

(1) Number of pages _____
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(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No. ~~B.P. No.~~	452	Press. Mis.
Dated	16-2-1883	197

Not to be folded or roughly handled

Archives I-5,806-24-2-78.

Sub. Police - Arrests
orders as to the causing of death
by the police in effecting the
arrest of a runaway prisoner.

Archives I-10,006-9-89

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following papers:—

From Colonel H. D. CLOETE, Inspector-General of Police, to the Chief Secretary to Government, dated Madras, 25th October 1882, No. 5435.

Section 46 of Act X of 1882, after prescribing the manner in which arrest is to be made, declares that nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or transportation.

2. Clause 5 of Section 54 of the same Act, authorizes a Police Officer to arrest any person who attempts to escape from lawful custody; his power being of course limited by the proviso in Section 46 above quoted.

3. I think it is desirable that the effect of this change in the law should be distinctly ascertained especially as regards the legality of employing fire-arms in cases of attempted escape by gangs of convicts.

4. The orders of the Madras Police on the subject are Nos. 562, 568, and (indirectly) 582, annexed to this letter.

5. Under the law that will be in force after 1st January 1883, it will clearly be quite possible for a working gang of convicts quietly to disperse and make their escape. If they do not attempt to overpower their guard the latter will certainly not be justified in using their fire-arms.

6. As the orders of the Madras Police are in course of revision, I have the honor to request that the Police orders on this subject may be referred to the Advocate-General for his opinion as to the extent to which they require to be modified so as to be in accordance with the new Criminal Procedure Code.

562. JAILS.—*Duty of Police in preventing Escape of Convicts*

On a recent occasion four convicts from a working gang in charge of Police deliberately walked off and made their escape in broad daylight without the guard attempting to use their arms. The Police Officers excuse themselves by stating that they were afraid to fire on the prisoners, lest they should be tried for murder if they had killed any of them.

2. It is sound policy to be extremely cautious in the use of fire-arms on such occasions, but it is manifest that over-timidity is equally to be avoided. It is impossible to lay down exact rules as to when Police would be justified, and when not, in firing on prisoners attempting to escape—each officer must use his own discretion and judgment on each occasion, but as a general rule the Police should remember (1) That it is their duty to prevent escapes, and (2) To fire with effect or use their side arms when satisfied that escape cannot otherwise be prevented.

3. In the case in question, the watchmen were badly posted, the prisoners had only to cross a small open to obtain cover in the neighbouring jungle, and this, the weak point of the position, was left unguarded; but the instant the prisoners were seen making off, a shot should have been fired in the air as a warning to them and the rest of the Police on duty, and if when called on after that to stop, they declined to do so, they should have been immediately fired on. The discharge of one or more muskets in the air should everywhere be a signal of an escape. Working gangs should be at once marched back rapidly into Jail and every available Policeman sent on the tracks of the fugitives, whose pursuit should be systematically carried on under the direction of the Senior Police Officer present.

568. JAILS.—*Attempt to break.*

A plan was recently devised by a large gang of convicts in a Central Jail to make a rush at the Main Gate at the expiration of the hour of midday rest within the Jail and so escape. C.M., No. 42, 21st August 1869.

The time chosen was just when another gang would be marching outside again to work.

2. The plot was revealed and frustrated. But it is evident that the gang must have calculated on being able to get so close to the men of the standing guard drawn up at the gate, as to be able to grapple with and disarm them before they could use their weapons. Convicts will not face the certainty of a full volley at close quarters.

3. Arrangements must be made in all Jails to prevent such mischance as this. When gangs of convicts are marched in and out of the gate, the standing guard must on no account be drawn up within reach of them, but must command them from such a distance as to afford ample time to deliver a volley before the convicts can close in case of a rush.

4. The men will of course be instructed that it is their duty to fire at once and with effect in any such case.

5. No chance must be afforded to convicts of gaining possession of arms left in a guard-room.

582 JAILS.

Recently two convicts under sentence for dacoity were sent from Trichinopoly Central Jail to Madras (for trial in another case) without leg irons. They escaped from the Police Guard and one of them was shot during re-capture. Page 263, P.W.C., 1875.

The following extract from an Order of Government on the subject is published for the information and guidance of Police Officers.

Extract from G.O., dated 17th September 1875, No. 2035.

