M.R.O. 1—23,000—16-1[illegible]-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 786 Press Mis.

293 · 294

Dated 31 — 5 — ~~19~~ 1886

3/4.

Not to be folded or roughly handled

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

Read the following papers :—

No. 293. From V. H. LEVINGE, Esq, Magistrate of Madura; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madura, 7th May 1864, No. 126.

I have the honor to solicit the orders of Government as to by whom the stripes are to be administered in cases in which flogging is adjudged by the Magistracy.

2. There is some doubt as to whether, the Police, Jail warders, or the Daloyets attached to the Collectors' establishments should do such duty; the Magistrates have no Daloyets attached to them in their Magisterial capacity.

3. At the Cusba station sentences could be carried out at the Jail, where a Medical officer is always in attendance, and if the Jail warders are to execute the flogging, I request the Government will issue an order, directing the Sessions Judges in charge of the Jails to allow the Jail warders to carry out the sentence on the requisition of the Magistrate The Government will have to give an order on this point, otherwise a Sessions Judge or officer in charge of a Jail might refuse to allow his warders to do such duty.

4. In out-stations the Magistrate's orderlies might inflict the stripes. I understand Mr. Robinson objects that such is not the duty of the Police, but it appears to me that it is a part of their duty to carry out sentences passed on criminals: they guard them while at work, and could as well be employed in flogging them, which is only a very short affair and would not take up very much of their time.

Referred to the Inspector General of Jails and Police for their remarks.

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

Fort Saint George,
13th May 1864.

No. 294. From J. ROHDE, Esq., Inspector General of Jails; to A. J. ARBUTHNOT, Esq, Chief Secretary to Government, Fort Saint George, dated Ootacamund, 17th May 1864, No. 744.

In acknowledging your reference, under date 13th May, of Mr. Levinge's letter, No. 126, 7th May 1864, regarding the means of carrying out sentences of flogging, I have the honor to state that the officer to whom the warrant is addressed is clearly the proper person to carry out the sentence whatever it may be. I have provided for the proper carrying out of sentences of stripes in the Jails under my immediate control, and it rests with the Magistrates to make arrangements for the infliction of "whipping" in the subsidiary Jails to which, under the orders of Government, all cases not involving imprisonment exceeding 15 days are committable, even in the station of the Jail.

2. I have, if my recollection is correct, seen some orders of Government, not officially communicated to me, relative to the carrying out of such sentences in presence of a Magistrate. If Jail warders are to carry out such sentences it must be under general orders from the officer in charge, and not under the supervision of a Magistrate; warrants may be addressed to Jailers whether for imprisonment, fine or stripes and such warrants are carried out under rules prescribed, but Jail warders should not in my opinion be placed at the Magistrates disposal to inflict "whipping" under his orders if such is meant.

No. 295. From W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 30th May 1864, No. 1146.

General Department.

With reference to the letter of the Magistrate of Madura, No. 126, dated 7th May 1864, I have the honor to state that I think that Magistrates' sentences inflicting corporal punishment must be executed by the Police.

2. If approved I will issue instructions to that effect to the Police.

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

No. 296. ORDER THEREON, 31st May 1864, No. 796.

The Governor in Council directs that the duty of executing sentences of whipping shall be performed by the Police.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

Pro No. 49-50
5-4-64
13-15
7-5-64

To the Magistrate of
" Sessions Judge of
" Inspector General of Jails.
" " of Madras Police.

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following

Letters

From the Magistrate of Madras / Rec'd dated 7th May 1864 No. 1269
— Insp. General of Jails / — 18th — 764
— Insp. Genl. of the Police / — 30th — 1146

Order thereon 31st May 1864 No. 796.

The Governor in Council directs that the duty of executing sentences of whipping shall be performed by the Police.

To the Magistrates of Madras & the several Districts
" Sessions Judges of the several Circuits
" Insp. Genl. of Jails
" of the Police.

Desp. 6/6

Political 1864. Department.

No. 196

PROCEEDINGS of GOVERNMENT.

Fe. 262/66.

Dated 31st May 1864.

290 296