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MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	2324-25	Press
B.P. No.		Mis.

Dated	18 - 11. 1878. 195
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Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

18th November 1878, No. 2324.

Town Police—Magistrate.

Read the following papers:—

No. 59. *From Major F. J. HICKS, Acting Commissioner of Police, to the Acting Chief Secretary to Government, dated Madras, 7th October 1878, No. 101.*

With reference to Section 6 of Act VIII of 1867, I have the honor to request that the sanction of the Government of India may be obtained to my being invested with the powers of a Magistrate of Police in like manner as my predecessors when officiating as Commissioner of Police.

No. 1929.

Referred, with all the previous correspondence, to the Advocate-General, for his opinion, with reference to recent changes in the law.

OOTACAMUND,
17th October 1878.

(Signed) C. G. MASTER,
Acting Chief Secretary.

No. 60. *From the Hon. P. O'SULLIVAN, Advocate-General, to the Acting Chief Secretary to Government, dated Madras, 25th October 1878, forwarding the following Opinion:—*

OPINION.

Section 6 of Act VIII of 1867 (Madras), by which the Government with the previous sanction of the Governor-General in Council may appoint the Commissioner of Police a Magistrate of Police for the Town of Madras, is still unrepealed. Section 8 of Act IV of 1877 (the Presidency Magistrates' Act) authorises the local Government to appoint Magistrates who shall be called Presidency Magistrates and who shall be Justices of the Peace, and such Magistrates are authorised to exercise the powers conferred by the Act upon Presidency Magistrates. Section 10 makes all existing Police Magistrates Presidency Magistrates. I think the Government may appoint the Commissioner of Police a Presidency Magistrate if it be necessary to do so. I do not know what magisterial functions the Commissioner of Police now discharges or would discharge if he be appointed a Magistrate, and therefore can say nothing as to the necessity, having reference to the existing law. But if appointed I presume he would not discharge purely judicial functions, but would do certain acts which only a Magistrate can do, like his predecessors in office, and which convenience requires should be done by the Commissioner of Police.

MADRAS,
25th October 1878.

(Signed) P. O'SULLIVAN,
Advocate-General.

No. 2196.

The Acting Commissioner of Police is requested to meet the Advocate-General, and inform him what magisterial functions the Commissioner should perform, if appointed a Magistrate. The Advocate-General will then state whether there is a necessity for the appointment, with reference to changes in the law, since the last appointment of a Commissioner to be a Magistrate.

OOTACAMUND,
28th October 1878.

(Signed) . C. G. MASTER,
Acting Chief Secretary.

No. 61. From the Hon. P. O'SULLIVAN, Advocate-General, to the Acting Chief Secretary to Government, dated Madras, 4th November 1878.

With reference to the Proceedings of Government, dated the 28th October 1878, No. 2196, I have the honor to state that I have conferred with the Acting Commissioner of Police upon the question whether it is expedient to appoint him a Magistrate for the city of Madras. I find that all the reasons are now operative which have heretofore induced the Government to appoint the Commissioner of Police a Magistrate and that under the existing law the Commissioner of Police may still exercise some of the powers of a Magistrate with advantage to the public. I recommend that the Acting Commissioner of Police be appointed a Presidency Magistrate under Section 6 of Act IV of 1877 for the city of Madras, but it should be intimated to him that he is only to perform such of the duties of a Magistrate as have hitherto been performed by the Commissioner of Police, and is not to discharge duties of a judicial kind.

No. 62. ORDER THEREON, 18th November 1878, No. 2324.

Resolved that the sanction of the Government of India be requested for the appointment of the Acting Commissioner of Police, Madras, to be a Presidency Magistrate.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the Acting Commissioner of Police, Madras,
" Advocate-General.

JUDICIAL DEPARTMENT.

Town Police—Magistrate.

No. 2325.

FROM

C. G. MASTER, Esq.,
Acting Chief Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

In forwarding the accompanying papers, I am directed by His Grace the Governor in Council to request the sanction of His Excellency the Governor-General of India in Council, for appointing Major F. J. Hicks, Acting Commissioner of Police for the Town of Madras, a Presidency Magistrate. The reasons for his appointment are the same as those mentioned in previous applications.*

File letter to Government of India, dated 3rd February 1869, No. 166, and papers therein referred to.
Vide letter from Government of India, dated 2nd March 1869, No. 131.

I have the honor to be,
Sir,
Your most obedient servant,

FORT ST. GEORGE,
18th November 1878.

Acting Chief Secretary.

Exd. A. S. Rodgers.

30-5-553V

Govt. of 1878

JUDICIAL

TO
THE ACTING COMMISSIONER
OF POLICE,
Madras,
Ac., Ac., Ac.

Dated November, 1878.

