M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1073-1074 Press Mis.-
178-180

Dated 24-8-19 1860

4/4

Not to be folded or roughly handled

No. 178. Read the following letter from W. H. CRAKE, Esq., Acting Chairman, Chamber of Commerce, to the Chief Secretary to Government, Fort Saint George, dated 13th August 1860.

I am desired by the Chamber of Commerce, to bring to your notice, that in the present state of the law in India, a person who has sustained loss from fraud, forgery, and other criminal acts, is liable to be called on for the expenses required for the prosecution of the delinquent. The result is, that the injured party generally prefers submitting to his first loss, without subjecting himself to the further liability, of providing funds for the prosecution, and conviction of the offender. The prosecution by a strange legal anomoly is carried on in the *Queen's name*, though at the expense of the unfortunate prosecutor.

It is impossible to conceive any system more likely to foster and encourage crime, than that now in operation, under which the victim of a fraud or forgery is liable to be called on, not only at the cost of much personal inconvenience, inseparable from his position as prosecutor in such a charge, but for the travelling expenses of witnessess, and other charges, incurred in procuring a conviction for a crime, in the punishment and prosecution of which, the community at large is so greatly interested.

In all Crown Colonies there is a Public Prosecutor, whose duty it is, after satisfying himself, that there are sufficient grounds for a prosecution, to undertake such cases at the expense of the State; and the want of such an Officer at Madras has, the Chamber believes, been repeatedly urged upon the attention of Government, by the Judges of the Supreme Court.

As India now enjoys the same privilege as other British Colonies, of being under the direct governance of the Crown, the Chamber trusts, that the course of justice will no longer be hindered, by the absence of an Officer specially appointed to prosecute offences of the nature above referred to, and I am therefore desired to request you will submit the subject for the favorable consideration of the Honorable the Governor in Council.

No. 179. ORDER THEREON, 24th August 1860, No. 1,073.

It is observed that the appointment of a Public Prosecutor was recommended by the Judicial Commissioners deputed to enquire into and report upon the evils which, in their opinion, existed in the present system of judicature, and on the means whereby they might be most effectually remedied.

2. An Extract from that part of the Commissioners' report, paragraph 19, which relates to the subject will be furnished to the Chamber of Commerce, and their letter will be forwarded to the Government of India for their consideration.

(Signed) T. PYCROFT,
Chief Secretary.

No. 180. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 24th August 1860, No. 1,074.

I am direced by the Honorable the Governor in Council to forward, for submission to the Government of India, the accompanying copy of a letter from the Madras Chamber of Commerce, urging the appointment of a Public Prosecutor, and in so doing, to solicit attention to the views expressed on the subject by the Judicial Commissioners in para. 19 of their report on the evils which, in their opinion, exist in the present system of Judicature, and on the means whereby they may be most effectually remedied, forwarded with my letter of the 2nd February 1860, No. 124.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department

Proceedings of the Madras Govt.

Read the following letter from the Acting Chairman of the Chamber of Commerce.

/Here enter 13th August 1860/

Order thereon 24th August 1860 No. 1073.

It is observed that the appointment of a Public Prosecutor was recommended by the Judicial Commissioners deputed to enquire into and report upon the evils which, in their opinion, existed in the present system of Judicature, and on the means whereby they might be most effectually remedied.

2. An Extract from that part of the Commissioner's report. P. 19 which

which relates to the subject will be furnished to the Chamber of Commerce, and their letter will be forwarded to the Government of India for their consideration.—

JP

To the Chairman of the Chamber of Commerce – with copy of P. 19 of the Report. } Disp. 27

Disp. 25

Judicial Dept.

No. 1074

To

The Secretary to the Govt. of India.

Home Dept.

Sir,

I am directed by the Honorable the Governor in Council to forward, for submission to the Govt of India, the accompanying copy of a letter from the Madras Chamber of Commerce, urging the appointment of a Public Prosecutor – and in so doing to solicit attention to the views expressed on the subject by the Judicial Commissioners in para 19 of their Report on the evils which, in their opinion, exist in the present system of Judicature, and on the means whereby they may be most effectually remedied, – forwarded with my letter of the 2nd February 1860 No. 124.

Fort St George
24th August 1860. }

JP