M.R. O. 1—82,000—16-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	701	Press ~~Mis.~~
96-98		
Dated	8 — 5 — ~~19~~ 1816	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 8th May 1866.

No. 96. Read the following letter from the Resident at Hyderabad, to the Chief Secretary to Government, Fort Saint George; dated Hyderabad, 19th January 1866, No. 114.

I have the honor to forward, for submission to His Excellency the Governor in Council, translation of correspondence with His Highness the Nizam's Minister, and to state that the difficulty in tracing and apprehending offenders of one State, who have taken refuge in the other, as noted by the Minister, does occasionally take place, and the measures proposed will tend to remove it. If, therefore, His Excellency approves of them, I would beg to suggest that copies of the correspondence be forwarded to the Magistrates, &c., of Districts adjoining His Highness' territories, with instructions to act as explained therein, when the necessity arises.

1. From Minister to Resident, No. 1191, dated 15th August 1865.
2. From Resident to Minister, in reply, No. 1537, dated 2nd December 1865.
3. From Minister to Resident, in reply, No. 2259, dated 7th December 1865.

2. I beg I may be favored with a reply.

Abstract Translation of the Minister's Note, No. 1491, *dated* 15*th August* 1865, *to the Resident, Hyderabad.*

Regarding the release of prisoner Hamnoira, as intimated by the Magistrate of Bellary.

Adverting to the Resident's letter, No. 955, dated 24th Suffur ultimo, states that, as it is impossible to trace and make over an offender without the necessity of Officers of the Nizam's Government entering the British jurisdiction, and as the proclamation of the 4th Rujjub 1280 Hijree contains no provisions for this purpose, and it being also equally necessary that Officers of the British Government should enter the Nizam's Territory for a similar purpose, it is obviously requisite that some arrangement should be made, and begs to be favored with information on the subject, for future guidance.

Translation of a letter from the Resident, to the Minister, No. 1537, *dated 2nd December* 1865.

In reply to your letter, No. 1491, dated 15th August, I beg to state that when it is necessary for an Officer of His Highness' Government to proceed into British Territory, in order to aid by his information the District Police in searching for an offender, he should first procure a letter to the Magistrate from the Talookdar, or, through the Minister, from the Resident, stating the object of his mission, and requesting the Magistrate to give him such instructions and assistance in the matter as to the Magistrate may seem advisable. In like manner, Police Officers of the British Districts should obtain a letter to the above purport from their District Superintendent or Magistrate to the principal Officer of His Highness' Government having jurisdiction in the place where the inquiries are to be carried on. But, as a general rule, these formal proceedings seem unnecessary, and are productive of delay. No Officer of either Government can, without regular permission, enter the territory of the other State, for the purpose of exercising therein any functions of his office; but there is no objection, so far as I am aware, to the Officers of either State proceeding as private individuals into the territories of the other, and giving information to, and assisting by their knowledge and advice, the Officers of the other, and I think it would be better generally to carry on business in this way than in the other and more formal one, which might be reserved for very important cases. But I am not quite sure that I clearly understand the purport of your letter, and if this be so, I beg you will let me know, and give the particulars of a case, in example of the difficulties you anticipate.

Translation of the Minister's Note, No. 2259, dated 7th December 1865, *to the Resident.*

In reply to your letter, No. 1537, dated 2nd December 1865, expressive of your views as to the course to be adopted by Officers of both Governments entering the jurisdictions of each other, for the purpose of searching and making over offenders, I beg to state that you have correctly understood the purport of my previous letter on the subject. Perpetrators of murder, robbery, and other serious crimes generally take refuge in either jurisdiction, and in the process of information being given by Officers of either Government for their apprehension, and formal permission being obtained for their surrender, the criminals get ample opportunity to shift from one place to another, thereby rendering their discovery and apprehension a matter of no small difficulty. It is, therefore, necessary that, immediately intelligence of an offender taking refuge in the Nizam's territory is obtained, Officers of the British Government should follow up his trace, give information of the offence committed to the Nizam's Officers, and make him over to their custody. The usual requisition should then be made to me through you for his surrender, to be made after the crime had been established by the evidence of witnesses before the Magistrate or other Officer of the British Government. A like course will be followed by the Officers of the Nizam's Government. By the above mode of procedure, all difficulties in ensuring the apprehension of offenders of either Governments will be obviated.

