M.R.O. 1—[illegible]—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	968	Press Mis.
Dated	21. 6.	19 1826

155-152

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

21st *June* 1866.

Read the following papers:—

No. 185. From P. O'SULLIVAN, Esq., Acting Clerk of the Crown, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 14th June 1866.

With reference to Act XIII of 1865, Section 28, I am directed by the High Court to state that the Register of Preliminary inquiry and Notice to the Clerk of the Crown in the case of William Orr, a British subject, charged with attempting to commit culpable homicide, have been received in the Crown office from the Acting Joint Magistrate of Tanjore and a Justice of the Peace.

2. I am further directed to inquire whether it is the intention of His Lordship the Governor in Council to issue, under the provisions of the above Act, a Commission, authorizing a Judge of the High Court to hold sittings at any place other than the Courts usual place of sittings.

3. The Register of Preliminary inquiry in this case, held before the Joint Magistrate of Tanjore, is herewith forwarded, from which may be gathered the nature of the charge.

Forwarded to the Acting Advocate General, through the Government Solicitor, with reference to paragraph 9, G. O., 14th instant, No. 935.

(Signed) J. D. SIM,
Acting Chief Secretary.

FORT SAINT GEORGE,
15*th June* 1866.

No. 186. From the Government Solicitor, Madras, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, 18th June 1866, No. 351.

I have the honor to acknowledge the Proceedings and Order of Government noted in the margin, requesting the Advocate General's opinion as to the expediency or otherwise of Government's issuing a Commission under the provisions of Section 23 of Act XIII of 1865, authorizing one of the Judges of the High Court to hold a sitting in the Zillah of Tanjore for the trial of two European British subjects, on charges for which they have been committed to take their trial at the Sessions of the High Court.

Proceedings of Government, dated 14th June 1866, No. 935, Judicial Department.
Order of Government, dated 15th June 1866, and made on letter from Acting Clerk of the Crown to Government, dated 14th June 1866.

2. I submitted the papers for the consideration of the Acting 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 only special ground for issuing a Commission in these cases is the loss of time that will ensue if they are tried in the usual manner in the High Court. But hardly any time would be saved by a Commission. Under Section 35 of Act XIII of 1865, as soon as the place for trial is fixed on, notice is to be sent to the Sessions Court at that place, and the necessary steps for summoning jurors are to be taken by that Court. But I am informed that the Tranquebar Court is closed till the 21st July, and the Tanjore Court till the 25th August. No trial, therefore,

Proceedings of the Madras Government, Judicial Department,

21st June 1866.

could be had in the Tranquebar District earlier than the 1st of August, when the High Court Sessions are held, if so early, nor in the Tanjore District till much later. This alone seems to settle the question.

2. No information has yet been supplied as to the possibility of getting together such a jury as the prisoners would be entitled to demand under Sections 36 and 37.

18th June 1866.

(Signed) J. D. MAYNE,
Acting Advocate General.

(True Copy.)

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

No. 187. To the Honorable the Chief Justice of the High Court of Judicature

Madras, dated Fort Saint George, 21st June 1866, No. 968.

In acknowledging the receipt of Mr. O'Sullivan's letter of the 14th instant I am directed to inform you that it is not the intention of the Governor in Coun cil to issue a Commission under the provisions of Act XIII of 1865 for the tria of the case therein referred to.

2. The enclosure received with Mr. O'Sullivan's letter is returned.

(True Extract).

(Signed) J. D. SIM,
Acting Chief Secretary.

Ed. J. H. Burns.

Pstn 131-134
11-646
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235-46

JUDICIAL DEPARTMENT.

No. 968.

THE HONORABLE SIR C. H. SCOTLAND, KNIGHT,

Chief Justice of the High Court of Judicature, Madras.

HONORABLE SIR,

In acknowledging the receipt of Mr. O'Sullivan's letter of the 14th instant, I am directed to inform you that it is not the intention of the Governor in Council to issue a Commission under the provisions of Act XIII of 1865 for the trial of the case therein referred to.

2. The enclosure received with Mr. O'Sullivan's letter is returned.

I have the honor to be,
Honorable Sir,
Your most obedient Servant,

Chief Secretary.

FORT SAINT GEORGE,
21st June 1866.

Judicial 1866 Depart.

No. 1968.

To

The Honble

The Chief Justice of the

High Court of Judicature

Madras

Dated 21st June 1866.

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