It is no doubt open to the Police (and this should be generally understood) to require that prisoners handed over to their escort shall be fettered in any case where they deem additional precaution against escape to be necessary; but here it was the special duty of the Superintendent of the Jail to have leg ironed two "desperate and powerful dacoits." His not doing so has resulted in a most daring attempt at escape, leading to the death of one of the prisoners.

From E. BARCLAY, Esq., Government Solicitor, to the Chief Secretary to Government, dated Madras, 8th February 1883, No. 61.

ABSTRACT.—Forwarding the following opinion of the Hon. P. O'Sullivan, Advocate-General, dated 8th February 1883:—

OPINION.

With reference to the Order of Government, dated 31st January 1883, No. 268, I concur in the opinion given by the Inspector-General of Police in his letter to the Chief Secretary to Government, dated the 25th October 1882, No. 5435, Judicial Department, that the orders of the Madras Police, Nos. 562, 568, and 582, are not in accordance with the law as it is stated in the new Code of Criminal Procedure. The result is that the Police are not warranted in causing the death of a person, not accused of an offence punishable with death or transportation, in effecting the arrest of any person under Sections 46 and 54 of the Code when the person arrested attempts to avoid arrest or to escape from lawful custody.

ORDER—dated 16th February 1883, No. 452, Judicial.

Communicated to the Inspector-General of Police.

2. The Government observe that this opinion must be read with the opinion communicated by the Advocate-General, for the information of the Inspector-General

on the 26th July last, when he was consulted as to the effect of Section 46 of the Code of Criminal Procedure, 1882. This Section 46 is the opening section of Chapter V "of arrest, escape, and retaking," and its last paragraph is not to be found in any of the preceding Codes. It is as follows: "Nothing in this section" which empowers the Police officer or other person making the arrest to use all means necessary to effect it, "gives a right to cause the death of a person who is not accused of an offence punishable with death or with transportation for life." On this the Advocate-General, after some preliminary remarks, offered the following observations:—

"2. Section 92 of the first Code, Act XXV of 1861, and Section 178 of Act X of 1872, the second Code, both in the same words, provide as follows: "If a person, against whom a warrant of arrest is issued, shall forcibly resist the endeavour to arrest him, it shall be lawful for the Police Officer, or other person executing the warrant, to use all such means as may be necessary to effect the arrest." Under this section a Police Officer might hurt, wound, or maim, if necessary to effect the arrest, or if doing an act intended to hurt, wound, or maim, in order to effect the arrest, death was caused, no offence would be committed. He might also cause the death of the person forcibly resisting arrest, subject to the condition that it was necessary in order to enable him to effect the arrest.

"3. Section 46 of the new Criminal Procedure Code says: "If such person forcibly resist the endeavour to arrest him, or attempts to evade the arrest, such Police Officer, or other person, may use all means necessary to effect the arrest. Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or transportation for life.

"4. A Police Officer charged with the duty of effecting an arrest is, also, I think, within the protection of the sections in the Indian Penal Code, providing, for the right of private defence, when the person to be arrested becomes the assailant. Where an assault is committed by the assailant, and the Police Officer reasonably apprehends that death or grievous hurt would be the consequence, as, for instance, where the assailant is armed with a deadly or formidable weapon, and threatens or attempts to use it, the Police Officer may cause the death of the assailant. But where no force is used and the person to be arrested escapes or bolts, or attempts to do so, the Indian Penal Code gives no protection to the Police Officer. In such case, if he commits, what is *prima facie* an offence, and particularly, if he causes death, he must rest his justification upon the Code of Criminal Procedure. The Code of Criminal Procedure does not expressly authorize the causing of death in any case. The new Code seems inferentially to sanction the causing of death where the accusation is of an offence punishable with death or transportation for life, but only where this is necessary "to effect the arrest." It appears to me that the cases in which it is necessary to cause death, in order to effect the arrest, must be comparatively few in number in this country, and that where the right of private defence does not arise, by reason of force used, a Police Officer cannot be too careful of human life. The ultimate escape of a criminal in most parts of this country, if he is sought for with vigilance is, I believe, a rare occurrence.

