

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 943	Press
3-6	~~Mis.~~
Dated 4-7-	1918.7

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
from 9th to 15th July 1859.*

No. 3. Read the following letter from C. F. CHAMIER, Esq., Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 30th June 1859. No. 15.

I am directed by the Judges of the Foujdaree Udalut to forward for disposal by the Government, the annexed copy of a Telegraphic despatch received from the Magistrate of Ganjam, respecting two Officers of a French vessel, who appear to be charged by the Commander with the offence of desertion, and whom he wishes to have forwarded to the French Consul at Calcutta. The matter is one in which the Judges consider they have no jurisdiction.

Copy of the Telegram.

“Two French Officers deserted from a French vessel off this coast. Should they be sent, as the Captain requests, to the French Consul at Calcutta; or should I forward them to the French authorities at Pondicherry?”

Referred for the opinion of the Advocate General.

(Signed) T. PYCROFT,
Chief Secretary.

No. 4. From T. S. SMYTH, Esq., Advocate General; to the Chief Secretary to Government, Fort Saint George, dated 1st July 1859.

With reference to the letter, dated 30th Ultimo, addressed to you by the Register of the Court of Foujdaree Udalut, respecting a reference from the Magistrate of Ganjam, concerning the case of two Officers of a French vessel, charged by their Commander as deserters, I beg to be informed on the two following points.

2. Istly, Has the French Government consented to reciprocate with that of Her Majesty in the case of deserters from British ships when within French Territories, in the manner contemplated by the Foreign Deserters' Act of 1852?

3. 2ndly, Has such reciprocity been announced by any order of Her Majesty in Council, and if so, has such order been published, and when, in the Fort St. George Gazette?

4. Without this information I cannot specifically reply to the reference made to me upon Mr. Chamier's letter to you.

5. To save time however, I may add that unless there is such reciprocity, and such an order in Council, as I have inquired about, I am of opinion that the Magistrate of Ganjam has no jurisdiction whatever over these French Officers for having deserted from their own vessel, and therefore cannot forward them any where, whether to Calcutta, to Pondicherry, or elsewhere.

P. S.—The case is precisely similar to one referred to me by Extract Minutes Consultation, dated 18th January 1859, (No. 59, Judicial Department,) and replied to by me under date 29th January 1859.

No. 5. From J. R. BOYSON, Esq., Government Solicitor Madras; to the Chief Secretary to Government, dated 4th July 1859, No. 1156.

I have the honor to acknowledge the order of Government on letter from the Register of the Court of Foujdaree Adalut to Government, dated 30th June 1859.

I submitted same for the consideration of the Advocate General and I now forward a copy of his opinion.

COPY OPINION.

Under the “Foreign Deserters' Act 1852” and the order in Council of 3rd July 1854, (Fort Saint George Gazette, 6th October 1854,) supposing the French vessel to be a Merchant vessel, the Magistrate may send the deserters to Calcutta as requested by the Captain.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

July 4th 1859.

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P. S.—I have returned Mr. Chamier's letter to the Chief Secretary at his request, but have asked him to return it for entry. I wrote to him, the Chief Secretary, on Friday, to know if the French had reciprocated with Her Majesty, in respect of the Foreign Deserters' Act. He this day 3 P. M. informed me that there was an order in Council to that effect in the Gazette for 6th October 1854.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 6.

ORDER THEREON, 4th July 1859, No. 943.

Resolved that the following message be sent to the Government Agent in Ganjam by Electric Tel. graph.

"Your message about the two French Officers who have deserted from their ship has been referred to Government by the Sudder, and Government have consulted the Advocate General. See the Queen's Order in Council, dated 3rd July 1854, and published in Fort St. George Gazette, 6th October 1854. Advocate General says, if the vessel be a *Merchant vessel*, you may send the deserters to Calcutta as requested."

(Signed) T. PYCROFT,
Chief Secretary.

*Monday Aug 4/59
3 PM*
My dear Pycroft
I have just come
from chambers from
Chapman, & find your
note.
I send you a copy of
my opinion, & I think
Mr Chamier's letter - he
shall want it again
for entry. Copy
"under the Foreign"

Despatches Act 1852, and
the Order in Council of 1854
(Full Copy Gazette of 1854, p. 1100) regarding the
French vessel when a
merchant vessel, the
Magistrate may send
the despatches to Calcutta
as requested." p.

In any telegraph
this

"If the vessel be a merchant
vessel, you may send the

despatches to Calcutta as
requested." 30

Minister
for
Foreign Affairs

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Judicial Department.

Proceedings of the Madras Government

Read the following letters

the Register to the Court of

Singaperu Holahut - Here enter 30th June 1859 No. 15.

Advocate General. - " - " 1st July -

Sol Solition - - - - - 4 July

Order thereon dated 4th July 1859 No. 9143.

Resolved that the fol-
- lowing message be sent to
the Fort Agent in Sangam
by Electric Telegraph.

"Your message about the two
French Officers who have deserted
from their ship has been re-
- ferred to Fort by the Sudder,
and Fort have consulted the
Advocate General. See the
Queen's order in Council dated
3rd July 1854 and published in
Fort St. George Gazette 6th October
1854. Advocate General says
if the vessel be a Merchant-
- vessel you may send the
deserters to Calcutta as requested."

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the Fort Agent at Sangam } Disp-12th
Court of Singaperu Holahut

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