M.R.O. 1—20,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1161 Press / Mis.

239-240

Dated 31. 7. 19 1886

3/3

Not to be folded or roughly handled

No. 239. Read the following letter from the Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George; dated Fort Saint George, 30th July 1866, No. 135.

Book Department.

I have the honor to submit, for the consideration and orders of Government, a copy of the correspondence noted in the margin, relative to the qualification or otherwise of my Acting 2nd Assistant to be included in the List of Special Jurors of this Presidency. It will be seen that the Deputy Clerk of the Crown states that no persons are entitled to be placed on that List, except those who were on the Grand Jury List on the date on which Act XIII of 1865 came into operation; but Mr. Macleod's name could not possibly have appeared in the latter List, as he did not arrive in this Presidency till August 1865, and, though on the Gazetted List, was not previously appointed to an office formerly held by a Covenanted Civil Servant. Under these circumstances, and looking to the fact that the 1st and 2nd Assistants of this Office have always been called to the Grand Jury, and that an Assistant not in the Gazetted grade, but managing a Branch of this Office, is now on the Special Jury List, I have the honor to request that you will have the goodness to move Government, either to cause Mr. Macleod's name to be brought upon the Special Jury List, or, if that List is already full, as intimated by the Deputy Crown Clerk, that Mr. Macleod may be exempted from service on the Common Jury.

Letter from the Accountant General, to the Clerk of the Crown, dated 20th July 1866, No. 1614.
Do. from do. to the Sheriff of Madras, dated 27th July 1866, No. 1787.
From Deputy Clerk of the Crown, to the Accountant General, dated 28th July 1866.

2. Early orders are solicited, as the ensuing Sessions, to which Mr. Macleod has been summoned, will open on the 1st proximo.

From the Accountant General, Madras, to the Clerk of the Crown; dated Fort Saint George, 20th July 1866, No. 1614.

Correspondence Department.

With reference to a letter from the Sheriff of Madras to Mr. Macleod, my 2nd Assistant, No. 239, dated the 19th instant, in which he states that a Summons to serve on the Common Jury has been issued to Mr. Macleod, in consequence of his name appearing in the List of Common Jurors published by you in the *Fort Saint George Gazette* of the 27th April last, I have the honor to observe that the appointment of 1st and 2nd Assistants in this office were formerly held by Covenanted Officers of the Civil Service, and that the status of the gentlemen now holding those appointments is, in my opinion, such as to warrant their serving as Special Jurors, and their names were accordingly entered by me in that List. I beg, therefore, that you will favor me with the ground on which you have now seen fit to transfer Mr. Macleod's name to the Common Jurors' List, in order that I may, if necessary, address Government on the subject.

From the Accountant General, Madras, to the Sheriff of Madras; dated Fort Saint George, 27th July 1866, No. 1787.

Correspondence Department.

On reading the accompanying letter, in original, from the Clerk of the Crown, with your's of the 19th instant, No. 239, to the address of my Acting 2nd Assistant, it is clear to me that Mr. Macleod's name has been, through an oversight, either in your Office or that of the Clerk of the Crown, inserted in the Common or Petty, instead of the Special Jury List. It is presumed,

however, that the Lists published by the Clerk of the Crown are compiled from Returns received from your Office, for, if it were otherwise, Heads of Departments would not be required to furnish you in the first instance with Lists of persons in their Offices competent to serve as Special and Common Jurors. If so, you will no doubt be able to correct the mistake which has occurred, and I request you will be good enough to do so without delay, as the ensuing Sessions will open on the 1st proximo.

From the Deputy Clerk of the Crown, to the Accountant General, Madras; dated Madras, 28th July 1866.

The Sheriff of Madras has shown to me your letter to him of the 27th instant; and to my letter to you of the 26th instant, I ought, perhaps, to add that Mr. Macleod's name was returned to me by the Sheriff amongst the persons qualified to serve as Jurors. No one is entitled to be placed in the Special Jurors' List, except those, who, on the date when Act XIII of 1865 came into operation, were on the then Grand Jury List; all other persons are bound to serve on the Common Juries. One of the objects of the Act above mentioned was to secure the presence on Common Juries of a higher class of persons than those theretofore summoned on Common Juries. The attendance of Special Juries is only to be required when grave cases are to be tried; and the List of Special Jurors being sufficiently large at present all persons placed on the Jurors' List will henceforth be liable to serve on Common Juries, however high their social position may be. Certain persons were formerly entitled to be summoned as Grand Jurors; no such privilege obtains in the case of Special Jurors, with the exception already pointed out.

No. 240. ORDER THEREON, 31st July 1866, No. 1161.

The Governor in Council cannot comply with this application.

2. It is open to Mr. Macleod to address the Chief Justice on the subject, if he thinks proper.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Accountant General.

Exd. J. H. Burns.

5-

No. 1161 of 31st July 1866. No. 1

The Governor in Council cannot comply with this application.

2. It is open to Mr. Macleod to address the Chief Justice on the subject if he thinks proper.

To the Accountant General. dup 31/7 in duo