

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

1105

Press

~~His.~~

111-112

Dated

12.7.1862

10

4/4

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
12th July 1862.*

No. 111. Read the following letter from JOHN MILLER, Esq., Acting Government Solicitor; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Madras, dated 2nd July 1862, No. 316.

1. I have the honor to acknowledge the Proceedings of Government noted in the margin.
Dated 9th June 1862, No. 894, Judicial Department.

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

COPY—OPINION.

I am of opinion that Donovan cannot be removed from India. Captain Campbell, formerly of the Madras Army was tried during the fourth Criminal Sessions of 1850 for the murder of a Native at Beypore, and was acquitted on the ground of insanity. Extract Minutes of Consultation under date 22nd and 25th October 1850, contain the Orders of Government in the matter. Captain Campbell could not be removed to England until an Act of Parliament 14th and 15th Victoria, Cap. 81, was passed to meet the case. That Act in my opinion, does not meet such a case as Donovan's. The cases it does provide for are those of persons "who shall have been or shall hereafter be acquitted or not tried for such offence on the ground of his being found to be of unsound mind," but Donovan's case is just the reverse, for he was "tried" and was not "acquitted."

30th June 1862.

(Signed) T. SYDNEY SMYTH,
Advocate General.

(True Copy.)

(Signed) JOHN MILLER,
Acting Government Solicitor.

No. 112. ORDER THEREON, 12th July 1862, No. 1,105.

Under the opinion expressed by the Advocate General, the Governor in Council is unable to act on Mr. Cole's recommendation. The Convict referred to must remain in the Lunatic Asylum.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

referred to
 Donovan must re-
 main where he is.
 in the Lunatic
 asylum.

[Signature]

11/20/82

The Principal Inspector
 Genl., Medl. Dept. } Desd 15th
 " Commissioner of Police,

Pro 9th June 1862 Oct 394
 - 21st Jan 4 - 44124100
 Ans. 22nd Oct 1850 - 4457550
 - 12th June - 4424125

sent 4th July

Indl 1862 - Dept
 Trav
 The Secy for: Solicitor
 Madras
 To the Chief Secy to Govt
 Madras.

Dated 2nd July
 Recd 4th July
 No. 316.
 Enclosure

No. 1311
 Forwarded with reference to
 the Proceedings of Government
 in its Judicial Department
 dated 9 June 1862 No. 294
 Copy advocate General's opinion
 Re Patrick Donovan a
 Convict. —

cc July
 28th

115412

[Signature]
 With an Order.