

MADRAS RECORD OFFICE.

Government of Madras.

General DEPARTMENT.

G.O. No.	<i>1175</i>	Press Mis.
<i>21-23</i> Dated	<i>5-8-19</i>	<i>19</i>

*5/6*Not to be folded or roughly handled*Ms-*

*Proceedings of the Madras Government, Judicial Department,
5th August 1864.*

Read the following papers :—

No. 21. From C. G. PLUMER, Esq., Acting Joint Magistrate of Tanjore ; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Negapatam, 19th July 1864, No. 46.

I have the honor to inform you that a burglary was committed in June last at Tirumalarajanpatnam within the French territories. From information received our Police apprehended two Native British subjects, residents of Anom, Negapatam Taluq in the British territories, and found upon one of them a portion of the property stolen in the above burglary. Against one of these men no evidence has been adduced and he has therefore been released. As regards the other man now in custody upon whom the property above-mentioned was found, and against whom sufficient evidence has been brought to warrant his commitment, I have the honor to request the order of Government in accordance with the provisions of Section 3, Act I of 1849. The case is one which, if committed within the British territories, could be disposed of by myself ; but as I have held the preliminary inquiry in this case I would respectfully suggest that if the Government order the accused to be tried within the Presidency he should be tried before one of the Session Courts of this District.

Referred for the opinion of the Advocate General whether, in advertence to Section 14, Act VII of 1854, Act I of 1849 applies to the present case, the offence having been committed in French territory.

FORT SAINT GEORGE,
25th July 1864.

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

No. 22. From J. R. BOYSON, Esq., Government Solicitor, Madras ; to J. D. SIM, Esq., Secretary to Government, Madras, dated 28th July 1864, No. 427.

I have the honor to acknowledge the Order of Government noted in the margin, requesting the Advocate General's opinion

Dated 25th July 1864, and made on letter from Acting Joint Magistrate of Tanjore to Government of 19th idem, No. 46. as to whether, in advertence to Section 14 of Act VII of 1854, Act I of 1849

applies to an offence committed in a French territory where the offender was apprehended in a British territory.

2. I submitted the matter for the consideration of the Advocate General, with whom I have also conferred ; and,

3. I now forward a copy of his Opinion, and return the order above noted.

COPY—OPINION.

The Magistrate states that the accused is a "British subject" resident at Negapatam. No requisition appears to have been made by the French Government for the delivery of the prisoner. I do not think Act VII of 1854 applies.

2. The Magistrate is probably in error in designating the prisoner as a "British subject," as I assume that he is a Native. The denomination, British subject, has a well known signification. The correct description would probably have been that of "a subject of the British Government"

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which it is to be observed is the language used in Section 2 of Act I of 1849. If the prisoner falls under that class, or if not being such, he has "dwelt for six months within the British territories, &c," I think the proper course is to deal with him under Act I of 1849.

MADRAS, 27th July 1864.

(Signed) J. B. NORTON,
Advocate General.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 23. ORDER THEREON, 5th August 1864, No. 1179.

Under Section 4, Act I of 1849, the Governor in Council authorizes the trial of the subject of the British Government, referred to in the foregoing letter, charged with having committed burglary in the territories of the French Government, to be had before the Sessions Judge of Tranquebar.

(True Extract.)

To the Joint Magistrate of Tanjore.
" Magistrate of do.

Exd. J. Tulloch

July 28. 64.

My dear Sir

Reference from the Act?
Joint Magistrate Tanjore in
letter 19 July W. 46.

I feel that the Advocate Genl
has not remarked specially
on Mr Plummer's suggestion
that the accused should be
tried before one of the Sessions
Judges of the District and not
by himself (Mr Plummer) he
having held the preliminary
enquiry. I think this should
be the course and that for
this reason the court
sect. 4 of Act I of 1849

Yours truly
J. B. Norton

Memo.

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It seems doubtful whether, as proposed by the Sainth Magistrate, this case is disposable under Art. I-49 - the offence having been perpetrated in French territory.

Art. I-49 applies apparently only to Native Foreign states - such foreign states which, altho' foreign, may yet be in the condition referred to in § V. Please see also § XIV - Art. VII-54.

Handwritten text in a box, likely a memorandum or list of items, written in a cursive script.

Memorandum

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters—

From the Joint Magistrate
of Tanjore ————— Enter 19th July '64 N^o. 46.
" the Govt. Solicitor ————— 28th do ————— " 427.

Order — 5th August 1864 N^o. 1179.

Under §IV - Act 1-49, the
Governor in Council au-
thorises the trial of the sub-
ject of the British Govt., re-
ferred to in the foregoing
letter, charged with hav-
ing committed burglary
in the territories of the
French Govt., to be had
before the Sessions Judge
of Tranquebar.

Handwritten signature or initials.

The Joint Magistrate of
Tanjore. {
" Magistrate of do {
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29/8/64

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Office of the
Commissioner of the
General Land Office

Receivd 1864. Department.

Nov 11/90

PROCEEDINGS OF GOVERNMENT.

Dated 5th Aug 1864

to the Hon. Secy of the Interior

for the purpose of

the purpose of the

Chas. R. H.