

Inol (189) Department.

ORDINARY *1365 Mis* *A. A.*

G.O., No. *1365*

Confidential No.

DATED *26-8-99*

[Despatch Abstract.]

Trial by Jury in the ...
not cases

Confidential paper comments with

பாடகாப்பு பிரிவு - 1

செப்பனியுலர் பெயர்: Md. Fazil Shah

செப்பனிருந்ததற்காக எடுத்திக்- Jan - 08
கொள்ளப்பட்ட நாம் Feb - 08

1.2.08

சரிபார்க்கும்
முதல் முதிபாள
கையொப்பம்

~~26/2/08~~

சரீரார்க்கும்
2ம் (நிபா) எ
கையொப்பம்

215 / 24.03.58

ஆராய்ச்சி
உதவியாளர்
அகியைப்பம்

$$\left[\frac{G}{24} \right]$$

DEPARTMENT

2 F

C. No. 3324. From the 5-7-1895, No. 116, dated 8-8-1895.

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For orders

The papers may be sent
(as yet) to the Advocate General
with the request that he
will prepare & submit to
Court at an early date the
necessary draft notification
for issue under Sec 269 C.C.

10/8/35

№ 2034 от 10-8-99

To Advocate General. U.S.

I send you following
herewith.

Prunella
- 13-4-99.

I think and not
- the whole and
- part is simple

which is the whole
and part is simple

(then quote the notification
appointing Mr. Oldfield
to be Additional Sessions
Judge for the trial of
cases arising &c)

in passing the words
of the Court of Appeal
the Local Government

in exercising its
all powers
the Government

and not by jury

and not by jury

and not by jury

I feel it to be presumptuous
to suggest that the learned
Advocate General's view
is unnecessarily prolix
but I am unable to see
why a simple notification
to the following effect
should not suffice:-

With reference to
Notifications
and under the powers
conferred by Sec. 269
C.P.C. the G. in C.
with the sanction of the
Gov. Gen. in Council
is hereby pleased to
direct that the trial
before the Court of the
Additional Sessions Judge
in Tinnevely of all
offences arising out of
connected with the recent
riots & disturbances
known as the Anti-Shaw
disturbances shall be
conducted by the Judge
alone and shall be
with the aid of assessors
and not by jury.

2- Govt. has defined the cases which Oldfield is to try - All that seems further necessary is to declare with reference to Sec 269 that the trial shall be with the aid of a jury & not by jury.

3- I suppose however the draft of the learned Adv. Genl. must be accepted - I am however of opinion that definition of the word & disturbances to which the notification refers is inadequate & that it is essential to add the words - "known as the Anti-Shamash riots & disturbances"

4A

Some thing to that effect -

4. I doubt if it is necessary or expedient for Govt. to give its reasons in the notification?

5 The amendments suggested by C.S. in pencil seem necessary

MS

16-8-89 - 8 p.m.

I don't like the idea of adopting a different notification from A.G.'s without his consent.

I think ^{that} the C.S.'s pencil amendments should be communicated to the A.G. together with the Hon. Mr. Winterbotham's comments A & B in his paper. I & C. together with the draft, and I suggest that the A.G.'s opinion should be obtained. The A.G. may also be asked the cases are to be referred to the Adv. Sec. Judge & I am well. If there is time the reference may be made by letter.

if not, the ^{Ad.} can be
telegraphed to. Or
perhaps he can wait
his reply.

Ad.
17-8-89

It appears impossible to lay
the matter before the Ad. G.
except by letter.

The delay is unfortunate but
seems unavoidable -

The Ad. G. will not be pleased
but this also cannot be helped.

H.W.
18-8-89-

1889.