Issued

Recd.

Encl.

G.O., 18th November 1878, No. 2321.

NOVEMBER.
Nos. 50-53.

Town Police—Magistrate—Sanction of Government of India requested for the appointment of Major F. J. Hicks, Acting Commissioner of Police, Madras, to be a Presidency Magistrate.

Regt. Ho.

HOME

1878

DEPT

From the Government of
Port St. George.

Recd 18th Nov 1878.

No.

Encl.

Enclosure

Recd.

Spate copies

D. No.

Progs.

L. No 2325.

No.

2324

To the Police - Mr. ... - Requesting sanction
for the appointment of Major F. J. Hulse, Acting
Commissioner of Police, Madras, to be a Police
Magistrate.

Police ...
Inspector ...

Mr O'Sullivan told me on
Saturday that in his opinion
in the reference to P. of J.
was unnecessary as this
for it appears the Court
of Police is charged with
their own pleasure.

Mr Scherlie does
not entirely agree with
his learned brother

despatched
L

CHU
25/11

25/11 1225/11

Appointment of four of Police
as Magistrate

To G. of I. } ~~Read in court.~~
18 Nov 78, } This is the paper that the
Nº 23 24 } Advocate Genl mentioned
on Saturday.

Madras Act VIII of 1867 is the
Act under which the four of Police
is apptd. & by sec. 6, ~~it is prohibited to make~~
^{him} the Magistrate. The previous sanction
of the G. of I. Also the Presidency
Magistrate Act enables the Govt to appoint
Magistrate looking at the former exp. of
law. I don't think the present Magistrate
Act can supersede a special law re-
lating to the four of Police. Mr.
Carmichael had the A. G.'s opinion
before him when he drafted the papers.

M.S. 25.11.78.

No. 101

Commissioner's Office,

MADRAS POLICE,

7 October 1878.

FROM

The COMMISSIONER of POLICE,

MADRAS,

TO

The CHIEF SECRETARY to GOVERNMENT,

FORT SAINT GEORGE.

SIR,

With reference to Section 6 of Act
VIII of 1867, I have the honor to request
that the sanction of the Government of
India may be obtained to my being
invested with the powers of a Magistrate
of Police in like manner as my predecessors
when officiating as Commissioner of Police.

I have the honor to be,
Sir,

Your Most Obedt. Servant.

W. H. K.
Ag. Commissioner of Police

Referred, with all the previous corres-
pondence, to the Advocate General, for his
opinion; with reference to recent changes in
the law.

Ootacamund
17 October 1878

Chief Secretary
to the Advocate General.

Request that the
attention of Government
be directed to the
obtainment of the
united with the
powers of a Magistrate
of Police.

507176/1878
To
The Chief Secretary
to Government,
Fort Saint George,
Madras.
From
The Commissioner of Police,
Madras.
No. 111
Dated 7th October 1878.
Received
ENCLOSURE.

Original (1878) of the
Magistrate (1878)

Madras, 25th October 1878.

From
The Honorable P. Sullivan
Advocate General.

To
C. G. Master Esq.
Acting Chief Secretary to Government
Ootacamund.

Sir,
I have the honor to forward on the
other side my opinion regarding the invest-
iture of the Commissioner of Police with
the powers of a Magistrate of Police, and
referred to me by the order of Govern-
ment, No. 1929, dated 17th October 1878.

Letter from the Com^r The papers noted on the margin are
of Police to Govt. returned herewith.

Dated 7 Octo/78. No. 101.

G.O. No. 187. 14 Feb. 1861.

— 365. 15 Dec. 1861.

— 1026. 25 June 1868.

— 1297. 18 Aug. 1868.

Letter from Marquis
Govt. to Govt. of
India No. 166. 3 Feb.
1869.

G.O. No. 414. 13 March
1869.

I have the honor to be
Sir

Your most Obedient Servant

P. Sullivan
Advocate General.

Section 6 of Act ~~III~~ of 1867 (Madras), which the Government with the previous sanction of the Governor General in Council may appoint the Commissioner of Police a Magistrate of Police for the Town of Madras, still unrepealed. Section 8 of Act ~~IV~~ of 1877 (Presidency Magistrates Act) authorises the Government to appoint Magistrates who shall be called Presidency Magistrates and who shall be justices of the Peace, and such Magistrates are authorised to exercise the powers conferred by the Act upon Presidency Magistrates. Section 10 makes all existing Police Magistrates Presidency Magistrates. I think the Government may appoint the Commissioner of Police a Presidency Magistrate if it be necessary to do so. I do not know what Magisterial functions the Commissioner of Police now discharges or would discharge if he be appointed a Magistrate, and therefore cannot say nothing as to the necessity, having

T. J. Sullivan
Associate General.

The 25th October 1848. }
 25th October 1848. }
 25th October 1848. }

28 Dec 1966, 2196

Forwading his
papers regarding
the constitution of
the Comptrolers of
the Court with power
to a certificate of
office —
D^o
T^o the
Commissioner
of the
Land Office

10 of L. 2324 & 2325

April 25.
 April 26.
 No. 286

April 25.
June 26. 3

Sept 20

Dr. J. W. Smith

musical (1892) and
the (1893) novel

1890
August 1890

Madras, 4th November, 1878.

