M.R.O. 1—20,002—12-8-65.

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Rev DEPARTMENT

G.O. No.	175	Press
B.P. No.		Mis.
Dated	28 Aug 1873	196 .

Not to be folded or roughly handled

175
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Read the following papers:—

No. 79. Extract from the Proceedings of Government in the Revenue Department, dated 20th March 1873, No. 346.

* * * *

8. The question of the want of discipline in the Sub-Jail, which led to the detention of the Constable by the Tahsildar after the expiration of his sentence, will be considered in the Judicial Department.

(True Extract.)

(Signed) W. HUDLESTON,
Chief Secretary.

Referred to the Inspector-General of Police for report on the conduct of the Police guard over the Sub-Jail in practically releasing Hanumantha Naidoo from confinement without authority.

FORT ST. GEORGE,
25th March 1873.

(Signed) J. STURROCK,
Acting Under Secy. to Govt.

No. 80. From Major W. S. DREVER, Acting Inspector-General of Police, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 4th April 1873, No. 1137.

With reference to your Under-Secretary's endorsement on G.O., Revenue Department, No. 346, of 20th March 1873, calling for report on the conduct of the Police guard over the Subsidiary Jail, Namcul, in practically releasing a certain prisoner without authority, I have the honour, herewith, to forward a report from the District Superintendent of Police, Captain Gordon, from which it will be seen that the Head Constable was removed from the Subsidiary Jail to the dispensary under the instructions of the Sheristadar, then in charge of the jail during the absence of the Tahsildar. I also submit Captain Gordon's explanation of his conduct in the case for such further consideration as the Government may be pleased to give it.

From Captain C. GORDON, Superintendent of Police, to the Inspector-General of Police, dated April 1873.

I have the honour, with reference to endorsement in the Judicial Department on G.O., No. 346, of 20th March 1873, Revenue Department, to report as follows.

2. All Subsidiary Jails are in charge of the Magistrates, and the Police merely guard the prisoners and prevent escapes. The Sub-Jail and the Taluq Cutcherry at Namcul are in one building under the same roof. A register of all prisoners received into the Sub-Jail is kept by the officer in charge, and every circumstance connected with each prisoner should be entered therein and be initialed by him. Thus if a prisoner was removed from the Sub-Jail to the dispensary, the fact should be noted in the Jail Diary by the Sub-Magistrate, or in his absence by the Sheristadar. In the present case the former officer being on circuit, the latter gave sanction for the admission of the Head Constable into the dispensary, as deposed to by the Dresser before the Assistant Magistrate. He was taken to the dispensary in custody of the Police and a Jail Warder, and remained there in such custody until his sentence expired on the 3rd June, when he

was placed before the Sub-Magistrate for release. The statement in the petition that he was removed to the dispensary without orders is consequently at variance with facts. The Sub-Magistrate, moreover, several times saw the Head Constable, and spoke to him while confined in the dispensary, and was well-aware of his being there.

3. I would, also, respectfully bring to notice that my action in "arresting" the Tahsildar was restricted to issuing orders for him to enter into a recognizance to appear when called on before the District Magistrate. The Tahsildar was in no way subjected to personal restraint or confinement. It appeared to me that he had exceeded his powers, and I, accordingly, acted in good faith and to the best of my judgment in support of my subordinate. I now much regret having taken the step so severely condemned by the Government, and trust that my present explanation may tend to satisfy them that my proceedings were not altogether so reprehensible as they appeared to be from the papers on which their order was based.

No. 81. ORDER THEREON, 18th August 1873, No. 1303.

The Governor in Council is glad to learn that Captain Gordon's action towards the Tahsildar, although altogether indefensible, was not so extreme as they had supposed.

2. Captain Gordon having been transferred to another district, it is unnecessary for the Government to say more than that they rely on his in future recognising properly the *status* of the Magistracy.

(True Extract.)

A. Sinnett
for Chief Secretary.

To the Revenue Department.
" Inspector-General of Police.

No. 175.

Exd. J. Wright.

28 Aug. 73

Revenue 1873 Dept.
No. 2616

Govt. of 1873 Madras.

JUDICIAL.

To

The REVENUE DEPARTMENT,

&c., &c., &c.

Dated August, 18th.

Recd. — " —27 3 1873 End.

G. O., 18th August 1873, No. 1303.

To Bd of Revenue Copy 4/81

AUGUST.

Nos. 79—81.

Captain Cosmo Gordon.—Satisfaction expresse that the conduct of Captain Gordon, Superintende of Police, towards the Sub-Magistrate of Nameul i the Salem District, although altogether indefensible was not so extreme as the Government had suppose