

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	664	Press
	55-56	Mis.
	55-56.	
Dated	29.5.1960	H .

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
for the month of May 1860.*

No. 55. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George, dated 21st May 1860, No. 532.

1. With reference to the Proceedings of Government noted in the margin, I have the honor to state that the Indictments in the 7 Child-stealing cases therein alluded to were defective in *not* charging the accused with taking away the children "*by force*" or "*by fraud*," the words of the Statute, 9 Geo. 4, Chapter 74, Section 69 being, "And be it enacted, that if any person

"shall maliciously *either by force or fraud*, lead or take away, or decoy or entice away, or detain, any child under the age of 10 years, with intent to deprive the parent or parents, or any other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, * * * every such offender shall be guilty of felony and being convicted thereof shall be liable, &c." and either force or fraud (and the insertion of one or other of these words in the Indictment) being essentially necessary to constitute the crime which the Statute has declared to be felony and for which it has provided punishment.

2. As the Indictments stood (without the allegation either of force or fraud) they charged the accused with no offence for which either the Common or Statute Law has provided punishment.

3. The Indictments were prepared in the Office of the Clerk of the Crown and were settled by that Officer in the ordinary performance of his duty, and I can only imagine that these defects which have led to a temporary failure of justice must have arisen from oversight.

No. 56.

ORDER THEREON, 29th May 1860, No. 664.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.

Pro. 20th May 1860 at 26/27

31st May 1860

Judicial 1860 Dep^t.

From
The Government Solicitor
To the Chief Justice

Dated 21 May.

Received 22nd — " — "

N^o 854. N^o 532

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With refer^{ce} to the Pro.
of 14th May 60 No. 603.
Judicial Department explains
the defects in the indictments
which led to the dismissal
of the 7 child stealing cases
at the last Session.

C 23 May 55 & 56
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To be recorded
N^o 1114
29th May 1860