The Honorable P. Sullivan,
Advocate General.

b. G. Master Esq^r
Acting Chief Secretary to Government.
Fort St. George.

Sir,

With reference to the Proceedings of Govern-
ment dated the 28th October 1878, No. 2196, I
have the honor to state that I have conferred
with the Acting Commissioner of Police upon
the question whether it is expedient to appoint
him a Magistrate for the city of Madras.
I find that all the reasons are now operative
which have heretofore induced the Government to
appoint the Commissioner of Police a Magistrate
and that under the existing law the Commissioner
of Police may still exercise some of the powers
of a Magistrate with advantage to the public.
I recommend that the Acting Commissioner of
Police be appointed a Presidency Magistrate

11
under Section 6 of Act II of 1877 for the City of
Macras, but it should be intimated to him
that he is only to perform such of the duties
of a Magistrate as have hitherto been performed
by the Commissioner of Police, and is not to
discharge duties of a Judicial kind.

I have the honor to be
Sir

Your Most Obedient Servant

W. J. Sullivan
Associate General.

Trin. Trin. Trin. Trin. 12/10
 Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter from

the Ag. Commissioner of Police, Madras,
 dated 7th October 1878, No. 101.
the from Dr. J. S. 2/25/78 and 4/11
 Order thereon 18th Nov/78 No 2324

Resolved that
 the sanction of the Govt.
 of India be requested
 for the appointment of the
 Ag. Commissioner of Police
 Madras, ^{as a Pres.} ~~as a~~ Magistrate
 of Police ~~under~~ ⁱⁿ section
 by Act No. VIII of 1867
 of 1867

306 2 161. 700 17th 19th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th
 To the Ag. Commissioner of Police, Madras, No. 2325.
 - Advocate General. 3 To the Secretary to the
 Government of India
 Home Dept.
 22/11
 Sir, In forwarding the
 accompanying papers, I am directed
 by

Received 11/10/78 11/10/78
(from Police)
 From the Advocate General
 Madras.
 Dated 11.10.78
 Recd. 2.6.78
 No. 2324
 No. 2325
 No. 2326
 No. 2327
 No. 2328
 No. 2329
 No. 2330
 No. 2331
 No. 2332
 No. 2333
 No. 2334
 No. 2335
 No. 2336
 No. 2337
 No. 2338
 No. 2339
 No. 2340
 No. 2341
 No. 2342
 No. 2343
 No. 2344
 No. 2345
 No. 2346
 No. 2347
 No. 2348
 No. 2349
 No. 2350
 No. 2351
 No. 2352
 No. 2353
 No. 2354
 No. 2355
 No. 2356
 No. 2357
 No. 2358
 No. 2359
 No. 2360
 No. 2361
 No. 2362
 No. 2363
 No. 2364
 No. 2365
 No. 2366
 No. 2367
 No. 2368
 No. 2369
 No. 2370
 No. 2371
 No. 2372
 No. 2373
 No. 2374
 No. 2375
 No. 2376
 No. 2377
 No. 2378
 No. 2379
 No. 2380
 No. 2381
 No. 2382
 No. 2383
 No. 2384
 No. 2385
 No. 2386
 No. 2387
 No. 2388
 No. 2389
 No. 2390
 No. 2391
 No. 2392
 No. 2393
 No. 2394
 No. 2395
 No. 2396
 No. 2397
 No. 2398
 No. 2399
 No. 2400

by His Grace the Governor
in Council to request the
sanction of His Excellency
the Governor General of
India in Council, under
section 6 of Madras Act
VIII of 1867 for appointing
Major F. J. Hickes,
Magistrate of Police
for the Town of Madras,
a ^{Provisional} Magistrate of Police.
The reasons for his appoint-
ment are the same as
those mentioned in previous
applications.

Vide letter to Govt. of India
8, 3rd Feby 1869, N^o 766.
& papers thereon referred to.
• letter from D^o 2, 2 March
1869, N^o 131.

For St George
28th Nov 1870

25
10/10/78

27.

Dated
Recd.

—

187, No.

1501

Endorse letter from
James Watson

• Raymond, for all the
frankness and openness to the
world, for his openness to
reference to recent history
the case -