"5. It would not, in my judgment, be safe to attempt to lay down a set of propositions founded upon the words of Section 46 of the new Code. The law is not clearly stated therein with reference to cases likely to arise, and the negative proviso at the end does not go far to elucidate the law. Its effect seems to be that, when the person is not accused of an offence punishable with death or transportation for life there is no right to cause death; but where a person is accused of such an offence there is the right in some cases, that is, when it is necessary to effect the arrest. The section seems to me to give a very limited authority to cause death, and this appears to be the general effect of criminal legislation in this country. Giving the words used their primary meaning, it may be said that causing death is not a means necessary to effect the arrest, but rather of preventing it. It would seem, however, that the framers of the new Criminal Procedure Code included the causing death as a means necessary to effect the arrest, subject to the proviso; and that the prior Codes should be, or might be treated, as authorizing the causing of death. Yet it would, I think, be difficult to hold that the prior Codes give this power to cause death, at all events, in the case of a person accused of a trifling offence apart from the right of private defence. It will be observed that the prior Codes provided only for the case of forcibly resisting arrest, whereas the new Code provides for the case of attempting to evade arrest also."

3. An attentive consideration of the foregoing quotation will show the Inspector-General of Police that he is in error in assuming that, under the existing law, "it will clearly be quite possible for a working gang of convicts quietly to disperse and make their escape; for, if they do not attempt to overpower their guard, the latter will certainly not be justified in using their fire-arms." No such opinion has been enunciated for the guidance of the Police in a case such as that supposed. On the contrary they are empowered and specially bound to use all means necessary to effect the arrest of

such fugitives; but, except where the fugitives attack them, or otherwise evoke the right of "private defence" as defined in the Indian Penal Code, the guard would not be justified in causing death.

(True Extract.)

Chief Secretary.

To the Inspector-General of Police.
 „ the Inspector-General of Jails.
 „ all District Magistrates.
 „ the Government Solicitor.

Exd. A. Aubert.

J. H. G. P. 452

	Anantapur
	North Arc; Chittoor.
	South Arc; Cuddalore.
	Bellary.
	South Can; Mangalore.
	Chinglepu, Saidapet.
	Coimbatore.
	Cuddapah
Collector of ..	Ganjam, Chatrapur.
District Magistrate of ..	Godavari, Cocanada.
President Municipal Com- mission of ..	Kistna, Masulipatam.
Do .. L. F. Board of ..	Kurnool.
	Madura.
	Malabar, Calicut.
	Nilgiris (Ootacamund).
	Nellore.
	Salem.
	Tanjore.
	Tinnevely.
	Trichinopoly.
	Vizagapatam.

Archives - 10,006-9

Reed-Hill

No. 5435.

CHIEF OFFICE OF THE INSPECTOR GENERAL OF POLICE,
Madras, 25th October 1882

From

Colonel H. A. Clocke

Inspector General of Police,

To

The Chief Secretary
to Government
Colacmund

SIR,

Enclosures.

Section 46 of Act X of 1882, after prescribing, the manner in which arrest is to be made, declares that nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or transportation.

2. Clause 6 of Section 54 of the same act authorises a Police Officer to arrest any person who attempts to escape from lawful custody - his power being - of course limited by the proviso in Section 46

above

above quoted.

3. I think it is desirable that the effect of this change in the law should be distinctly ascertained especially as regards the legality of employing firearms in cases of attempted escape by gangs of convicts.

4. The orders of the Madras Police on the subject are nos 562, 568 and (indirectly) 582, annexed to this letter.

5. Under the law that will be in force after 1st January 1883 it will hardly be quite possible for a working gang of convicts quietly to disperse and make their escape. If they do not attempt to overpower their guard the latter will certainly not be justified in using their firearms.

5. As the orders of the Madras Police are

2 P
are in course of revision, I have the honor to request that the Police orders on this subject may be referred to the Advocate General for his opinion as to the extent to which they require to be modified so as to be in accordance with the new Criminal Procedure Code.

I have the honor to be,

Sir,
Your most obed^t servant,

H. J. Moore

Inspector Genl of Police

Print here, consecutively, the Madras Police orders nos 562, 568, and 582, the found in accompanying list.

see 3 to 5 (in Book)

order 31 Jan'y/83 No 268 (P.M.)
 Say / Copy of this letter & the
 printed volume contain-
 ing the Police orders will
 be furnished to the Auditor,
 with a request that he will
 give his opinion on the
 point raised by the I.C.

In the report submitted by Mr. B. J. J.
 on the 10th Sept. 1882.

Order
 The Inspector General
 of Police has
 already been informed
 of the opinion of the
 Adv. Gen. on the point
 raised in this letter, and
 the Govt. do not ex-
 pect it is expedient
 to issue further in-
 structions.

By Order
 G. P. J.

23/1/-
 Note The position is not satisfac-
 tory. Jail guards had better be
 out for arms if they may not
 use them unless absolutely
 necessary.

