

(1) Number of pages 4(2) Date of repair 29-9-88(3) Initials of the Referencer low

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial, DEPARTMENT

G.O. No.	550	Press.
B.P. No.		Mis.
Dated	31-3-1868	197.

S. G. N.

Not to be folded or roughly handled

550

Proceedings of the Madras Government, Judicial Department,
31st March 1868.

Read the following:—

No. 313. Proceedings of the Government of India, Military Department, dated Fort William, 27th February 1868.

Read letter from the Adjutant General, to the Secretary to the Government of India, Military Department, dated Head Quarters, Calcutta, 7th February 1868, No. 113 G-C.

I beg to acknowledge receipt of your office communication, No. 1420, of the 29th ultimo, forwarding the papers as per margin, (herewith returned,) and requesting the early opinion of the Commander-in-Chief on the question referred by the Governor General's Agent for

1. Military Department, docket No. 1420, 29th January 1868.
2. Foreign Department, docket No. 262, 20th December 1861.
3. Letter No. 10K, dated 5th December 1867, from Agent G. G. for Central India, with two enclosures.

Central India, whether the Act No. XXII. of 1864 has superseded the 84th and 85th Articles of War for the Native troops, the first of which provides for the punishment of non-military persons for breach of Cantonment Regulations, the second for the punishment of camp followers for breach of good order.

2. In reply, I am directed by His Excellency to observe that the 36th Section of Act XXII. of 1864 declares that nothing in the Act shall interfere with the jurisdiction of Commanding Officers under the Native Articles of War, provided that at all places where a Cantonment Magistrate has been appointed and authorized to dispose of offences in breach of the rules to be framed under the 17th Section of the Cantonment.

3. If, then, the Government of Bombay has extended the provisions of the Act, under the authority of the 40th Section, to Cantonments of the Bombay Army, and has also authorized rules under the 17th Section, then the 84th Article of War has, in the opinion of the Commander-in-Chief, become inoperative at stations where there are Cantonment Magistrates.

4. I am to add, that His Excellency considers that the 85th Article is in no way affected by Act XXII. of 1864.

No. 1471.

Copy of the above forwarded to the Foreign Department for information, with reference to its docket No. 262, dated 20th December 1867, the enclosures of which are herewith returned, as requested.

2. The Government of India in this department is of opinion that the letter correctly states the effect of Act XXII. in the cases in question.

(By order,)

(Signed) B. E. BACON, Lieut.-Col.,
Offg. Depy. Secy. to the Govt. of India.

No. 84.

CIRCULAR.

Copy forwarded to Secretary to Government, Fort Saint George, for information.

FOREIGN DEPARTMENT,
JUDICIAL, 13th March 1868.

(Signed) J. T. WHEELER,
Asst. Secy. to the Govt. of India.

Proceedings of the Madras Government, Judicial Department,

31st March 1863.

No. 314.

ORDER THEREON, 31st March 1863, No. 550.

Communicated to the Magistrates of the several districts and to the Inspector General of Police.

(True Extract).

R. S. ELLIS,
Chief Secretary.

To the Magistrate of
Inspector General of Police.

550
Military Department, Fort William, the 27th February 1863.

From Colonel H. E. Lumsden, C. B., Adjutant General, to the Secretary to the Government of India, Military Department, — (No. 1136-C, dated Head Quarters Calcutta, the 7th February 1863.)

I beg to acknowledge receipt of your office communication No. 1129 of the 20th ultimo, forwarding the papers as per margin (herewith returned) and requesting the early opinion of the Commander-in-Chief on the question referred by the Adjutant General's Agent for Central India, whether the Act No. XXII of 1861 has superseded the 84th and 85th Articles of War for the Native troops.

the first of which provides for the punishment of non-military persons for breach of cantonment regulations, the second for the punishment of camp followers for breach of good order.

2. In reply, I am directed by His Excellency to observe that the 86th section of Act XXII of 1861 declares that nothing in the act shall interfere with the jurisdiction of Commanding Officers under the Native Articles of War, provided that at all places where a Cantonment Magistrate has been appointed and authorized to dispose of offences in breach of the rules to be framed under the 17th section of the said Act, Article 84 (Native Articles of War) shall cease to be operative in the cantonment.

3. If, then, the Government of Bombay has extended the provisions of the act, under the authority of the 49th section, to cantonments of the Bombay Army, and has also authorized rules under the 17th section, then the 84th Article of War has, in the opinion of the Commander-in-Chief, become inoperative at stations where there are Cantonment Magistrates.

4. I am to add, that His Excellency considers that the 85th Article is in no way affected by Act XXII of 1861.

No. 1471.

Copy of the above forwarded to the Foreign Department, for information, with reference to its docket No. 262, dated 20th December 1862, the enclosures of which are herewith returned, as requested.

2. The Government of India in this department is of opinion that the letter correctly states the effect of Act XXII in the circumstances.

By order,

Wm. B. Bacon, Esq.

Offg. Depy. Secy. to the Govt. of India.

Exd. P. C. Mockerjee.

Circular

No. 84.

315-314..

Copy forwarded to Secretary of Government at
St. George for information.

Foreign Depart

Judicial

No 13th March 1862.

J. J. Brindley

Chief Clerk of the Court

For

Communicated by letter on
the 1st of March 1862
of 1862 in accordance with
the instructions of the
Honble Secy of the
Judicial Dept.

No 710

13th March.

Received 1862 No 13th
from
Chief Clerk of the Court
for the
Honble Secy of the
Judicial Dept.

With an article.

315-314.

11 March 1862 No 550.

Communicated to the
Magistrate of the District
and to the
Magistrate of Police.

By the Magistrate of the District
- - - - -

[Signature]
Chief Clerk