MR. O. 1—32,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1857 Press ~~Mis.~~

263-265

Dated 28.11.1863 ~~19~~ .

4/5

Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department, 28th November 1863.

Read the following papers :—

No. 263. From W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Cannanore, 28th October 1863, No. 2756.

General Department.

General instructions are required for the guidance of Magistrates and Police Officers in regard to the custody, at Madras, of property involved in cases coming before the High Court from up-country stations.

2. Magistrates hand over prisoners and property in such cases to the Police to escort to Madras. The Prisoners are lodged in the Penitentiary in the custody of the Sheriff, but the Clerk of the Crown refuses to have any thing to do with the property. The Commissioner of Police likewise refuses to take charge, and the Madras Police has no jurisdiction within the limits of the High Court, nor have I place nor establishment for the custody of property.

3. I beg that the Law Officers of the Government be called on to draw up rules of practice for our guidance.

Referred to the Commissioner of Police for his remarks.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

4th November 1863.

No. 264. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 7th November 1863, No. 135.

I have the honor to submit the following remarks upon the subject contained in the letter from the Inspector General of Police noted in the margin.

No. 2756, dated 28th October 1863.

2. The course pursued with regard to the custody of property which is to be produced before the High Court in cases committed by the Presidency Magistrates is this :—

I. If the subject matter of the charge consists of Bank Notes, Bills or papers of any kind, they are appended to the depositions in which they are specified, and returned with them to the Clerk of the Crown.

II. If the property is composed of valuables or money, it is made over by the Committing Magistrate to one of his Clerks who attends at the trial to produce it.

III. Bulky articles, such as timber, or bales of goods, remain in the custody of those Police Officers by whom they were recovered.

3. The practice in force here with respect to Bank Notes, &c., should be followed by the Magistrates in the Mofussil.

4. As stolen property is brought before the Court for the purpose of its being sworn to by the owner, and by the person or persons who recovered it, which last are in most instances Officers of Police, it is clear that it is essential to preserve the power of identification, and the property should consequently pass through as few hands as possible. I would therefore advise that such property be retained in the custody of the Police Officers by whom it was recovered, and that it be produced by them at the trial, which I believe is the regular and acknowledged course of procedure.

5. If I am rightly informed, the practice in the Mofussil has been to pass on the prisoner together with the property from station to station, so that by the time it arrives at Madras it may have been in the possession of a number of different persons, which circumstance would be the source of considerable inconvenience if any question should arise during the trial as to identity.

6. There is not any necessity that the property should be brought to Madras until the Sessions commence, and it might then be deposited in the Central Office of the Inspector General, a building which is considerably larger than the Office of the Commissioner of Police.

of the property to be selected

Proceedings of the Madras Government, Judicial Department,
28th November 1863.

No. 265. ORDER THEREON, 28th November 1863, No. 1857.

The Governor in Council observes that there is no necessity for property which is to be produced in cases before the High Court being sent to Madras until the Sessions commence. Some of the witnesses to be examined regarding such property will almost always be Police Officers, so that it will rarely be necessary to send men to Madras expressly for that purpose, while in cases when any question may arise as to the identity of the property, its retention till required at the local Police Station, and subsequent conveyance to Madras without changing hands will be a great advantage.

2. The property can be deposited during the few days that may elapse after its arrival in Madras in the Office of the Inspector General of Police.

3. This order will not apply to Bank Notes, Bills and papers of all kinds required to be produced in the High Court, which should be appended by the Magistrates to the depositions in which they are specified and sent with the latter to the Clerk of the Crown.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Judicial Department

Proceedings of the Madras Government

Read the following letters

From the Inspector General of Police - 25th Octr 1863 No 2756

— do — Commissioner of Police - 7th Novr 63 No 3/3

Order thereon 28 November 1863 No 1857

The Governor in Council observes that there is no necessity for property which is to be produced in cases before the High Court being sent to Madras until the Sessions commence. Some of the witnesses to be examined regarding such property will almost always be Police Officers, so that it will rarely be necessary to send men to Madras expressly for that purpose, while in cases when any question may arise as to the identity of the property, its retention

till required at the local Police Station, subsequent conveyance to Madras without changing hands will be a great advantage.

2 The property can be despatched during the few days that may elapse after its arrival in Madras in the office of the Inspector General of Police.

This order will not apply to Bank Notes, bills, papers of all kinds required to be produced in the High Court, which should be appended by the Magistrates to the depositions in which they are specified & sent with the latter to the Clerk of the Crown.

Crown — W.H.

To Inspector Genl. of Police. Commissioner of Police. All Magistrates.

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D/ 28th November 1863.

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