SA J. L.

for 13/15
26-8-89

From the _____, No. _____, dated _____ 189

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D.O.
My dear Arnold White

I am pleased
to return the draft notification
prepared by you in regard to
the proposed suspensions of
by jury in Tennessee in Anti-
slavery cases and to enquire
whether you approve the present
additions made to the draft.
D. Field has been appointed to
Additional sessions of the
and all cases arising out of the
late disturbances in Indiana
& committed to the sessions will
be tried by him. The Court is
somewhat doubtful if it is

or expedient to give
satisfaction its reasons
suspending trial by jury.
These cases with your place
with your opinion in the matter,
and your reasons thereon are
together with the and I am therefore
to send for perusal of your opinion
in the matter in the matter
an alternative draft, which has
been prepared.

Yours sincerely

W
5/8/99

The Hon. Mr. Justice White, P.C.,
Advocate General
with kind regards to the
respected family (the wife)

6A
proposed draft
• fications Nos. 346 and 347,
dated 8th August 1899,
published page 994
of the Law Gazette
Gazette of the 15th August
1899, Part I, and under
the powers conferred by
Section 267, Criminal
Procedure Code, the Local
Government, with the
sanction of the Governor
General in Council,
is hereby pleased to direct
that the trial before the
Court of the said Criminal
Sessions Judge of
all offences arising
out of, or connected with
the recent riots and
disturbances

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Chief Secretariat

78 Colacama

18th August 1899

D.O.

My dear Arnold White.

I am desired to
return the draft notification
prepared by you in regard
to the proposal to suspend
trial by jury in Tinnervelly
in Anti-Shanar cases and
to enquire whether you
approve the pencil additions
made to the draft.
Oldfield has been appointed

to be Additional Sessions
Judge of Tinnevely, and
all cases arising out of
the late disturbances in
Madura and Tinnevely
and committed to the Sessions
will be tried by him.
The Government is somewhat
doubtful if it is necessary
or expedient to give in the
notification its reasons
for suspending trial by
jury in these cases, and
I am therefore to send

8A
for favour of your opinion
in alternative draft, in
briefer terms, which has
been proposed.

Yours sincerely

G. Walker

To

The Honourable Mr C. Arnold
Barrister at Law
Advocate General
with two enclosures to
be returned.

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La

90 West End Hotel

Bangalore

Aug. 22nd 1898

My dear Sir,

With reference to
your L.O. dated Aug. 18th I
return the draft Notification with
certain amendments in red ink.
In preparing the draft Notification
I followed the earlier precedents
so far as they were applicable.
S. 265 of the Code of Criminal
Procedure empowers the Local Govt.
to order that the trial of offences
before a Court of Session shall
be by jury, and to revoke any
order made to this effect. At
present there are orders in force
under which the Magistrate is entitled
to trial for offences in connection
with the anti-Thamian disturbances
are entitled to be tried by
jury. Consequently, it is necessary
to revoke these orders, as regards

These persons, in express terms.

I have some doubts as to
the advisability of stating in the
testification the reasons for adding
the subscription of June 27 (1861).
But, seeing that such an omission
would only be made in very
exceptional circumstances, I thought
it desirable to state the reasons
in the testimony. It seems
to me that an express reference
to the exceptional circumstances
in the present case might help
to make any difficulty which
the Govt of Maine might possibly
raise to the issue of the
testification. However, having
regard to what I have said in
my letter, I have attached
out the paragraphs which give
the reasons for the particular
intervention of the existing order, and
have also shortened the draft,
generally, as far as possible.
Very sincerely,
Amos A. Phelps

The Hon. Mr. G. Holmes.

Please see the Draft Telegram in
 3 below. Fair copy is sent for
 signature - The fair copy is in
 correct copy for the Adm. Secy.

connections are correct
in C.P.C. (sec 9) speaks of
establishing "Courts of Session"
but does not speak of
establishing "Courts of additional
sessions judges" - but merely says
that additional judges may
be appointed to exercise
jurisdiction in the sessions court.
It is submitted therefore that
it is not practicable to transfer
the supervision of jury trials
to the stipendiary court. As
proposed.

At.
24/1/19