

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1152	Press
	202-205	~~Mis.~~
Dated	22.7.1882	-11-

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Not to be folded or roughly handled

22nd July 1862.

Read the following papers:—

No. 202. From A. R. McDONELL, Esq., Magistrate of Trichinopoly; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 13th June 1862, No. 103.

Paragraph 1. Enclosed I have the honor to forward an original letter* I have just received from Monsieur Texter de Ravis, Chef de Service at Karical, asking me to hand over to him three Natives said to be residents of Karical and now refugees in this District, who, he states are sentenced by the Courts of Karical and Pondicherry to suffer imprisonment for theft. I have issued warrants to have these people apprehended and brought before me, but as I am in doubt how far I am authorized to comply with Monsieur Texter de Ravis' request, I write for instructions. I am under the impression that the Chef de Service at Karical is irregular in addressing me direct, the application should have been made through the Governor of Pondicherry to the Special Agent at Cuddalore.

2. May I request the favor of your sending instructions to me by Telegram, as to whether I may comply with Monsieur Texter de Ravis' request.

Referred for the opinion of the Advocate General.

FORT SAINT GEORGE,
20th June 1862.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

No. 203. From JOHN MILLER, Esq., Acting Government Solicitor, Madras; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 2nd July 1862, No. 317.

Dated 20th June 1862, and endorsed on a letter from the Magistrate of Trichinopoly to Government of the 13th idem, No. 103.

1. I have the honor to acknowledge the Order of Government noted in the margin, and its enclosures.

2. I submitted them for the consideration of the Advocate General and now forward a copy of his opinion thereon.

3. I likewise return the enclosures above noted.

COPY—OPINION.

The words "vol avec guet a pens" do not seem to me to define precisely the nature of the offence of which these escaped French subjects have been convicted. The translation says "probably Highway Robbery," and I have nothing else before me.

2. The whole subject of extradition for Criminal offences was very fully gone into by me on the 17th July 1858, upon the reference to me from Government in Extract Minutes of Consultation under date 19th May 1858, No. 322, Political Department.

3. The matter is hardly one of Law, but rather of usage, and I can only say that the past acts of the French Government at Pondicherry are such that they could hardly complain if Government were to refuse the request now made.

1837, January 6th, they refused to deliver 4 Natives charged with Child stealing, alleging the offence to be not so serious as to authorize their surrender.

1838, December 14th, they refused to deliver a person charged before the Criminal Court of Combaconum with Forgery and Subornation of Perjury, on the ground that he was unwell — and two other persons, in the same year, charged with theft.

1845, June 27th, Robbery and rescue, proved before the Tahsildar; the French Government refused to surrender the parties, saying the charge was false.

1849, August 27th, 3 persons, in custody for kidnapping escaped, and the French Government refused to surrender them.

1855, March 7th, Assault and Robbery and Judicial Proceedings instituted, French Government refuses — says complaint is false.

1855, August 29th, a like case, and like refusal.

4. In the face of these cases, the French Government could hardly complain if their present demand were refused; but it seems to me for the interests of both nations, as well as of public justice, that the mutual extradition of *Convicts* at least, especially for offences against life and property should be encouraged as much as possible.

Proceedings of the Madras Government, Judicial Department,
22nd July 1862.

5. I would therefore suggest, that, in the present case, the Convicts should be surrendered; but that, in doing so, the attention of the French Government should be called to the many cases in which their refusals have frustrated the ends of justice, and a hope expressed that in future they will reciprocate the present act of extradition.

6. I cannot find any case in which the French Government ever refused to surrender an escaped Convict; on the contrary, on the 11th October 1818, they surrendered a man charged with stealing Indigo; and on the 3rd July 1830, in refusing to surrender an accused person, they only declined to do so till furnished with a Judicial Act shewing an offence to have been committed.

7. A copy of the conviction of the two escaped persons had better be called for before surrendering them.

(Signed) T. SYDNEY SMYTH,
Advocate General.

30th June 1862.

(True Copy.) (Signed) JOHN MILLER,
Acting Government Solicitor.

KARIKAL, 11th June 1862.

The Collector of Trichinopoly.

I have the honor to request that you will be so good as to grant me the extradition of Tinnasampattin, Arounasalsattin, and Vaytipattin, who are refugees at Trichinopoly. These individuals are jewellers, natives of Karikal, who have been condemned by the tribunal of Karikal and by the Court of Pondicherry to two years' imprisonment for theft with lying in wait.

* Pour vol avec guet a pens—probably Highway Robbery.

Annexed is their description.

I send you this letter by a peon who knows the three Convicts, and who are able to give your Police the necessary information verbally to facilitate the pursuit.

Receive, &c., &c.

No. 204. From A. R. McDONELL, Esq., Magistrate of Trichinopoly; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 8th July 1862, No. 117.

Paragraph 1. I have the honor to acknowledge the receipt of your telegram of yesterday, directing me to obtain a copy of the conviction, in view to ascertaining the nature of the offence the refugees from Karikal were found guilty of.

2. In reply I beg to inform you that since the despatch of my letter* to you on this subject, I received the enclosed communication from the Chef de Service Karikal notifying to me the circumstances of the refugees alluded to having been apprehended, and requesting me to discontinue all efforts to apprehend them.

TRANSLATION.
No. 272.

KARIKAL, 23rd June 1862.

Monsieur le Collecteur.

The Police of Tranquebar have arrested two of the three Convicts, for whose extradition I applied to you by my letter of the 11th current, No. 248. There is, therefore, only the third Convict to trace.

I hasten to inform you of this circumstance, in order that your Police may give over the search, and that you may return the Peons whom I had sent to you.

I greatly regret having caused all this trouble. Further, I shall be happy, when an occasion occurs, to render you similar service.

Receive, &c.

No. 205.

ORDER THEREON, 22nd July 1862, No. 1,152.
To be recorded.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters—

from the Magistrate
of Trichinopoly—Enter 13th June '62 No. 103
the Govt. Solicitor—2nd July—317.
the Magistrate
of Trichinopoly—8th do—177.

Order—22nd July 1862 No. 1152

To be recorded.

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George H. Ruggles

Secretary of the
Department.

No. 1052.

PROCEEDINGS OF GOVERNMENT.

Dated 22nd Sept 1862.

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