GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper :—

From C. G. W. MACPHERSON, Esq., c.i.e., Under Secretary to the Government of Bombay, to the Chief Secretary to Government, dated Bombay Castle, 18th October 1883, No. 7211.

A requisition was recently preferred by telegraph by the Commissioner of Police, Madras, on the Commissioner of Police, Bombay, requesting him to telegraph to the Political Resident at Aden to arrest one Bremner, who was said to have committed certain offences in Madras, and who was supposed to have left Bombay for Europe by a certain steamer. The Commissioner of Police, Bombay, having no authority at Aden, requested Government to take the necessary action. There was no time to obtain a full statement of the requisition from Madras, and Government complied with the requisition preferred, as it was through the medium of the telegraph, by instructing the Resident at Aden to arrest Bremner should he be in a vessel touching at that port.

2. These requisitions for the arrest of persons at Aden have, however, of late become somewhat frequent, and this Government having decided on laying down specific rules in the matter, I am directed to forward, for the information of the Government of Madras, a copy of a resolution which has been recorded on the subject.

3. It will be observed that, after laying down certain rules in regard to cases arising in their own Presidency, Government have decided on complying, without question, with all requisitions from other Governments, provided they come in the name of those Governments. In the event, however, of a requisition for an arrest at Aden coming from an officer subordinate to another Government, this Government will feel it necessary to consult their legal advisers in the matter, a procedure which may occasion some delay.

Enclosure.

No. 7210.

Bombay Castle, 18th October 1883.

Resolution.—The Commissioner of Police, Madras, recently preferred a requisition by telegraph on the Commissioner of Police, Bombay, asking the latter to telegraph to the Political Resident at Aden to arrest one Bremner, who was charged with the commission in Madras of certain offences under the Indian Penal Code, and who was said to have left Bombay for Europe by a certain steamer. The Commissioner of Police, Bombay, having no authority at Aden, requested Government to take such action as might be deemed necessary. As there was no time to obtain a full statement of the requisition, Government, acting on the opinion of the Honorable the Advocate-General, based on the telegraphic summary of the case received from the Commissioner of Police, Madras, issued orders to the Political Resident at Aden for the arrest of the accused on his arrival there. The man Bremner did not, however, go to Aden, and the incident, so far as this Government was concerned with him, came to an end.

2. Requisitions for the arrest at Aden of persons on their way to Europe are not infrequent, and it may sometimes happen that, in view to recovering a civil debt, a creditor may give a criminal colouring to a purely civil transaction, in the hope of causing his debtor to be arrested at Aden and brought back to India. Government have no intention of lending their aid to schemes

of this description, which might cause great inconvenience and annoyance to innocent people, and propose to lay down certain rules for adoption in such cases, premising that it is no part of the duty of the executive to assist credulous tradespeople and others in the recovery of their debts.

3. The matter may be considered under two heads, viz. :—

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(*a*) the case against the accused is really strong;

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5. As regards (2), Government will order an arrest, provided the requisition is made in the name of the Government of the Presidency or Province concerned.

6. The Government of Madras and the other Local Governments and Administrations should be informed to the effect of paragraph 5.

7. The Commissioner of Police, Bombay, should always see that requisitions from other Governments are acted on only when they come in the name of the Government of a Presidency or Province; in these cases the Under Secretary resident in Bombay will, on receiving the necessary intimation from the Commissioner, telegraph to Aden without delay, but should a requisition come from an officer of another Government, the Commissioner of Police, Bombay, should refer the question to his own Government for orders.

(Signed) C. G. W. MACPHERSON,
Under Secretary to Government.

ORDER—dated 5th November 1883, No. 2911, Judicial.

Communicated to the Inspector-General of Police.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Inspector-General of Police.
„ District Magistrates.
„ the Chief Presidency Magistrate.
„ the departments of the Secretariat.

Exd. J. Henricus.

Govt. of {1883} Madras.

JUDICIAL.

No. 3315 wa/ 20th Nov.r/83.

Recorded.

S/. CB.

Issued

Recd. Encl.

G.O., 5th November 1883, No. 2911.

N: 3315 wa/ 20th Nov.r/83

NOVEMBER.

Arrests at Aden.

Communicating to the Inspector-General of Police letter from the Government of Bombay forwarding copy of a resolution regarding the arrest at Aden of persons on their way to Europe.

C. E. Jr. S.

C. Jr. Rys

wtte order

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ENCLOSURE.

No. 7210.

Bombay Castle, 18th October 1883.

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5. As regards (2), Government will order an arrest, provided the requisition is made in the name of the Government of the Presidency or Province concerned.

6. The Government of Madras and the other Local Governments and Administrations should be informed to the effect of paragraph 5.

7. The Commissioner of Police, Bombay, should always see that requisitions from other Governments are acted on only when they come in the name of the Government of a Presidency or Province; in these cases the Under Secretary resident in Bombay will, on receiving the necessary intimation from the Commissioner, telegraph to Aden without delay, but should a requisition come from an officer of another Government, the Commissioner of Police, Bombay, should refer the question to his own Government for orders.

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JUDICIAL.

No. 3315 w.f. 20th Nov.r/83

Recorded.
S/f. CB
KS

Issued

Recd. *Encl.*

G.O., 5th November 1883, No. 2911.

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Write order

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Exd. J. Henricus.

Govt. of {1883} Madras.

JUDICIAL.

No. 3315 w of 20th Oct 83

Recorded

A/CB

Issued

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With Order

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Exd. J. Henricus.

Jr. Ch. 10020

Govt. of {1883} Madras.

JUDICIAL.

10. L.C.

Jc 3315 Wayo-11-83

Issued

Recd. 13/11/83 *Encl.*

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