

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1376

Press
Mis.

55-57

Dated 13.11.1861

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6/7

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
13th November 1861.*

Read the following papers:—

No. 55. From W. M. CADELL, Esq., Magistrate of Tanjore; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated Vallam, 24th October 1861,
No. 298.

From Government, 22nd June 1861/808
To do. 12th July 1861/148
From do. 23rd July 1861/941

With reference to the correspondence
marginally noted, I have the honor to report
for the information of Government that, in a
letter addressed to me by the Justice of the

Peace at Colombo on the 14th instant, that Officer states that, at the earnest request of the com-
plainant, he has examined certain other witnesses cited by him and that, from the evidence now
before him, he is fully convinced of the truth of the complainant's statement as to the theft
having actually being committed. Mr. Dalziel having therefore forwarded a warrant for the
re-apprehension of Mohamed Aboe Bakker and requested me to forward him to Colombo, I have
issued the necessary instructions for his apprehension and so soon as the party is in custody,
arrangements will be made for sending him to Ceylon in charge of two Police Constables unless
I am otherwise instructed by Government.

The original letters* received from Colombo together with its enclo-
sures are herewith forwarded.
* To be returned.

No. 56. From WILLIAM C. GIBSON, Esq., Colonial Secretary, Colombo; to the Chief
Secretary to Government, Fort Saint George, dated 24th October 1861, No. 78.

With reference to former correspondence on the subject, I am directed to transmit to you
for the information of the Honorable the Governor of Madras in Council, the annexed copy of
a letter and of its enclosure from the Justice of the Peace of Colombo.

From J. DALZIEL, Esq., Justice of the Peace; to the Honorable the Colonial Secretary &c.
&c. &c., dated Colombo, 14th October 1861, No. 23.

I have the honor to annex herewith copy of a letter I have written to the Magistrate
Tanjore.

I have taken the further proceedings with the concurrence of the Deputy Queen's Advocate,
who is also of opinion that the complainant's charge of theft against Wappa Saiboe is a true
charge, and in no respect of a civil nature.

The complainant is to defray any expense that may be incurred.

From J. DALZIEL, Esq., Justice of the Peace; to W. M. CADELL, Esq., Magistrate of
Tanjore, dated Colombo, 14th October 1861.

With reference to your letter of the 3rd August last, and printed Proceedings of the Madras
Government sent therewith, I have the honor to inform you that the complainant in the case
alluded to, No. 15,118, Cosaliar Cader Meedin, or Mohoyedeen, Sinne Tamby, having repeatedly
intreated that I would take further proceedings, I have re-examined himself at length, and have
also recorded the evidence of two witnesses produced by him.

Being fully convinced of the truth of his statement and that the case is not in any respect
of a civil nature, I send herewith a copy of the proceedings and request that you will be so good
as to reconsider the matter so that the said Mohamado Aboe Bakker, alias Saiboe or Sahib, may
be arrested on the Warrant herewith enclosed and sent to Ceylon, to be dealt with according to
Law, for the theft complained of. The accused will be pointed out by the complainant's Agent

Proceedings of the Madras Government, Judicial Department,
13th November 1861.

Cader Neyna Mohamado Sabbe of Adrampatam, who will also defray any expense that may be incurred.

(True Copy)

(Signed) J. DALZIEL,
Justice of the Peace.

(True Copies.)

(Signed) WILLIAM C. GIBSON,
Colonial Secretary, Colombo.

No. 57. ORDER THEREON, 13th November 1861, No. 1,376.

The Magistrate will observe that, under Section XVIII, Act VII, 1854, the person accused is not to be delivered over without an Order of Government.

2. The opinion of the Advocate General will be taken as to whether the allegations against Aboe Bakker amount to an offence within the scope of Act VII, 1854.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letters—

~~Read letter from the~~
Magistrate of
Tanjore — Inter 24 Oct. '61 N^o 298.
From the
Colonial Secy, Colombo — 24 "do" — " 78.

Order — 13 November 1861. N^o 1376.

The Magistrate will
~~be observed that,~~
under Section XVIII,
Act VII-54, the per-
son accused is not
to be delivered over
without an order of

Govt.) ~~The Magis-~~
~~trate should be~~
~~kept the officer~~
~~in of Mahomed~~
~~Aboe Bakker.~~

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2. ~~The~~ The o-
pinion of the Advo-
cate Genl. will be ta-
ken as to whether
the allegations a-
gainst Abol Bak-
ker amount to an
offence within the
scope of Act VII -

1854.

I D S

12-2-1854

The Magistrate of Tanjore.

Advocate Genl.

With the Inclosures.

disp. 14

1376

Memo. 3

Act VII-54 § XIX
directs that the per-
son accused shall
not be delivered
up without an order
of Court.

The Act refers to
the extradition
of persons only for
heinous offences -
& these are enu-
merated in § XXI.

The charge against those
 Bakker, if criminal, seems
 to constitute Theft or Lar-
 ceny — under this is it
 Mr. Mayre says — "Where a
 party has obtained the possession
 of any chattel, bona fide & with-
 out fraud, and is not a ser-
 vant of the original owner,
 no subsequent appropri-
 ation of the article, or mal-
 practices in reference to it,
 can make him guilty of
 larceny." — The

Criminal
 Law, page
 30- § 3.

Mexico
 The Robbery is heinous un-
 der the Regulations, as be-
 ing attended with violence,
 the charge against those
 Bakker, if criminal, seems
 to constitute Theft or Lar-
 ceny — under this is it
 Mr. Mayre says — "Where a
 party has obtained the possession
 of any chattel, bona fide & with-
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 no subsequent appropri-
 ation of the article, or mal-
 practices in reference to it,
 can make him guilty of
 larceny." — The

of India

The Court have ruled that
evidence from the Court
seeking the surrender of
the offender is admissi-
ble. The Justice of the Peace,
Colombo, states that the
case is not in any respect
of a Civil nature - & he
has issued his Warrant
in accordance with the
instructions of the Queen's
Advocate received thro
the Colonial Secretary.
The Warrant charges
Aboe Bakker, alias of
Adampatam (Madr
dras) with Theft

Mr. Under
Secretary
Aitchison's
letter in
Pros: 22nd Aug.
'61 No: 375.
Political,

Received
2005
12 8 -02

tradition

Prosp. No. 2

Journal 186 1. Department.

No. 1376.

PROCEEDINGS OF GOVERNMENT.

Feb 1858.

Dated 13 November/61

*Remark that the collage
of St. James will be made
that under the name of the
St. James will be made
is not to be delivered over
without an order of government.*

55-57.

*CS. 12
211.*