M.R.O. 1—39,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1567	Press / ~~Mis.~~
236-238 Dated	31-10- ~~19~~ 1864	

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 31*st October* 1864.

Read the following papers:—

No. 236. From W. ROBINSON, Esq., Inspector General of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 10th October 1864, No. 2092.

General Department.

I have the honor to request that, if the Government see good, the accompanying point may be submitted to the Government Law Officers for opinion.

Memorandum from the Superintendent of Police, Coimbatore.

Are European British subjects punishable by a Magistrate for offences made punishable by Sections 47 and 48, Act XXIV of 1859?

2. There is no reservation in the Act exempting European British subjects; is the power to punish therefore to be taken as implied?

3. I am of opinion that any Magistrate is competent to try and punish European British subjects for offences defined in the Police Act.

4. The question has already been decided as regards European *Police Officers*, and the decision in those cases would equally apply to other Sections of the same Act.

(Signed) T. WELDON, Captain.
Superintendent.

6*th October* 1864.

Referred to the Advocate General for his opinion.

2. It would appear on reference to the provisions of Section 1, Act XVIII of 1859, that European British subjects, committing any of the offences provided for in Sections 47 and 48, Act XXIV of 1859, are punishable only by the High Court.

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

Fort Saint George,
14*th October* 1864.

No. 237. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 21st October 1864, No. 566.

I have the honor to acknowledge the order of Government noted in the margin (with its enclosures), relative to the jurisdiction of Magistrates over European British subjects in respect of offences falling within Sections 47 and 48 of Act XXIV of 1859.

Dated 14th October 864, and made on letter from Inspector General of Police to Government of 10th idem, No. 2092.

2. I have submitted them for the consideration of the Advocate General, and have also conferred with him thereon; and,

3. I now forward a copy of his Opinion, and return the order and enclosures above noted.

COPY—OPINION.

I do not think that European British subjects, charged with the commission of offences under Sections 47 and 48 of Act XXIV of 1859, can be tried before a Magistrate in the Mofussil.

2. Section 26 of the Criminal Procedure Code reserves to British subjects their privilege of being tried exclusively by the High Court, for offences committed beyond the local limits of such Courts.

3. I fail to see any analogy between the cases of European Police Officers and ordinary European offenders against Sections 47 and 48. The Police Act has for one of its special objects the summary punishment by Magistrates of *all* the members of the Police force. European British

Proceedings of the Madras Government, Judicial Department,
31st October 1864.

subjects taking employment in the Police do so with their eyes open, and electing to subject themselves to the jurisdiction of Mofussil Magistrates for all offences against the Police Act. The ordinary European British subject has come under no such engagement. He has not waived a jot of the privilege with which the policy of the law at present shields him.

(Signed) J. B. NORTON,
Advocate General.

MADRAS, 19*th October* 1864.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 238. ORDER THEREON, 31st October 1864, No. 1567.

Communicated to the Inspector General of Police, and to all Magistrates of Districts.

(True Extract.)

Chief Secretary.

To the Inspector General of Police.
„ Magistrate of

Exd. J. Tulloch.

Proceedings of the Madras Govt.
Read the following letters—
From the Inspector Genl.
of Police — Enter 10 Oct. 64 No. 2092.
" the Govt. Solicitor — 21 do — 566.

Order— 31 Oct/64 No 1567
Communicated to the Inspector Genl. of Police, & to all Magistrates of Districts.

The Inspector Genl. of Police. } 31
" Magistrate of the Nilgiris } Oct/64