



(Subj/cont)

801:

905:

July

805:

Case of alias Wehrle

Appeal will take place on 1<sup>st</sup> August  
Requests appearance of officers of about 100  
with points to be at a conference - members  
of the Butto - 3<sup>rd</sup> Aug

No. 6  
of

Open  
Date

20th

Since writing my previous letter to you to-day I have been informed by Mr. Greville Council that this Appeal will be taken on Thursday next, the 27th instant. I have mentioned the same to Mr. Gurney and he wished some time from your arrival, familiar with the points raised, so at our conference at his Chambers, Fetter's Building, Temple, I gave the 27th instant at 3 p.m. The main points raised are set out in the letter from Messrs. Sanderson, Adkin, Lee & Radin enclosed in my previous letter of to-day, but I will send copy of the Petition by hand first thing tomorrow.

As requested I am sending to the India Office for copies of the documents Nos. 2, 3, 4, 5, 6, 7 mentioned in my letter of "the 27" yesterday. I enclose also a copy of the original in both English and Bengali.

I remain ever obediently

John Allen Gurney

Advocate

for H. 45 - 20th July 1909.

letter most urgent. Reference to

247 Appeal to Privy Council pending.

Petition asserts Hamilton A. M.

Court for East Africa and that

try Wehner only in capacity of J. t. i. b. o. b. o. b.

Section 274 of Code of Criminal Procedure

jury of nine in trials before

trial by jury before the

of seven odd number

in criminal cases

It is alleged that the

Code of Criminal Procedure

has been differentiated for East Africa

in regard of local recruitment fixing the

for trial before a court of seven odd numbers

in trials before a court of seven odd numbers

alleging of seven and in trials before a

court martial returning verdicts of

jury of nine. Further it is alleged, was

alleging of seven. In trials before a

court martial returning verdicts of

alleging of seven. The allegation

of seven odd numbers fixing the juries

in court martial trials is so very serious

and it is important to prevent the

alleging of seven odd numbers fixing the

in court martial trials is so very serious

and it is important to prevent the

alleging of seven odd numbers fixing the

in court martial trials is so very serious

and it is important to prevent the

... having to your Court  
and that the Court of Session  
is not a Court of Jury and that the  
Court of Session is a Court of Judge of High Court  
section 229 Criminal Procedure Act does not  
allow for a jury of twelve to be the High Court and in  
trials by the Court of Session for a jury  
of less than number less than three nor more than  
nine as the local government may direct by order.  
It is claimed that no Court of Sessions within the  
meaning of Code of Criminal Procedure section nine  
has been duly constituted for East Africa that there  
no order of local government fixing number of jurors  
for trial before a court of session and that pris was  
tried before a Judge failing to act as Judge  
a Court of Session and by law and five persons High  
Court alone and the trial was tried and with a  
jury of names were not known. Report fully  
graph stating that a Court of Session within the  
meaning of Code of Criminal Procedure section nine  
was constituted for East Africa and that  
the trial was tried by five persons.

Report to your  
High Court  
and that  
try cases in the capacity of Judge of High Court  
section 2 of Criminal Procedure Act does not  
allow of trial before the High Court and in  
trials held by the Court of Session for a jury  
of not less than number not less than three nor more than  
nineteen the local or session court may direct by order.  
It is claimed that Court of Sessions within the  
meaning of Code of Criminal Procedure section nine  
has been duly constituted for that Africa that there is  
no order of local government fixing number of jurors  
for trial before a Court of Session and that pris was  
tried before a High Court failing to act as judges of  
a Court of Session and not less than five jurors High  
Court alone but is satisfied to trial and with a  
jury of nine. It is claimed that no  
order has been issued. Report fully  
in which stating that a Court of Session within the  
meaning of Code of Criminal Procedure section nine has  
been constituted for that Africa and that  
it is failing to act as a judge of