

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	958	Press
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182-183		
Dated	18.6.1863.	~~19~~

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
18th June 1863.

No. 182. Read the following letter from C. T. LONGLEY, Esq., Principal Assistant Magistrate, Vizagapatam; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Vizagapatam, 4th June 1863, No. 59.

1. In compliance with the Orders of Government,* No. 790, dated 22nd May, I have the honor to furnish the explanation called for on the following points:—

(1.) "That not having qualified as Justice of the Peace, I committed Robert Boyce Dashwood, for trial before the High Court at Madras."

2. At the time of committing Dashwood, I believed, I was a duly qualified Justice of the Peace. I took the oath before the Sessions Court of Madras in 1856, and have since frequently exercised the powers.

3. It was my impression that a Commission of the Peace was issued, on a Civilian's proceeding up country to take up his first appointment, and that nothing was required, but to take the oath.

4. When the last list of Justices of the Peace was published, Fort Saint George Gazette, 23rd January 1863, page 125, I found my name did not appear. I wrote to the Clerk of the Crown to know the reason, he replied that I had never been put in Commission. I regret exceedingly that I should have unconsciously exceeded my powers.

5. (2ndly.) "That the prisoner represented to Mr. Longley that he was not a European British subject, and that he ought, therefore, to be tried at Chicacole, and not at Madras."

6. Mr. Boyson is entirely misinformed when, in paragraph 10 of his letter, he states that "the prisoner insisted upon being tried at Chicacole, and not to be sent to Madras on the ground that he was not a European British subject." During the preliminary inquiry, which lasted three days, the prisoner was twice arraigned "as a British born subject," and failed to plead to the contrary; or that he was amenable to the Session Court at Chicacole, and not to the High Court. Enquiries had been made which led to the belief that Dashwood was a British born subject. Eighteen days after the Warrant of commitment was signed, and on the very day Dashwood was to embark at Bimlipatam, I, at Narsipatam, (upwards of 50 miles distant) received a petition from Dashwood praying to be sent to Chicacole for trial, and not to Madras, for "he was an East Indian." I endorsed this as follows:—

"Petitioner was charged by Mr. Honner, the Inspecting Postmaster, under the denomination of British born subject, and the Magistrate of the District ordered his trial under the same denomination. Petitioner did not urge the present plea during the preliminary inquiry, when he was arraigned as a British born subject. Seventeen days have now elapsed since the preliminary inquiry was closed. Petitioner's letter is only received to-day (16th January) on which day the Steamer is to arrive to take him to Madras." Petitioner's prayer is therefore rejected.

Forwarded to Government, with reference to Judicial Order, No. 790, dated 22nd May ultimo.

(Signed) D. F. CARMICHAEL,
Acting Magistrate.

VIZAGAPATAM,
4th June 1863.

No. 183.

ORDER THEREON, 18th June 1863, No. 958.
To be recorded.

(Signed) J. D. SIM,
Secretary to Government.

Exd. T. McMoory.

Pro: 22nd May 1863 - Oct 790.

dit of 22nd June

Ind. 1863 Sept.
Pro. June 1

From
The Atty. Agent
to the Governor.
Vizagapatam
Of 14th June 1863
19/12/63

No 1266
Pro: 7th July 1863. in 53-54
Comg. in reference
to the order of Govt. of 22nd
May/63 No 790, a letter
from the Atty. Agent.
May be there explain-
ing the power under
which he committed
Boydwood for trial

No 958 - 18 June 1863.
To be recorded.

182-4-183