

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	530	Press
		~~Mis.~~
<i>1-2</i>		
Dated	1-4	1867

5/6

Not to be folded or roughly handled

16/10/52

No. 1. Read the following letter from the Session Judge of Salem, to the Chief Secretary to Government, Fort Saint George; dated Salem, 12th March 1867, No. 4.

I have the honor, with reference to the provisions of Section 322 of the Code of Criminal Procedure, to submit for the consideration of Government the expediency of introducing the system of trial by Jury into this District. I have watched very closely the conduct of the persons now sitting as Assessors, and am satisfied that they may both safely and advantageously be entrusted with the final decision of all questions of fact in Criminal cases. In the numerous cases tried in this Court during the last fifteen months, the Assessors have exhibited great independence and intelligence in the opinions which they have delivered, and I see no reason to think that the interests of justice will suffer in their hands with regard to any class of offences. In times of popular tumult or political excitement it may, perhaps, be necessary to restrict the functions of the Jury; but under present circumstances I consider that it would be useless and inexpedient to exclude any offences from their cognizance. Fully four-fifths of the cases coming before this Court are cases in which theft is the main element, such as house-breaking with extensive theft, robbery, and dacoity. The rest are comprised of adultery, false charges, mischief by fire, and various degrees of injury to the person, including murder, culpable homicide, and grievous hurt. It is seldom that any other offence is the subject of investigation. I could not myself advocate the introduction of a mongrel system, requiring the trial of particular classes of offences by Jury and of other classes with the aid of Assessors. The inconvenience of changing from one to the other method, as each case came on for trial, would be very great; and such a system would indicate a distrust of the persons on the Jury list, which I think would have a demoralizing effect. I would rather see them treated with the fullest confidence, as the best means of rendering them alive to their responsibilities, and of inducing them to take an interest in the administration of justice. If the Government should desire it, a special report might be made upon the working of the system after the lapse of a twelve-month. Having thus stated my views upon the subject, I have the honor to recommend that an order may be published by the Government, directing that the trial of all offences before the Court of Session in this District shall be by Jury.

No. 2. To the Honorable Sir C. H. SCOTLAND, Kt., Chief Justice of Her Majesty's High Court of Judicature, Madras; dated Fort Saint George, 1st April 1867, No. 530.

I am directed to transmit the annexed copy of a letter from the Session Judge of Salem, recommending the introduction of the system of trial by Jury into

the Session Court of that District, and to request that you will be so good as to favor Government with the opinion of the Honorable the Judges as to whether the system in question should be introduced into the Session Court of Salem.

2. Referring to the opinion of the Judges, communicated in Mr. Hutchins' letter of the 24th January 1866, His Excellency in Council presumes that the Honorable the Judges would not be disposed to advocate the introduction of the system to the extent advocated by Mr. Chamier, but it is possible that they would not object to the introduction of the system, provided that it be confined to the classes of offences to which it is restricted in those Zillahs in which it is at present in force.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

h Judicial Department

h The Honble Sir Adam Sitteyton Kt
As Chief Justice of the High
Court of Judicature.
Madras.

Honble Sir.

I am directed to
transmit the annex:
: a copy of a letter from
the Sepim Judge of Salem
recommending the
introduction of the Sys:
:tem of trial by jury
into the Sepim Court
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to request that you
will be so good as to
favor Government
with the opinion of
the Honble the Judge,
as to whether, under
the circumstances
stated by his Chamber,
the system in question
can be introduced
into the Sepim Court of Salem.
Yrs
A. S.

* Dated 12. March/67
No. 4.

J. S.

I would not trouble the H.
Court with this court from the S.
Judge of Salem. In Feb of last year,
Mr. J. S. submitted to the Govt.
of India a very distinct opinion
as to the expediency of extending
the jury system further than it has
now gone, & it seems to me that on
the sole view of the S. Judge of Salem
who, after all, has only come 12 months
experience as a Sepim Judge - that
a jury should dispose of all
crimes and offences, we have not
enough before us for a final
decision. The Judge of the H. Court
#

were against any ex-
tension of the system as well
as the poor:-

Personally, I see the
trial of misfel prisoners
by jury, the production of
caulps on the part of
the poor and certainly
it bears most severely and
harshly in frequent cases on
the accused - as the poor relation
records show - by shutting out
their appeal except on points
of law which rarely arise.

I would tell Mr Chamber
unapologetically that
the poor are not as yet prepared
to consider the question of
an extension of the jury
system beyond the poor courts
to which it has been applied

The recommendation
of the local officers
is very decided. Before it
forms an opinion I wish to
have the sentiments of my
colleagues in Council
more fully.

ADP

P

deposited

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Judicial Department

No 530.

C. Scotland

To the Honorable Sir Robert W.
~~Chief~~ Justice of the High Court
of Judicature.

Honorable Sir,

Dated 12th March 1867, No 1.

N. G. P.

W. G.

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Referring

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opinion given in Mr.
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Should say
"opinion of the Judges
communicated in Decr"

N.

W.D.

Fort St. George.
1st April 1866.
2nd to 15

1-2
Description of the
system of trial by jury
in the Session Court of
Salem

7948

Judicial 1084 Sept 11

18530

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The Honorable

The Honorable of the
High Court of Judicature

Sept 1206.

Sept 1206.