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MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT**

G.O. No. 1133 Press ~~Mis.~~

7-8

Dated 2—9—~~19~~ 1857

Not to be folded or roughly handled

No. 7. Read the following letter from the Honorable Company's Solicitor; to the Acting Chief Secretary to Government, dated August 22nd, 1857, No. 465.

SIR,

Minutes Consultation, dated 9th June 1857, No. 673, Judicial Department.

With reference to the Extract from Minutes of Consultation noted in the margin, I have the honor to state, as my opinion, that if the three "mutinous French Sailors," mentioned in Mr. Robinson's letter to Government of the 26th May last, No. 73, were not subjects of Great Britain, the Joint Magistrate of Malabar had no jurisdiction in the matter of the offence with which the Captain of the "Le Panther" charged them; and acted most properly in declining to entertain such charge.

No British Magistrate can lawfully take *original* cognizance of an offence committed on the high seas, by a foreigner, on board a foreign vessel, sailing under a foreign flag; and such an offence would *not* be triable by British Law.

If the Captain of the "Panther" felt that he could not without risk retain the men on board (as prisoners) until his return to Reunion, he should have conveyed them to such nearer *French* Port or authority as would have been the least deviation from the vessel's voyage, with a view to their being lawfully tried by the Laws to which they were subject and by a person or tribunal competent to administer those Laws.

If on the other hand the Captain of the "Panther" was about to return to Reunion and did not apprehend any risk from keeping the men on board until his return to that Island, I think he would not have been bound to proceed to any nearer port, but would have been justified in conveying the men to Reunion for trial.

Every British Magistrate should aid the Captain of any foreign vessel applying for his assistance, under such circumstances as those detailed in Mr. Robinson's letter or in any case of serious distress or difficulty to the extent of his ability: and in such a case as that under consideration, should further the security of the vessel, the safety of those on board and the due vindication of the Law, by procuring for the vessel (if it be possible,) at her Captain's expense, a sufficient number of trustworthy hands to ensure due control over those on board, and the safe arrival of the vessel at her destination or at such port as she may elect to proceed to for the purpose of getting offenders punished, &c. The nature and extent of the aid to be afforded will of course depend upon the circumstances of each case and the exercise by the Magistrate of a sound discretion.

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

No. 8. ORDER THEREON, No. 1133; dated 2nd September 1857.

Resolved that this letter be communicated to the Collectors and Magistrates of all the Maritime Districts.

(Signed) E. MALTBY,
Acting Chief Secretary.

C. No. 47-48
9/6/57

№ 1133

Resolved that this letter be communicated to the Collectors and Magistrates of all the Maritime Districts.

For the Secretary,
2d September, 1857.

To the Collector & Magt. of
South Arcot
Cuddalore
Chingleput
Ganjam
Gantoor
Madura
Malabar
Masulipatam
Nellore
Rajahmundry
Tanjore Tinnevelly & Vizagapatam

Desp. 10