

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

4612

Press

~~Mis.~~

54-55

Dated

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1961

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12th October 1858.

No. 54. Read the following letter from H. D. PHILLIPS, Esq., Magistrate of Tanjore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Vullum, 5th October 1858, No. 366.

SIR,

I have the honor to transmit a copy of an Extract from the Proceedings of the Session Court, raising an objection to the trial, as a British subject, of the 5th of the prisoners mentioned in my 1st October 1858. communication of the marginal date, disposed of in Minutes of Consultation, dated the 7th Ultimo, No. 1227.

2. I have addressed you by Telegraph and ere this reaches your office, I may have learnt whether it is the intention of Government at once to bring into operation the new Tanjore Act.

3. Should it be the determination of Government to defer its application for even a brief period, it would be better, I submit, to put the 5th prisoner on his trial for the gang robbery, before the Criminal Court of the late Raj, where he would no doubt be sentenced to fourteen years' imprisonment, rather than abandon the count for that offence in the Session Court and afford to a man of notoriously bad and desperate character, the chance of getting through his present difficulties with the mild punishment that is likely to be adjudged for receiving stolen property.

4. This prisoner, I would mention, has once undergone imprisonment for 14 years. He escaped and it was extended by two years. Since his release he has been subjected to a requisition of security for three years, and to one year, in the same manner, for an offence which was not proved to the satisfaction of the Court which tried him.

Extract from the Proceedings of the Session Court in the Zillah of Combaconum, under date the 1st October 1858.

1. The Government have assumed that the 5th prisoner is a British subject, but this seems very questionable, as the Court records show that he has for many years been domiciled in the territory of His Excellency the Tondaman Bahadoor.

2. The Magistrate will therefore be requested to state whether proof that he is a British subject is forthcoming.

3. Should this not be the case, two courses will be open, viz., either to remit the prisoner to the Tanjore Court or to drop the 1st count against him and try him on the 2nd count only, the offence therein charged having been committed in the British territory.

4. If the Magistrate as Commissioner has reason to suppose that the order in Council for giving effect to the Act XXXII of 1858, will be immediately promulgated, the former course would not be attended with any serious inconvenience. But if there is likely to be any delay in issuing this order, the convenience of the numerous witnesses required to make out the case against him would be but consulted by adopting the second course.

Ordered that Extract from these Proceedings be forwarded to the Magistrate, for his information and guidance.

(True Extract.)

(Signed) G. T. BEAUCHAMP,

Session Judge.

(True Copy.)

(Signed) H. D. PHILLIPS,

Magistrate.

No. 55. ORDER THEREON, No. 1412; dated 9th October 1858.

The Magistrate of Tanjore will be aware that Act No. XXXII will come into operation on the 1st Proximo. If the proceedings in the Combaconum Court cannot conveniently be deferred until that date, the Governor in Council thinks it preferable that the party in question should be tried for the greater offence by the Rajah's Courts, than that a man of his character should escape with the punishment awardable by the Session Court to the minor crime.

(Signed) T. PYCROFT,

Chief Secretary.

The point of this is a simple
This man a subject and a
-Long domiciled in the Fossilian
Lajatis Territory, has committed
a fair robbery in the country of
H. Fossilian Lajatis -
And he has been a British subject
he might have been tried at once
as some others concerned with
him have been ordered to be, by
H. Combe in the Combe - 1849
As a denizen of our foreign

country concerning our
offence in another foreign
country he is not subject
to the jurisdiction of our Courts
But Tanjaon cannot be
foreign & consequently the
jurisdiction of the Court becomes
Court on the new law coming
into operation which as I have
explained to Mr. Philbrick is
to the first Provision.

Philbrick says if the law

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... and perhaps it is - and it
is not to be put in force then
- immediately better try him in
the Tanjaon Rajah's Court
for the gang robbery
than let him get off easily by
killing him for the murder
offence & receiving probably
in the Court becomes Court -

It seems to me however
that it is not desirable to
bring the Tanjaon Court into
action now in their expiring state -
It were better to let it follow

off case - if K-Judge of Combr.
- common cannot put in
trial of K case until
K 1 Procc.

Don't think it is at all desirable
that off case a confirmed robber -
I see no objection to try him before the
Rajah's court. What ever it matters whether
4 papers a sentence six months or six
days before its dissolution, so long as it is
a legal sentence.

W.H.

c7000

N^o 1412

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The Magistrate of Tanjore will be
aware that Act ~~N^o XXXII~~ will come
into operation on the 1st Procc -
If the proceedings in K Combr.
- common could cannot conveniently
be deferred until that date K
G.C. thinks it preferable that
the party in question should be
tried in the present office by K
Rajah's Court, than that a man
of his character should escape
with the punishment ^{awarded by the Session} ~~due to the~~
minor crime. J.P.

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Magistrate of Tanjore - Supd 9th M.S.

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From

The Magistrate of

Tanjore

To the Chief Secretary

to Government

Fort St George

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been subjected to a requisition of security
for three years, and to one year in the
same manner, for an offence which was
not proved to the satisfaction of the
Court which tried him.—

I have the honor to be

Sir,

Your most obedient servant

W. D. Williams

Magistrate