1882
 DEPARTMENT
 From
 Col. H. D. Clarke
 Inspector General
 of Police,
 Madras
 G. O. No. 268 (P.M.)

No. 5435.
 Dated 25 October 1882
 Received
 No.
 SUBJECT.

Requests that the Police
 orders within quoted may be
 referred to the Advocate General
 for any modification that may
 seem necessary in accordance
 with the new C.P.C. as the
 Madras Police orders are in
 course of revision.

Hints for the use of the Police.

"Hints on evidence in Criminal Cases for
 the use of Police officers" was published in 1865
 under the sanction of the Inspector General of
 Police, but it does not appear that the Govern-
 ment sanctioned the publication, or adopted the
 law there laid down. With reference to the power
 of the Police in the case of persons forcibly resist-
 ing arrest, or flying or escaping from arrest, as
 set forth in pages 44 to 50, I very much doubt
 the utility of the book, or whether it was of
 real assistance to Police Officers at the time it
 was published. Many of the statements made
 are open to question and are founded upon de-
 cisions given in England under English law,
 which are not in strictness authorities at all
 except so far as they have been adopted in
 framing the Code of Criminal Procedure. If
 there were decisions of the Courts upon the

subject under the Codes of Criminal Procedure, it might be useful to set forth their effect for the guidance of the Police, but I can find very few cases reported since 1860 and none at all where death was caused by a Police Officer required or entitled to make an arrest. Any attempt to state the law, except in the words of the Code, might, and in some cases probably would, mislead those whom it was designed to guide or assist. The result would only be a commentary upon the Code unsupported by Judicial rulings and, being approved by the Government, would apparently carry an authority which it may not be found to have when the questions came to be tested.

2. Section 92 of the first Code, Act XXV of 1861 and Section 178 of Act X of 1872, the second Code, both in the same words, provide as follows: "If a person against whom a "warrant of arrest is issued shall forcibly "resist the endeavour to arrest him it shall

SP 10
"be lawful for the Police Officer, or other person "executing the warrant, to use all such means as "may be necessary to effect the arrest." Under this section a Police Officer might hurt, wound or maim if necessary to effect the arrest, or if, doing an act intended to hurt wound or maim in order to effect the arrest, death was caused, no offence would be committed. He might also cause the death of the person forcibly resisting arrest, subject to the condition that it was necessary in order to enable him to effect the arrest.

3. Section 46 of the new Criminal Procedure Code says: "If such person forcibly resists the "endeavour to arrest him, or attempts to evade the "arrest, such Police Officer or other person may "use all means necessary, to effect the arrest. "Nothing in this section gives a right to cause "the death of a person who is not accused of "an offence punishable with death or transpor- "tation for life."

4. A Police officer charged with the duty of effecting an arrest is, also, I think, within the protection of the sections in the Indian Penal Code providing for the right of private defence when the person to be arrested becomes the assailant. Where an assault is committed by the assailant, and the Police officer reasonably apprehends that death or grievous hurt would be the consequence, as for instance where the assailant is armed with a deadly or formidable weapon, and threatens or attempts to use it, the Police officer may cause the death of the assailant. But where no force is used and the person to be arrested escapes or bolts, or attempts to do so, the Indian Penal Code gives no protection to the Police officer. In such case, if he commits what is *prima facie* an offence, and particularly if he causes death, he must rest his justification upon the Code of Criminal Procedure. The Code of Criminal Procedure does not expressly authorize the causing of death in any case. The new Code seems inferentially to sanction the causing of death

8 11 1/2
where the accusation is of an offence punishable with death or transportation for life, but only where this is necessary "to effect the arrest." It appears to me that the cases in which it is necessary to cause death in order to effect the arrest must be comparatively few in number in this country, and that where the right of private defence does not arise, by reason of force used, a Police officer cannot be too careful of human life. The ultimate escape of a criminal in most parts of this country, if he is sought for with vigilance is, I believe, a rare occurrence.

