M.R. O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	278-279	Press ~~Mis~~
19-22		
Dated	1 – 3 –	~~19~~ 1884

6/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 1st March 1864.

Read the following papers :—

No. 19. From W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Kotegheri, 9th October 1863, No. 2642.

General Department.

It seems requisite to establish a more prompt and efficient system for the arrest of escaped Indian criminals and convicts who proceed to Ceylon.

2. The extensive emigration from the Southern Districts of this Presidency to Ceylon, gives great facility for such persons to escape to that Island. On landing, they get up-country and engage in the service of planters, and so are lost sight of, and justice is defeated.

3. Under the present practice, when a criminal is supposed to have succeeded in reaching Ceylon, a letter is written by the Magistrate of the District to the Chief Secretary of Government, who in turn addresses to the Government of Ceylon a request that the person wanted may be arrested and sent to the coast.

4. But practically we rarely get the man asked for in the round-about-way. It further appears to me that we throw on the Ceylon Government the duty that we ourselves should, and indeed alone can well, perform; that of following up our own criminals.

5. The proper system clearly would be to send over to Ceylon some intelligent Police officers who are acquainted with the party wanted, and interested in effecting the capture. They should be duly provided with the necessary warrants and, if necessary, with copies of the charge and evidence against the criminals. They should be instructed to place themselves in communication with the Police of the Island, with a view to obtaining the necessary authority to follow up the person wanted and, in event of the search proving successful, to remove him to the coast.

6. I venture to suggest that the Law officers be requested to frame such rules for our guidance as the law requires, and that the Government of Ceylon be requested to arrange for a mutual understanding on the matter.

7. The expenses of tracing such criminals will be borne by the Police Budget.

Referred to the Advocate General.

2. It is presumed that the course suggested in Mr. T. S. Smyth's opinion, under date the 22nd March 1862, is applicable to the case of offenders who may have escaped to Ceylon.

FORT SAINT GEORGE,
15th October 1863.

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

No. 20. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 21st October 1863, No. 772.

I have the honor to acknowledge the Order of Government noted in the margin, and herewith returned, relative to the apprehension of escaped Indian criminals and convicts in the Island of Ceylon.

Dated 15th October 1863, and endorsed on letter from the Inspector General of Mofussil Police to Government of the 9th idem, No. 2642.

2. I submitted it for the consideration of the Advocate General, and have also conferred with him thereon, and,

3. I now forward a copy of his opinion.

COPY—OPINION.

I am of opinion that the observations of Mr. T. S. Smyth, embodied in his opinion under date the 22nd March 1862, are equally applicable to Ceylon as to the Mauritius.

2. The Act so fully lays down the course to be pursued (6 and 7 Vic. C. 34) that I scarcely think it will be necessary to frame any *rules*, as suggested by the Inspector General of Police.

3. It is advisable that this Government should communicate with the Government of Ceylon on the subject, though the Act is amply sufficient in itself to effectuate the object desired by the Inspector General.

3. It would be clearly premature to attempt to frame any rules before ascertaining the views of the Government of Ceylon. And even then, it appears to me that any rules which it may be found expedient to draw up can only apply to the conduct of the Police, and should therefore be drawn up by the head of that Department. The Act provides the entire course of procedure from first to last.

(Signed) J. B. NORTON,
Advocate General.

MADRAS, 21*st October* 1863.

(True Copy)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 21. ORDER THEREON, 1st March 1864, No. 278.

The Governor in Council directs that the opinion above recorded be communicated to the Inspector General of Police.

2. The Government of Ceylon will be requested to inform this Government to what functionary the Constables, who may be sent over to Ceylon for the apprehension of criminals, should apply, with a view to their obtaining the necessary endorsements on their warrants from the Chief Justice or other Judge of the Supreme Court.

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

No. 22. To the Colonial Secretary, Columbo, dated Fort Saint George, dated 1st March 1864, No. 279.

I am directed by His Excellency the Governor in Council to request that, with reference to the enclosed correspondence, you will be good enough to inform me to what functionaries any Constables, who may be despatched to Ceylon by the Inspector General of Police, for the apprehension of convicts escaped from this Presidency, should apply, with the view to their obtaining the necessary endorsements on their warrants from the Chief Justice or other Judge of the Supreme Court.

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

Exd. J. Tulloch.

(52)

FROM No. 1949
J. W. S. Wyllie Esq.
Under Secy. to the Govt. of India,

To
J. D. Sim Esq.
Secretary to the Govt. Fort St George

SIR, *Dated Fort William, the 19th March* 1864.

I AM directed to call attention to *this office* letter No. *2912* dated the *6th May last* and to request that the *Statement* therein called for may be *submitted as soon as possible.*

I have the honor to be,
SIR,
Your most obedient servant,
J. W. S. Wyllie
Under Secy. to the Govt. of India

Col of Police 45

a reference to the enclosed correspondence, you will be good enough to inform me to what functionaries any Constables, who may be despatched to Ceylon by the Inspector General of Police, for the apprehension of convicts escaped from this Presidency, should apply, with the view to their obtaining the necessary Endorsements on their warrants from the Chief Justice or other Judge of the Supreme Court.

Judicial Department.

Proceedings of the Madras Government

Read the following letters

From the Insp.r Genl of Police - Rec.d Enter 9.th October 1863 No 2612

From the Government Solicitor — do — 21.st — do — No 772.

Order thereon 1.st March 1864 No 278.

The Governor in Council directs that the opinion above recorded be communicated to the Inspector General of Police.

2. The Government of Ceylon will be requested to inform this Govt. to what functionary the Constables who may be sent over to Ceylon for the apprehension of Criminals should apply, with a view to their obtaining the necessary Endorsements on their Warrants from the Chief Justice or other Judge of the Supreme Court.

To the Insp.r Genl of Police &c &c

Rec.d 21.st May 63 & 3.d Aug.t 1863 & Entered 9.th Oct.r 1863 No 2612

Ent.d

Ans.d

Read Letter from Chief Secretary to Govt. Ceylon No 1199 dated 24.th April 1863

Read Letter from Government Solicitor No 772 dated 21.st May 1863

Read Letter from Inspector General of Police No 2612 dated 9.th October 1863

Read Order thereon 1.st March 1864 No 278

Request the Govt. Ceylon will be pleased to inform this Govt. to what functionary the Constables who may be sent over to Ceylon for the apprehension of Criminals should apply, with a view to their obtaining the necessary Endorsements on their Warrants from the Chief Justice or other Judge of the Supreme Court.

2/22

Exd. J. Tulloch.

Judicial Depart.

No. 279 to

The Colonial Secretary
Columbo

Sir

I am directed by His Excellency the Governor in Council to request that with reference to the enclosed correspondence you will be good enough to inform me to what Jurisdictions any Constables who may be despatched to Ceylon by the Inspector General of Police for the apprehension of Convicts escaped from this Presidency shall apply with the view to their obtaining the necessary endorsements on their warrants from the Chief Justice or other Judge of the Supreme Court

Fort St. George
1st March 1864

I have the honor to be
Sir
Your most obedient
humble Servant
Freeman for Chief Sec.

Judicial Dept.
No. 280.

Copy of Letter from Chief Sec. Govt.
dated 1st March 1864

List of Slaves.

Judicial 1864. Despatch

No. 279.

To The Colonial Secretary
Colombo

Dated 1st March 1864.
Fol. 977.