

(1) Number of pages 8(2) Date of repair 6-11-42(3) Initials of the Referencer G.**MADRAS RECORD OFFICE.****Government of Madras.***Judicial* **DEPARTMENT.**

G.O. No.

2145

~~Press~~
Mis.

Dated

14-6-

1893.

Not to be folded or roughly handled*6-11-42*

No. 3080-I.

FROM

THE SECRETARY TO THE GOVERNMENT OF INDIA,

TO

*The Chief Secretary to the
Government of Fort St George.*



Simla, the 2nd September 1893.

FOREIGN DEPT. SIR,

I AM directed to state that in exercise of the powers conferred by Section 2 of Act V of 1893, (an Act to legalise in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in, or with respect to territory beyond the limits of British India, jurisdiction which the Governor-General in Council has within such territory) and to give effect to the provisions of the Notification by the Government of India in the Foreign Department, No. 1431-I., dated the 27th April 1893, the Governor-General in Council is pleased to authorise the

Government of Madras
to direct to what jails, within the territories subject to the jurisdiction
of the Governor in Council,
such Courts may send their warrants under the provisions of the said Act and Notification, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Court as aforesaid.

I have the honour to be,

SIR,

Your most obedient servant,

M. M. M. M.

for Secretary to the Government of India.

With 6 spare copies.

~~Conf.~~
S. C. 100

~~Let. Cunningham's letter will be~~
~~sent to the Adm. Gen. There are~~
~~two cases~~ In the cases of the
 Piriyar Camps & of the plateau of
 Kaimurding death-sentences of the
 kind referred to in Act V of 1893 might
 apparently be passed & it seems to be
 necessary ~~to~~ to declare the D^r
 Tails at Madras & Bellary ^{respectively} to be the
 places at which such sentences may
 be carried into execution. But the
 High Court also possesses a general
 jurisdiction in respect of British
 subjects who commit offences in
 Native States, & it is ~~perhaps~~ necessary
 to declare the Penitentiary
 to be a place where sentences of death
 passed by the High Court in exercise
 of its aforesaid jurisdiction may be
 executed. ^{The attention of the Adm. Gen. will}
~~Copies of G.O. No. 101 of 1897, B.~~
~~Kangra be sent to the magistrates~~
~~of the S. & S. D. divisions, Nos. 603, 604,~~
~~noted, notifying them~~
~~with be sent to the Adm. Gen. & he will be~~
 requested to advise on the whole subject

to prepare a Valed^g specifying the points
to which the Courts referred to in Mr. Cuningham's
letter may sound their verdicts. (From advs)
I think the Adv. Gen. should be consulted
The High Court may decline to advise. The
Adv. Gen. should be called to the Punjab
& Ramandroy cases, and also to the juris-
diction of the H.C. over Brit. Subjects in
Native Courts. I don't think there will be much
difficulty in drafting 166
the notification. 9 Oct 1868
OFFICIAL

There are two places to which this Act V of 1893 will certainly apply, viz, the Pringār Camps & the plateau of Rāmāndring; for the former the St. Tail at Madura would naturally be named, for the latter that at Bellary.

But, besides this, it is to be observed that the High Court has general jurisdiction over British subjects in Native States; for example, a European British subject who commits a murder in Travancore would be tried by the Madras High Court. The question then arises whether in such a case the death sentence could be carried out at the Penitentiary.

~~These considerations~~
It seems therefore expedient to ask the High Court whether it is necessary to specify the Penitentiary as the place where sentences of death passed by it on British subjects in native States shall be carried into effect.

Moreover, as the Notif^{ce} ought to be carefully worded & as the subject of jurisdiction in Native States is in a very confused condition, it would be as well perhaps to get the Adv. Gen. to draft the Notif^{ce}.

X hole what is sketch
u to 7 & 8 inches
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75 G. G. Part I May 30, 1893 Page 630.
India act V of 1893.

[G]
5,000-14-7-83.

Current No.

Judicial DEPARTMENT.

From the Govt of India
Foreign Dept

Order

Communicated to the J. G. of rails for
an expression of opinion whether
report as to what jails the Govt may send them
are ~~precise~~ ^{correct} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~provisions~~ ^{provisions} of the Foreign Dept
Notification of 27 April 93 - republished on page 630
Part I of Part I of the Gazette of 30 May 93.

28/9/93

To the J. G. of rails (at)

The Pinger territory - I think the
only case is that the act is applicable
if there is no other, obviously then
Madras Jail need almost be specified
I don't doubt that the Govt's opinion
can be. Are there any other cases
than Pinger? There is jurisdiction
over certain railways, but I don't
think we are in anyway concerned
with it

No. 3080-1

Dated 2nd September 93.

Received 13th Sep 93

Enclosures 6 share Copies of C. No
Regd. 14th Sept 93. 3911

SUBJECT.

Authorising the Govt of Madras to
direct to what jails British Courts
exercising, in or with respect to
territory beyond the limits of
British India, jurisdiction which
the Governor in Council has within
such territory, may send their
warrants of execution of Capital
Sentences under the provisions of
Act V, Sec 2, of 1893.

BACK PAPER, No.

of 18

FURTHER PAPER, No.

57530

of 1898

2805/14/1-30 1626

11-1-9

READ AGAIN. ORDER OF GOVERNMENT, DATED
18, No. MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

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18/9/03 ✓

23-11-11 ✓

23-7-12

29-7-10

17-0-2210-V

[$\frac{a}{n}$]

ORDINARY, MS.

<i>Journal</i> DEPARTMENT.
G.O., DATED 14-10-93
No. 2145

INDEXED.

When given for copying.

[Despatch Abstract.]

Requesting the Advocate Genl to
advise Govt on the subject of declaring
the ports to which British courts
exercising jurisdiction in, or
in the prospect to territory beyond
the limits of British India
may send their warrants of
execution of capital sentences
under the provisions of Section
2 of Act V of 1853 & to prepare
a Notification accordingly.