M.R..O. 1—32,000—16-10-99.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1879 Press —Mis.—

17-18

Dated 2-12- 1863 —19—

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Not to be folded or roughly handled

Ors

Proceedings of the Madras Government, Judicial Department, 2nd December 1863.

No. 17. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 27th November 1863, No. 3210.

General Department.

The Superintendent of Police, Nellore, reports that the Sub-Magistrate of Nellore issued a Warrant directing the Police to "search any house that the complainant may point out."

2. On reporting the matter to the Magistrate he did not consider it illegal, though he disapproved of the conduct.

3. This is by no means the first time that the Police has been directed by an open Warrant of this kind, to search any house pointed out, and arrest any person suspected by the complainant or the head of the village or the like.

4. I am satisfied that such Warrants are quite *illegal*, under the law and by reason of uncertainty. The impropriety of such a practice requires no comment.

5. Such a system is unnecessary. For Police Officers can search a house in which there is reasonable ground to suppose that stolen property is concealed without Warrant, and on their own individual responsibility.

6. A distinct rule must be laid down. And I propose instructing the Police, respectfully to decline to execute such general Warrants. But I should be glad, if the Government doubts the view I take of the law, to have the opinion of their Law Officer before doing so.

No. 18. ORDER THEREON, 2nd December 1863, No. 1879.

The Governor in Council entirely concurs in the opinion of the Inspector General of Police, that the issue of general Warrants of the nature of that referred to in the first paragraph of the foregoing letter, is illegal.

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

Exd. T. McMootry.

Order 2nd December 1863 No. 1879.

The Governor in Council entirely concurs in the opinion of the Inspector General of Police, that the issue of general warrants of the nature of that referred to in the first paragraph of the foregoing letter, is illegal.

To The Insp.r General of Police dis.d No. 9 &c
The several Magistrates.— dis.d No. 7 &c