M.R.O. 1—77,005—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 9 Press / Mis.

16-17

Dated 5—1— 1872.

Not to be folded or roughly handled

No. 16. Read the following letter from the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Secretary to Government, Public Works Department, dated Madras, 30th November 1871, No. 1,903:—

WITH reference to your letter dated 22nd July 1871, and your Memorandum No. 178, dated 20th September 1871, I am directed to express the late Chief Justice's regret that he was prevented by press of business from recording a written judgment in the case of Regina *versus* Colquhoun (Criminal Appeals Nos. 136 and 137 of 1871), as he had intended.

2. I am desired by Mr. Justice Holloway to say that the oral judgment of Sir C. Scotland occupied more than an hour in the delivery, and dealt with every particle of the oral evidence, examining with the Chief Justice's usual care and accuracy all the facts of the case and all the inferences arising from them.

3. After such a judgment, in which the Puisne Judge substantially concurred, it would have been contrary to practice, and an unpardonable waste of the public time, if he had again traversed the whole of the ground. He therefore confined himself to illustrating the crushing confirmation which that evidence received from the letters and conduct of the prisoners, a point omitted in the exhaustive judgment of the Chief Justice. He added some few observations upon professional etiquette and the breach of it, which had appeared in the case. To record those observations more than substantially would be impossible, and as the judgment was itself merely the complement of another not forthcoming, Mr. Justice Holloway does not propose attempting to bring his remarks into a written form.

4. I am to mention that the Government Pleader, who appeared in support of the prosecution, and for whose arrival the delivery of the judgments was delayed, was present when judgment was delivered, and knowing the practice of the Court not to record written judgments in cases in which appeals are dismissed, has doubtless taken copious notes of both judgments for the information of Government.

No. 17. ORDER THEREON, 5th January 1872, No. 9.

ESTABLISHMENT, No. 2.

HIS Excellency the Governor in Council resolves, with reference to paragraph 4 of the foregoing letter, to request the Government Pleader to be good enough, if he recorded notes of the judgments of the late Chief Justice and of Mr. Justice Holloway in the case of *Regina versus* Colquhoun, to submit them for the information of Government.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Government Pleader.
,, Judicial Department.

Exd. T. O'Connor.

No. 1903.

From

H. Wigram, Esquire.

Acting Registrar of the
High Court of Judicatu
at Madras

To

Colonel J. Carpendale. R.E.
Secretary to Government
Public Works Departme
Fort Saint George

Sir,

1. With reference to your
letter dated 22d July 1871 and your
Memorandum No. 178, dated 20th
September 1871, I am directed to
express the late Chief Justice's
regret that he was prevented by
press of business from recording
a written Judgment in the case
of Regina V Colquhoun (Crimi
nal Appeals Nos. 136 and 137 of
1871) as he had intended.

2. I am desired by Mr. Justice Holloway to say that the oral judgment of Sir C. Scotland occupied more than 4 hours in the delivery, and dealt with every particle of the oral evidence, examining with the Chief Justice's usual care and accuracy all the facts of the case and all the inferences arising from them.

3. After such a judgment in which the Puisne Judge substantially concurred, it would have been contrary to practice and an unpardonable waste of the public time if he had again traversed the whole of the ground. He therefore confined himself to illustrating the existing confirmation which that evidence received from the letters and conduct of the prisoners, a point omitted in the exhaustive judgment of the Chief Justice. He added some few observations upon professional etiquette and the breach of it, which had appeared in the case. To record those observations more than substantially would be impossible, and as the judgment was itself merely the complement of another not forthcoming. — Mr Justice Holloway does not propose attempting to bring his remarks into a written form. —

4. I am to mention that the Government Pleader who appeared in support of the prosecution and for whose arrival the delivery of the judgement was delayed was present when judgment was delivered, and knowing the practice of the

Court to be pleased to record a written judgment in cases in which appeals are preferred, than doubtless taken as a part of both judgments for the information of Government.

High Court of Judicature, Madras, 30th November 1871.

I have the honor to be,
Sir,
Your most obedt Servt

Wigram
Acting Registrar,
Appellate Side.

Lds Standard

P.W. Dept

P. W. Sept

No. 9.

Proceedings of the Madras Government
Under date the 5th ~~December~~ 1872.
Read the following

From the Actg Registrar
of the High Court of
Judicature Madras.

Prosecutor No 1903 of 30th Nov 1871

I have the honor in
Council to refer with reference
to Para 4 of the foregoing
letter to request the Govern-
ment Pleader to the good
enough to ~~be~~ recorded ~~fault~~ note
of the judgments of the
late Chief Justice & Mr
Justice Holloway in the
case of Regina versus Col-
gohoun, ~~and~~ to submit
them for the information
of Government.

13 Dec

P. W. 1871 Depart.
Dr. of Sylvester Davy
No. 5712.

From.
The Actg. Registrar of
the High Court
of Judicature
Madras.

Dated 30th Nov 71
Rec'd Dec 7/71

No. 1903.
In transmitting that
there was no written
Judgment recorded
in the case of Regina
v. Colgohoun & Ors
(Criminal Appeals Nos
136 and 137 of 1871).
No. 9. 5th Jany/72

To The Govt Pleader
" Judl Depot
Dec 8/72

11F

Letter from the Ry Registrar of the High Court

Circulated for the information of Government

Col RE

Secretary to Govt.

6th December 1871.

I remain &c
I think it
Govt. Pleaders
would find
notes of the judgments
of the late Chief
Justice & Puisne
Justices following

No. 1/17

Govt. of {1871} Madras.

PUBLIC WORKS.

To The Government Pleader.

137

Dated

Recd. Fwd.

G. O., 5th January 1872, No. 9.

Nos. 16 & 17

Mr. Colgahan ~~suspended~~ - the Govt Pleader requested to obtain & forth information of Govt orders, if received, of the judgement of the High Court in the case of Regina versus Colgahan

16th Dec 1871 Q. 8.