M.R.C. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1643 Press ~~Mis.~~

18-19

Dated 19-11-~~19~~1929

Not to be folded or roughly handled

No. 18. Read the following Despatch forwarded by the Secretary to the Government of India.

JUDICIAL DEPARTMENT.

No. 31 of 1858.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

With reference to your letter dated the 8th March last, in the Foreign Department, we transmit to you the copy of an opinion, dated the 10th August 1858, given by the Law Officers of the Crown, on the question of the surrender to the French Consul at Calcutta, of a French seaman charged with an attempt to murder another French seaman on board a French vessel, lying within the jurisdiction of one of the East India Company's Local Courts.

We are &c.,

(Signed) F. CURRIE,
(,,) W. J. EASTWICK,
And other Directors.

London,
1st September 1858.

Countersigned in accordance with 16 and 17 Victoria, Cap. 95, Sec. 2.

(Signed) J. D. DICKINSON.

From J. D. HARDING, FITZROOG KELLY, and H. M. CAIRUS, Esquires, to the Earl of MALMESBURY, dated Doctor's Commons, the 10th August 1858.

My Lord,

We are honored with your Lordship's commands signified in Mr. Hammond's letter of the 30th July Ultimo, stating that he was directed to transmit to us a letter from the Board of Commissioners for the affairs of India, enclosing copies of a correspondence received from the Government of India, on the question of the surrender to the French Consul at Calcutta, of a French seaman charged with an attempt to murder another French seaman on board a French merchant vessel, when that vessel was lying within the jurisdiction of one of the East India Company's local Courts, and to request that we would take these papers into consideration, and report to your Lordship our opinion thereupon.

In obedience to your Lordship's commands, we have taken these papers into consideration, and have the honor to report—

That we concur in the views of the Advocate General (Mr. Ritchie) indicated in his letter to Mr. Beadon of the 6th February 1858.

No Court or Officer of Justice in Her Majesty's Dominions, has any authority nor can the Executive Government communicate to such Court or Officer, any authority to deliver up to a foreign Consul or jurisdiction, any person apprehended upon the charge of a crime committed by such person in any part of the British Dominions, although on board a foreign merchant vessel, or to deal with such person otherwise than to bring him to trial before the tribunals of the place where he is apprehended.

Copy of this Despatch and of its enclosure, forwarded for information to the Governments of Bengal, (No. 3533,) Fort St. George, (No. 1639,) Bombay, (No. 1640,) and the Straits Settlements, (No. 1641,) also to the Advocate General, (No. 3534,) the Commissioner of Pegu, (No. 1642,) the Commissioner of the Tenasserim and Martaban Provinces, (No. 1643,) and the Foreign Department, (No. 3535).

Home Department,
Judicial,
The 28th October 1858.

By order,

(Signed) CECIL BEADON,
Secy. to the Govt. of India.

Fort St. George, Judicial Consultation, 23rd November 1858.

No. 19. ORDER THEREON, No. 1643 ; dated 19th November 1858.

Ordered to be communicated to the Court of Foujdaree Udalut, and to the Law Officers of Government for information.

(Signed) W. H. BAYLEY,
Acting Secretary to Govt.

Exd. F. Cartledge:

No 1643.

Ordered the communicated to the Court of Foujdara Udalut and to the Law officers of Govt. for information.

Fort St George,
19th November, 1858.

W H B

Copy to F. Udalut
" Govt. Solicitor
" Govt. pleader
} Disp. 22d.