5 It would not, in my judgment, be safe to attempt to lay down a set of propositions founded upon the words of Section 46 of the new Code. The law is not clearly stated there with reference to cases likely to arise and the negative proviso at the end does not go far to elucidate the law. Its effect seems to be that when the person is not accused of an offence

punishable with death or transportation for life there is no right to cause death, but where a person is accused of such an offence there is the right in some cases, that is when it is necessary to effect the arrest. The section seems to me to give a very limited authority to cause death ^{and this} which appears to be the general effect of criminal legislation in this country. Giving the words used their primary meaning it may be said that causing death is not a means necessary to effect the arrest, but rather of preventing it. It would seem, however, that the framers of the new Criminal Procedure Code included the causing death as a means necessary to effect the arrest, subject to the proviso; and that the prior codes should be, or might be treated, as authorising the causing of death. Yet it would, I think, be difficult to hold that the prior codes give this power to cause death, at all events in the case of a person accused of a trifling offence apart from the right of private defence. It will be

12 9/11
observed that the prior codes provided only for the case of forcibly resisting arrest, whereas the new Code provides for the case of attempting to evade arrest also.

W. H. L. W. M.
Advocate General
The 26th July 1882.

The original
of your letter has been
sent me by Mr. [unclear]
[unclear] of the office
and I have [unclear] the
letter. I have [unclear]
the letter and will
send it to you as soon

as possible.

This primer will be
conducted to the H.
of Ohio.

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Me with

Medical (100) LEADERSHIP

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 11-01-01 BY 60322 UCBAW/DAW/STP

Westbury

OFFICE SECRETARY
OFFICE
GOVERNMENT OF MADRAS

22nd Nov 2

My dear Forbes

I wrote to
Col. Mansfield I.G. of
Police. I am in some
doubt as to the propriety
of issuing an escape
warrant and I enclose
his reply. I don't
agree with him.

To make an assembly
unlawful is - must
be to the purpose
of escaping conviction and
not commanded to
disperse, they do so

Yours faithfully
W. Mansfield

of them. now
accord!! and I
maintain that
after the man C.F.C.
comes into force
the police will
have no power
to prevent them
unless they resist
capture, which is
not the question.
Civilians on gang work
now know that the
Police will fire at them

if they try to escape.
after 1st Jan. 1902
they will know that
the Police will not fire
at them, so
that if 6 Constables
are present 36
Civilians - 30 of them
may walk off
with impunity
having in no fear
of having fired at.
How Col. Bramford will
be able to satisfy
them trying one of
old process
Ang

of the J. of on the 26th
last, when he was

of them. on
 record. now for number the
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it is the record
 number is in number
 but possibly I don't
 know -
 from being
 J. S. Chale

Punjab Police.

Inspector General's Office.

Lahore, 15th Nov 1882

My dear Colonel Coote

I think you
 are mistaken with regard
 to the application of Sec. 46
 of the New Crim. Pro. Code
 to the case of Convict breaking
 jail or attempting to escape
 or creating an evasive.

Chapter V. relates solely
 to arrests by Police in the
 ordinary course of their duty.

Chapter XIX is, I think,
 the one under which Police
 would proceed in the case

73 sh

21

ORDER OF GOVERNMENT

IN THE COLONY GIVEN BY THE

GOVERNMENT

dras 23
11th 1882

485

Col. H. A. Clacton

22nd Nov/82
23rd - 84

Police firing
on escaping convicts.

reference to
the 22nd ultimo,
of police
escaping
case return
the report
ate General
to sent to
ty, about
of the year
sincerely
J. S. Forbes

Revised No. 105

of the J. S. Forbes to - party
last, when he was consulted
as to the effect of Sect 46 of the

11

you intend to, that a
then when some of the
not attempt to escape; &
the vessel came under the
definition of an unlawful
assembly.

I return the little book
you sent with your letter
over sincerely
J. S. Forbes

738h

21

ORIGINAL

BY THE ORDER OF GOVERNMENT DATED 11th 1882

IN THE OPINION GIVEN BY THE GOVERNMENT

Madras, 23rd
December 11th 1882

My dear Colonel
With reference to
your D.O. of the 22nd ult.,
on the subject of police
firing on escaping
convicts, please return
for reference the report
of the Advocate General
on the matter sent to
you at Coim., about
the middle of the year
Yours sincerely
Edw. G. S. Forbes

To
Col. H. D. Clarke

Last, when he was consulted
as to the effect of Sect 46 of the

73 5/2

21

ORIGINAL (1/1)

