were Criminal Lunatics.

8. In order to obviate the inconvenience which must necessarily arise if Insane persons sent from up country are refused admission into the Lunatic Asylum, I have thought it advisable to submit the matter for the consideration of Government.

1 Letter from assistant Surgeon Mason, (to be returned.)
2 Copy of letter to Registrar of Court.
3 Copy of letter from ditto.

9. The correspondence noted in the margin is herewith forwarded.

ORDER THEREON, 29th April 1862, No. 684.

The Government do not understand on what grounds the Lunatics referred to in the above letter were sent to Madras by the *Session Judges of* Nundial and Trichinopoly.

2. If the persons were not Criminal Lunatics, but persons falling under Act XXXVI of 1858 they should have been forwarded to the Lunatic Asylum of the Presidency by the *Magistrate* with the Medical Certificate A, required by the fourth Section of the Act.

3. If the individuals were Criminal Lunatics their cases fall under Act IV of 1849, and the XXVIIth Chapter of the Code of Criminal Procedure, and their cases—unless they were released on security under Section 390 of the Code—should have been reported to Government.

4. The Government resolve to furnish a copy of the Commissioner's letter to all Judges and Magistrates, and to direct all Magistrates whenever they may forward Lunatics to the Lunatic Asylum at the Presidency to be careful to send to the Officer in charge of the institution the Certificate A, required by Section IV of Act XXXVI, 1858. Magistrates will further be ordered not to forward any Lunatics to the Presidency until they have communicated with the Medical Officer in charge of the Asylum and ascertained from him that the Lunatic can be received. If he cannot be received into the Madras Asylum provision must be made for his detention and treatment in the Zillah Jail or other place that may be available.

(True Extract.)

T. PYCROFT,
Chief Secretary.

To the Commissioner of Police,
(with an enclosure returned.).
,, Magistrate of
,, Sessions Judge of
,, Principal Inspector General Medical Department.

Exd. F. Cartledge.

Madras Police Commissioner's
Office 4th April 1862.

From
Major W. J. Wilson
Commissioner of Police.

To
The Registrar
Sudder and Foujdary Adawlut
Madras.

Sir,

I have the honor to forward a letter from Assistant Surgeon Mason to my address which I request you will be good enough to lay before the Judges.

2. I have this day received a letter from the Judge of Tinnevelly advising me of his having dispatched a Lunatic for admission into the Asylum at this place, but as there do not appear to be any Certificates such as are required by the Medical Authorities, or any order from the Inspector General of Jails authorising the transfer, in all probability the patient will be refused admission.

3. I therefore request you will move the Judges to issue such instructions to the Judges and Magistrates in the Mofussil as may ensure the transmission to Madras of all necessary documents in such cases.

4. It appears that all Insane patients are

Sent

sent to the care of the Commissioner of Police under an old order of the Polijdary Court dated in June 1839, but as that officer has no accommodation at his disposal for the reception of such persons, it would be extremely inconvenient to find that the Medical Authorities objected to admit them - and I have therefore brought this matter to Notice.

I have &c

(Sign^d) W. J. Wilson

Commissioner of Police

Madras 12th April 1862.

From

The Acting Deputy Registrar

of the Sudder Court

To

Major W. J. Wilson

Commissioner of Police.

Sir,

I have Knowledging the receipt of your letter dated the 4th instant, I am directed by the Judges to inform you that they have no authority to issue the instructions referred to, this branch of the administration having, by Act VIII of 1856, been transferred from their control to that of the Inspector of Prisons, and that you should therefore address either that officer or the Sessions Judge of Nundial for the necessary certificates; or with reference to Section 394 of the Code of Criminal Procedure, communicate with the Government on the subject.

I have &c

(Sign^d) Thos Wilkins

Act^g Dy Registrar

Sudder Court
Registrar's Office
12th April 1862

3rd

P.S. The original Enclosure is herewith returned.

(True Copies)

Commissioner of Police.

No 38

Madras Police Commissioner's
Office, 14th April 1862.

From

Major W. F. Wilson
Commissioner of Police

To

The Honorable T. Pycroft
Chief Secretary to Government
Fort St George.

Sir,

I have the honor to inform you
that in conformity with an old Order of
the Madras Supreme Court
dated 1st June 1829, Lunatics from
the Mofussil are occasionally forwarded
to the Commissioner of Police at Madras
to be sent by him to the Lunatic Asylum
in the Vepery Poorhouse. Captain
Captain having been sent to Allepie on
the Salem Judge at Nundial to
was admitted into the Asylum, but
I have at the same time applied by
the Medical Authorities that no Patient
could be received in future unless ac-
companied by the Medical Certificate
required by Act XXIII of 1858 and Form
was requested to call upon the Super-
at Nundial to forward the necessary
Documents, which I did accordingly.
On the 1st Instant I received
intimation from the Collector of Trichinopoly

2. 1862 Dpt.

