M.R.O. 1—38,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 682 Press ~~His.~~

249-250

Dated 29.4.1862

W 14

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
29th April 1862.

No. 249. Read the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable T. PYCROFT, Chief Secretary to Government, Madras, dated 19th March 1862, No. 141.

Dated 17th March 1862, No. 450, Judicial Department.

1. I have the honor to acknowledge the Proceedings of Government noted in the margin and its enclosures.

2. I have had the French enclosures translated, and submitted the same for the consideration of the Advocate General and now forward a copy of his opinion.

3. I return the enclosures above acknowledged.

COPY—OPINION.

The language addressed to His Excellency M. D'Ubraye and to his Procureur General by the individual calling himself the Viscount Blois deFarcy is certainly extremely offensive and improper; but unless used in open Court, it could not be construed into a contempt of Court; and the circumstances preclude the possibility of regarding M. Farcy's letters as intended to provoke a breach of the peace. I cannot therefore concur with M. d'Ubraye when he says that such offensive language constitutes a grave crime according to the laws of England.

The records of this Government, and those of the Government of Pondicherry will show that both Governments have reciprocally and uniformly construed the agreement between the two Countries relating to the extradition of offenders reclaimed by one Government from the other, as applicable only to the case of grave offences of a criminal nature.

I am therefore of opinion that to comply with His Excellency M. D'Ubraye's request for the surrender of M. Farcy, in the event of his acquittal on the charge of forgery, would be a departure from the principles which have heretofore regulated the practice of the two Governments in matters of this nature.

(Signed) T. SYDNEY SMYTH,
Advocate General.

Madras, 19th March 1862.

(True Copy.)

(Signed) JOHN MILLER,
Acting Government Soliciter.

No. 250. ORDER THEREON, 29th April 1862, No. 682.

Recorded—B. deFarcy having been convicted.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

(21

No. 141.

Madras, March 19th, 1862.

From

John Miller Esqre.
Actg. Government Solicitor - Madras

To

The Honorable T. Pycroft
Chief Secretary to Government
Madras.

Sir,

Dated 17th March 1862 No. 450 - Judicial Department - } 1. I have the honor to acknowledge the Proceedings of Government noted in the margin and its enclosures.

2. I have had the French enclosures translated and submitted the same for the consideration of the Advocate General and now forward a Copy of his Opinion.

3. I return the enclosures above acknowledged.

I have the honor to be,
Sir,
Your most Obedient Servant
[signature]
Actg. Gov. Solr.

List Council 21/3/62
Ordered to lie on until the result of Viscount de Farcy's trial be known
JP.

Ind^l 1862. Dept

From Proc of April
The Act^g Gov Solicitor
Madras

To The Chief Secretary to Gov^t
Madras.

Dated 19th
Recd 20th March

No. 141.
1 # Enclosure

No. 567

Forwards with reference to Proceedings of Government in its Judicial Department dated 17th March 1862 No. 450 Copy Advocate General's opinion upon the application made by His Excellency the Governor of the French Settlements in India, Re certain offensive letters written by a person calling himself Viscount Blois de Farcy, now in the Madras Penitentiary on a charge of forgery and addressed to His Excellency the Governor & Procureur General of Pondicherry.

Ind No. 682 - 29 Apl 62

Recorded - de B
Farcy have been convic
7p

249 & 250

List of G May