MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No. 1161 Press Mis.

Dated 3-11-1911

3½

Not to be folded or roughly handled

Read the following papers:—

No. 14. From J. J. DICKSON, Esq., Colonial Secretary at Colombo; to the Chief Secretary to the Government of Madras, dated Colombo, 15th October 1864, No. 42.

I have the honor to transmit herewith copy of a letter received from the Police Magistrate of Colombo, and a duplicate copies of depositions in case No. 19,431, together with a warrant for the apprehension of James W. Jones, late Wharf Clerk of Messrs. Dickson Tatham and Co., and to request that you will be so good as to move His Excellency the Governor in Council to cause steps to be taken for the apprehension of the above named person.

From D. E. DEVAHAM, Justice of the Peace, to the Honorable the Colonial Secretary, &c., &c., &c., Colombo, dated Colombo, 11th October 1864, No. 29.

I have the honor to forward herewith duplicate copies of depositions in Case No. 19,431, together with a warrant for the apprehension of James W. Jones, late Wharf Clerk of Messrs. Dickson Tatham and Co., who has absconded with a sum of £17 belonging to his employers.

2. He is supposed to have left this for Negapatam on the 11th instant, per Brig Nautilus, and Messrs. Dickson Tatham and Co. request, that the warrant may be forwarded to that place in the usual manner for his arrest.

3. I annex a description of the accused party.

Description of James W. Jones, Burgher—Complexion, very dark; build, slight; of middle height; age, about 26 years.

(True Copies)
(Signed) J. J. DICKSON,
Colonial Secretary at Colombo.

Referred to the Advocate General for his opinion, as to whether the offence charged against James W. Jones brings him within the scope of Act VII of 1851.
Fort St. George, (Signed) A. J. ARBUTHNOT,
22nd October 1864. *Chief Secretary.*

No. 15. From J. B. NORTON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort St. George, dated Madras, 31st October 1864, No. 278.

I have the honor to acknowledge the Order of Government noted in the margin (with its enclosures), requesting the Advocate General's opinion as to whether the offence of theft, with which James W. Jones was charged in Ceylon, comes within the scope of Act VII of 1851, to warrant compliance on the part of the Madras Government with the application for the Government of Ceylon for the apprehension of the accused, who is supposed to be at Negapatam, under a Warrant issued from Colombo.

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

3. I now forward a copy of his opinion, and return the Order and enclosures above noted.

COPY—OPINION.

The charge preferred against the accused is one of theft and the evidence is very clear and satisfactory. Two objections have, in fact, been urged, as appears by the Minute recorded by the Judge, and by the arguments and comments of the Pleaders.

2. A question might be raised as to any Treasury Native Establishment being liable to have the accused legally received his Master's money forcibly; but I am not aware that such a principle has ever been maintained in Ceylon, as it has long been in India, and more recently in England.

3. But I think this objection could not be sustained by the charge in question, and I think the evidence shows that the accused received the money, expressly by the Interpreter's order.

4. That he was one of the "Native Chiefs" specified in Section 21 of Ordinance No. VII of 1841, but I am of opinion that he falls under the class of "subordinate officers," and is consequently amenable to the 22nd Section. This is, moreover, a case of bribery by a superior officer, and I think, to which the provisions of Act VII of 1841 ought to be applied.

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

31st October 1851.

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

No. 11. Office Kachcheri, 3rd November 1851, No. 1011.

Ordered that copies of the foregoing letters be furnished to the Magistrate of Tanjore, together with the Warrant and Depositions in original, and that he be directed to take immediate steps for the apprehension of the accused, and for his transmission to Ceylon under proper custody.

2. The Magistrate will report the arrest of James W. Jones, when it is received, for the information of the Ceylon Government.

(True Extract)

Chief Secretary.

To the Magistrate of Tanjore, with Warrant and Depositions

Lt. T. Carnegie

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers—
From the Govt. of Ceylon, Judl. 18 Oct. 51, No. 413.
The Govt. Solicitor—— 31st do. ——. 578.
Order— 3rd November 1851. No. 1011.

Ordered that copies of the foregoing letters be furnished to the Magistrate of Tanjore, together with the warrant and depositions in original, & that he be directed to take immediate steps for the apprehension of the accused, & for his transmission to Ceylon under proper custody.

2. The Magistrate will report the arrest of James W. Jones, when it is received, for the information of the Ceylon Govt.

The Magistrate of Tanjore
With Warrant & Depositions &c.

Acts of St. Louis

Judicial Department.

No. 1010.

Proceedings of Court

Feb 6 1805

Dan'l Clark

Nov 11

Page 41.