Enclosure in a letter from
the Commissioner of Police
dated 14th April 1862,
No. 38.-

From
The Commissioner of Police

To
The Secretary
Judicial & Revenue Department
Madras.

Dated 14th April, 1862.

Forwards a letter from
the Assistant Surgeon in
Charge of Lunatic Asylum
& requests to move the
Judges to issue instruc-
tions to the Judges
& Magistrates in the
Mofussil as will include
the transmission of all
necessary documents
in Cases of Lunatics
being sent to Madras.

Jud 786/62

Inclinopoly that he had dispatched an Insane patient for admission into the Lunatic Asylum here, but as that Officer also had omitted to send the Certificate required by the Surgeon of the Asylum I considered it desirable that the attention of the Magistrial authorities should be called to the Provisions of the Act in question, and supposing that the proper mode of attaining that object was through the Judges of the Sudden Court, I addressed the Registrar on the subject and herewith enclose his reply.

4 I am thereby advised either to address the Inspector of Prisons with reference to Act VIII of 1856, or this Government with reference to Section XVI of the Code of Criminal Procedure.

5 The Act specified is that which created the office of Inspector of Prisons, and the Sections of the Criminal Code had reference solely to Criminal Lunatics.

6 The Act under which the Medical Authorities require a Certificate was passed in 1858, and seems to have been intended to provide for the safe custody of Lunatics not being Criminals. Section XI of this Act gives the Inspector of

Jails power to direct the removal of any Lunatic from any Public asylum to any other public asylum within the Circle of his Inspection, but it does not appear that Lunatics can be confined in the first instance except in the mode prescribed in Section IV—

7 The Inspector of Prisons does not appear to have ordered the transfer of either of the Insane patients in question, and as I did not receive any Warrant with them I infer that neither of them were Criminal Lunatics.

8 In order to obviate the inconvenience which must necessarily arise if Insane persons sent from up Country are refused admission into the Lunatic Asylum I have thought it advisable to submit the matter for the consideration of Government.

9 The Correspondence noted in the margin is herewith forwarded.

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

Commissioner of Police

1 Letter from Asst. Surgeon Madan (to be returned)
2 Copy of Letter to Registrar of Court
3 Copy of Letter from Do.
not to be printed.

Judicial Dept.

Proceedings of the Madras Govt.

Read the following letter from the Commissioner of Police

(R.E. 11 April 1862 No 39)

Order thereon, 29 April 1862 No 684

The Government do not understand on what grounds the Lunatics referred to in the above letter were sent to Madras by the Session Judges of Trichinopoly & Tinnivelly.

2. If the persons were not Criminal Lunatics, but persons falling under Act XXXVI of 1858 they should have been forwarded to the Lunatic Asylum of the Presidency by the Magistrate with the Medical Certificate A required by the fourth section of the Act.

3. If the individuals were Criminal Lunatics their cases fall under Act IV of 1819 and the XXVII th Chapter of the Code of Criminal Procedure and their cases – unless they were released

Judicial 15 Apl 1862 No 684
Letter from Supt of Police
Commr of Police
dated 11th April 1862
Forwarding Certificates
of Lunacy of
Two Persons

Read 29th April 1862
Ordered 29th April 1862
Answered

Resolved that the Medical Certificates be returned to the Commissioner of Police with the information that the Lunatics mentioned therein will be forwarded to the Lunatic Asylum under the Certificate marked A required by Act XXXVI of 1858 and requesting that a Medical Certificate may be furnished in the form prescribed by that Act.

23 April 1862

released on Security under Section 390 of the Code should have been reported to Govt.

4. The Govt. resolve to furnish a copy of the Commissioner's letter to all Judges and Magistrates - and to direct all Magistrates whenever they may forward Lunatics to the Lunatic Asylum at the Presidency to be careful to send to the Officer in charge of the institution the Certificate A required by Section IV of Act XXXVI. 1858. Magistrates will further be ordered not to forward any Lunatics to the Presidency until they have communicated with the Medical Officer in charge of the Asylum and ascertained from him that the Lunatic can be received. If he cannot be received into the Madras Asylum provision must be made for his detention and treatment in the Zillah Jail or other place that may be available. —

To the Commissioner of Police
" Magistrate of ——— with one enclosure each
" Sessions Judge of ——— the several Districts
" Principal Asstt. Surgeon, Med. Dept. ——— the several Zillahs

Dated 30th

Dupt. 30th

Judicial 1862 Depts

No 684.

Prov. of Govt.

D/29 April 1862
Feb 2010

Instruct all Magistrates & Judges as to the steps they are to adopt whenever they may have to send any Convicts to Malacca.