ISSUED BY THE ORDER OF COMMANANT DATED

IN THE ORDER OF COMMANANT DATED

LETTER TO THE COMMANANT

as to the effect

73 1/2

21

OFFICE OF THE SECRETARY

IN THE ORDER OF GOVERNMENT

IN THE OPINION GIVEN BY THE

TO THE

MAHARAJA

MAHARAJA POLICE NO. 12

THE LAW AS IT IS STATED IN

THE RESULT IS THAT IN

THE DEATH OF A PERSON, IN

THE DEATH OR TRANSFERENCE

ON JUDICIAL SECTION

ED ATTORNEY AT LAW

ED. W. G. SULLIVAN,

ATTORNEY AT LAW

Sanctuary 8P

6th July 1913 No 452

Ad to be J. G. of Blue

305 on one but his

man must be read into

the Opinion comm'd by the

Advocate for the inform

of the J. G. on the 26th July

Last, when he was consulted

as to the effect of Sect 46 of the

18th Dec

My dear Forbes

With reference to the I.O. of the
of dated 11th Dec. I have been
Advocate General's notes on the subject
referred to

Yours sincerely
H. G. Sullivan

738h

21

OPINION

IN THE ORDER OF CONVENTION DATED THE
JANUARY 12, 1902, WHICH IN THE OPINION GIVEN BY THE
COMMISSIONER OF THE GENERAL LAND OFFICE

THE LAND AS IT IS STATED IN
THE RESULT IS THAT THE
THE DEATH OF A PERSON, NOT
THE DEATH OF A PERSON, NOT

Re. No.

Major W. H. E. G.

26/1/82
26 - 2

THE LAND AS IT IS STATED IN
THE RESULT IS THAT THE

THE DEATH OF A PERSON, NOT
THE DEATH OF A PERSON, NOT

THE DEATH OF A PERSON, NOT
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THE DEATH OF A PERSON, NOT
THE DEATH OF A PERSON, NOT

THE DEATH OF A PERSON, NOT
THE DEATH OF A PERSON, NOT

Advocate's file
Note a letter to
for use of the file

8P

1st July 1903 No 452

Ad to be J. G. of B. C.

... we observe that his
Opinion must be read with
the Opinion contained by the
Advocate for the information
of the J. G. on the 26th July
last, when he was consulted
as to the effect of Sect 46 of the

21'

Comd to be I. G. of Place
2. He gave over, that his
Opinion must be read into
the Opinion comd by the
Advoct for the informin
of the I. G. on the 26th July
last, when he was consulted
as to the effect of Sect 46 of the

~~Secret~~

13 P

disarming

are empowered
and specially bound

nor otherwise evoke the right
of "Private defence", as defined
in the Indian Penal Code —

The J. P. Mace - b
J. P. Mace - b
All the most
Solicitor

Code of Crim Pro. 1862. This
Sect 46 is the opening section
of Chap V "Of Arrest, Escape
and Retaking", and its last
paragraph is not to be found
in any of the preceding Codes. It
is as follows "Notwithstanding this
Section" which empowers the
magistrate or police officer on other persons
making the arrest, to use all means
necessary to effect the arrest, it is
provided - "gives a right to cause the
death of a person who is not accused
of an offence punishable with death,
or with transportation for life". On
his the Advocate General, after some
preliminary remarks, ~~states~~ ^{states} the
following observations.

[Here print from beginning of para
2 of that Opinion of July last to
the end of it.]

3. An attentive consideration of the
foregoing quotation will show the J. P.
of Mies that he is in error in supposing
that under the existing law it
will clearly be quite possible for a
working gang of convicts quietly to
disperse & make their escape; for,
if they do not attempt to overpower the
guard, the latter will certainly not be
justified in using their firearms.

No such opinion has been expressed
for the guidance of the Police in
such cases. On the contrary, he
has been empowered by the law to
use all means necessary to effect
the arrest of such fugitives; but, rather
except where the fugitives attack
them, they are not justified in
causing death. ~~Secret~~

11/3

Dispatch

of 1882

No.

Order of Government, dated
Miscellaneous.

of 1882

No.

ENCLOSURES

URGENT No.

35522
4980

ALLMENT WITH DITTO.

ORDER, No. OF GOVERNMENT—A.

LETTERS KEPT OUT OF FILE FOR DISPATCH IN ORIGINAL.
(not paged)

Order 200
Letter 1
Collection

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

7-2-517
12.12.45 ✓

PRESS.

Just DEPARTMENT.
G.O. DATED 16th Aug /03
No. 452

First copy sent to Press. 16/2/03.

Returned for signature. 21/2

Despatched in print. 22/2



[Despatch Abstract.]

Police arrest. Orders as to the causing of death by the Police in effecting the arrest of a runaway prisoner.