

CONFEDL GO

Spec. I (i) L-10,000-7-10-78.

- (1) Number of pages 12
(2) Date of repair 28.9.73
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDL DEPARTMENT

CON FDL GO

G.O. No. 2382 Press
B.P. No. Mis.

Dated 21-10-1987 107

Not to be folded or roughly handled

BG

F C

C. S.

INDIAN TELEGRAPH

Local No.

054412

To (Station)

Madras

From (Station)

Tirupattur

Word.

Day.

Hour.

Minute.

OFFICIAL INSTRUCTION.

86. 17. 18 23 Depd.

To (Person)

Madras

From (Person)

District

Magistrate

Your telegram 26th Instant
 since release on bail
 Hurley is found quite
 harmless he is reported
 to be in preparation
 for marriage he is
 naturally of excitable temper
 Deputy Magistrate Tirupattur
 reports that Hurley's arrest and
 commitment to Asylum in
 such high spirits may lead
 to drive him insane
 again therefore beg to know.

RECD. FROM

L. N.

SENT TO

L. N.

AT

Hrs.

Mts., By

AT

Hrs.

Mts., By

Date

MADRAS 17-10-87

Telegraph Master

FO

Class.		INDIAN TELEGRAPH.				Local No.
To (Station)				From (Station)		
Words.	Day.	Hour.	Minute.	OFFICIAL INSTRUCTION.		
To (Person)				From (Person)		

(2)

? have

If I may have
him unarrested on Bond
from his Relatives to
prevent him from mischief
to self or others
and to produce him
when called for

RECD. FROM		L. N.	SENT TO		L. N.
At	Hrs.	Mts., By	At	Hrs.	Mts., By
Date		MADRAS 17-10-37 Telegraph Master.			

was at all events warranted as to
confinement only until discharged
accord to law.

Now under sec 31 amended last can
order removal to an asylum during
the term of the term governed by the
magistrate's warrant, or if on the expira-
tion of that term it is certified by
a mag. officer that he, then until
he is discharged accord to law. Now?
that the warrant of 18th Nov. authorizing
detention at all beyond the term of
imprisonment, it is a cont. precedent
to the validity of such detention that
there shall be a certificate to that
effect stated. Now is nothing to
show that such cert. had been
made & in its absence Hurley's detention
was illegal & his warrant equally
illegal.

Waylin man was detained at Waller
after the report in 18 Nov. & the order
for an early transfer is inexplicable.
Apparently he was there till 1st Oct. 77
when he escaped.

It is a fact he required to report
fully why he was not sent down
to Madras & whether the cert. req.
by Act X/86 was furnished. Meanwhile
he may if he thinks fit discharge
the man under sec X Act 36/88, or
have him on bail as proposed in
this telegram.

7777
20 Oct.

400 2287 A. 6-10-27 line
3041 15-11-86
2678 6-10-86

Judicial

DEPARTMENT

Telegram

From D^r Magistrate
Vijayapattinam

Will.

For orders.

all. H.C.
18/10 18/10.

I am afraid Hurley's detention is altogether illegal. He was imprisoned in jail under a Magistrate's warrant purporting to come from the District Magistrate dated 1 Sept 86. The warrant expired on 31 Dec 86. In Sept 86 he was reported missing & his case fell to the District Magistrate. On 4/9/86, § 21 was issued by the District Magistrate. It is difficult to say what warrant was issued under § 20, 6 Oct 86. Hurley must have been in custody at the District Magistrate's office at Madras & Waller, for the order was for a transfer to the latter only when room was available. As before, Hurley was ordered a transfer to Madras & a warrant dated with the former order is also by the District Magistrate. It is the one under which Hurley was detained. Hurley has not stated the other way order. Why it is addressed to the Waller District Magistrate I do not know.

However after 15 Nov 86 he was under orders for an early transfer from the District Magistrate to the Madras Asylum.

C.19/80
R.12/10

No.

Dated 17th Oct 87
Received 18th Oct 87
Enclosures

SUBJECT.

Reg: the arrest
to Asylum
& commitment of Hurley

PROCEEDINGS OF THE MADRAS GOVERNMENT.

I have dismissed two of the papers. The main point however remained & is properly dealt with in this draft. The Magistrate however only gave him on bail now. Which means that he had better not discharge the Wote. man pending further orders of the Court. If the order is passed by the C.S., the telegram will be deep. & the rest of the order sent for the M's approval.

2. Submitted that if the Telegram of the 15th Nov 86 in G.O. 6th Oct 87. No 2287 A. it would appear that the order of 15 Nov 86 No 3041 was obeyed, & Hurley transferred to Madras & A. & that he made his escape thence & returned to Vijayapattinam. In that telegram "Asylum" in line 5, must refer to "Madras Lunatic Asylum" in line 3 & 4. The illegal detention, therefore, prob. occurred in Madras, not in submitted that the report should be obtained from the S.G. with G.O. instead of the D^r Magistrate.

3. The warrant dated with G.O. 6th Oct 86. No 2678 no doubt belongs to G.O. 15 Nov 86 No 3041. It was perhaps put with the former as substituted for the first warrant. But it does not appear that the warrant is addressed as the Honble Member says to the Supt. both at Madras & Waller. It is addressed to the Supt. of the Vijayapattinam Jail who was to despatch the lunatic & to the Supt. of the Madras Asylum who was to receive him.

all. Right. P.H.

The reference to Surgeon General is marked urgent & confidential

It is better to ask S.G. to report at once, which he can do with after reference to the Madras Asylum. Exp: from Vijayapattinam. Then be called for if necessary. I must therefore allow the draft

Judicial Department.

Read again G.O. 6 Oct 87. No 2678 & 15 Nov 86. No 3041, & 6th Oct 1887. No 2287 A. also READ the following

Telegram from D^r Magistrate, Vijayapattinam dated 17 Oct 87.

Order. 21st Oct 87 No 2382

Ordered that the following telegram be despatched to the D^r Magistrate, Vijayapattinam:

"Your telegram 17th & Government sanction your leaving Hurley on bail as proposed or discharging him section 10 Act XXXI of 1858."

2. By G.O. 15th Nov 86. No 3041 the transfer of Hurley from the D^r Jail, at Vijayapattinam to the Lunatic Asylum at Madras was sanctioned, & a warrant under sec. 31 Act I of 1871 was issued accordingly. It is not clear whether

this transfer was ever carried out and the Surgeon General the Supt. of the District will report on this point. If the transfer was not made, explain why the order was not

were not acted upon. The Warrant
of the 15th November 1856, moreover,
only sanctioned the detention of Hurley
"until he shall be discharged according
to law." Hurley's term of imprisonment
expired on the 31st December 1856 & his
further detention could only be valid if
a certificate of a Med^l officer were made
to the effect that it was necessary for
his safety or for that of others that he
should be further detained. The Surgeon
Genl with Lt Col, after ascertaining where
Hurley was on the 31st Decr 1856, will
call on the officer in whose custody he
was on that day to state whether the
med^l certificate required by sec. 31 Act V
of 1871 as amended by Act X of 1856
was given, & if so to submit a copy
to Lt Col.

To
The Surgeon General
with the Lt Col of Madras

21/10
21/10
21/10

Tuck

23827
6

F.

Case of Lunalie Hurley
at Wigan

Hill

Confid.

C. 21/10

I
24/10

22

[7]

ORDINARY, M.S.

<i>judicial</i> DEPARTMENT.
G.O., DATED <i>21st July</i>
No. <i>2352-d</i>

✓ $\frac{222}{1857}$

When given for copying

[Despatch Abstract.]

Sancti Spiritus at Virginia
potam.

P. 165