M.R.O. 1—39,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 179 Press Mis.

205-206

Dated 28. 8 19=1885

4/5

Not to be folded or roughly handled

Read again letter from the Magistrate of Bellary, dated 12th June 1865, No. 38, recorded in Proceedings dated 30th June 1865, No. 922.

No. 205. Read also the following letter from A. HATHAWAY, Esq., Magistrate of Bellary, to W. HUDLESTON, Esq., Acting Secretary to Government, Fort Saint George; dated Bellary, 10th July 1865, No. 44.

With reference to the Proceedings of the Madras Government, No. 922, dated 30th June 1865, directing me to submit a full statement of the circumstances under which I propose to deliver up the persons alluded to in the above Proceedings, and whether they are British subjects, and whether they are summoned as witnesses, or on a charge preferred against them, I have the honor to state that summonses for these men to appear before the Sub-Magistrate of Seerah, in the Mysore Territory, were sent to me by the Officiating Deputy Superintendent of Chittledroog District to be served on them, which was accordingly done. He wrote to me on the 30th May 1865, No. 44, stating that as they have disobeyed the legal summonses, he has sent a warrant for their apprehension, and production before the Sub-Magistrate of Seerah in his District. Therefore, the orders of Government were solicited on the subject, this being a triable offence.

2. I have further to state that they are British subjects, and that they were summoned at first as witnesses, and not on a charge preferred against them.

3. The Session Judge having re-opened his Court since the date of my first letter, I can now, if Government think fit, apply to him on the subject.

No. 206. ORDER THEREON, 25th August 1865, No. 1179.

The Governor in Council observes that the parties whose extradition is requested by the Mysore authorities belong to the Bellary District, and are charged with having disobeyed a Summons to appear and give evidence before a Mysore Magistrate. The Summons was doubtless served upon them, under the authority, and by the order, of the Magistrate of their own District, and the offence of disobeying the Summons was committed within its limits. It is clear, therefore, that the charge should be dealt with summarily by the Bellary Courts.

(True Extract).

Chief Secretary.

To the Magistrate of Bellary.

Exd. J. H. Burns.

them under the authority and by the order of the Magistrate of their own District. It is clear therefore that the charge should be dealt with Summarily by the Petty Courts.

and the Power of disobeying his Summons was committed within his limits.

2. A little consideration would have sufficed to shew the Magistrate that the alleged offence was not said to have been "committed in the territory of any Foreign Prince or State," and that it was therefore unnecessary to refer it for the orders of Government under Section V Act I of 1849.

J.R.

to the Magte of Bellary-cum-Cudapah

Pro. 25 Augt.

Judl. 1865. Department.

No. 1179.

PROCEEDINGS of GOVERNMENT.

F. Pro. 11th September 1865 No. 119. Oct. 1293
Fr. No. 2114/66.

Dated 25th August 1865.

205-255.