2. Should you concur with me in the views above expressed, I shall issue instructions to the Talookdars accordingly.

(Translations.)

(Signed) H. FRASER,
2nd Assistant Resident.

No. 97. ORDER THEREON, 8th May 1866, No. 701.

With the above letter, the Resident at Hyderabad forwards translations of a correspondence between himself and His Highness the Nizam's Minister, in which the latter brings to notice the difficulty which is experienced in tracing and apprehending offenders of the Hyderabad State taking refuge in the British Territories, and *vice versa*, and suggests that some arrangements should be made to remove the difficulty. The Minister explains that prepetrators of murder, robbery, and other serious crimes generally take refuge in either jurisdiction, and while the usual processes are gone through by the Officers of either Government for effecting the apprehension of the criminals, and for procuring formal sanction for their surrender, the offenders have ample time to shift from one place to another, and thus render their capture a matter of no small difficulty. The Minister, therefore, proposes that, immediately intelligence of an offender taking refuge in the Nizam's Territory is obtained, Officers of the British Government should follow up the criminal, give information of the offence to the Nizam's Officers, and make him over to their custody, and that the usual requisition should then be made to the Nizam's Government, through the Resident, for the prisoner's surrender, to be made after the crime is established before the Magistrate or other Officer of the British Government. A like course, it is added, will be followed by the Nizam's Government.

2. Regarding this proposal, the Resident observes that no Officer of either Government can, without regular permission, enter the territory of the other State, for the purpose of exercising therein any functions of his office, but that he is aware of no objection to the Officers of either State proceeding as private individuals into the territories of the other, and giving information to, and assisting, by their knowledge and advice, the Officers of the other; and he thinks it would be better, generally, to carry on business in this way than in the other more formal one, which might be reserved for more important cases.

Proceedings of the Madras Government, Judicial Department,
8th May 1866.

3. The Governor in Council sees no objection to the adoption of the course proposed by the Resident. The co-operation of the Officers of the two Governments, in the manner suggested, is in no way opposed to the provisions of Acts I of 1849 and VII of 1854. On the contrary, it is in accordance with the course prescribed in Section 19 of the latter Act, provided always that the accused party shall not be delivered up without an order of Government. His Excellency in Council accordingly resolves to communicate these Proceedings to the Magistrates of the Districts bordering on the Hyderabad Territories, and to direct that the course pointed out may be observed whenever the necessity arises.

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

No. 98. To the Resident at Hyderabad, dated Fort Saint George, 8th May 1866, No. 702.

In acknowledging the receipt of your letter of the 19th January last, No. 114, suggesting certain arrangements for facilitating the tracing and apprehension of offenders from the Hyderabad State, taking refuge in the British territories and *vice versa*, I am directed to inform you that the Governor in Council sees no objection to the adoption of the course proposed by you; and as co-operation of the Officers of the two Governments in the manner suggested, while in no way opposed to the provisions of Acts I of 1849 and VII of 1854, must facilitate the detection of crime, His Excellency in Council has directed the Magistrates of the Districts bordering on the Hyderabad territories to observe the course pointed out in your letter, whenever the necessity arises.

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

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Resident at Hyderabad.

(Rec'd Enter 17 Jany 1866 No 114)

Order thereon. 8th May 1866 No 701-

With the above letter the Resident at Hyderabad forwards translations of a correspondence between himself and H.H. the Nizam's Minister, in which the latter brings to notice the difficulty which is experienced in tracing and apprehending offenders of the Hyderabad State taking refuge in the British Territories, and vice versa,

and

and suggests that some arrangements should be made to remove the difficulty. The Minister explains that perpetrators of murder, robbery and other serious crimes generally take refuge in either jurisdiction; and while the usual processes are gone through by the Officers of either Government for effecting the apprehension of the Criminals, and for procuring formal sanction for their surrender, the offenders have ample time to shift from one place to another and thus render their capture a matter of no small difficulty. The Minister therefore proposes that immediately intelligence of

of an offender taking refuge in the Nizam's Territory is obtained, Officers of the British Government should follow up the criminal, give information of the offence to the Nizam's officers, and make him over to their custody, and that the usual requisition should then be made to the Nizam's Government through the Resident for the prisoner's surrender, to be made after the crime is established before the Magistrate or other officer of the British Government. A like course, it is added, will be followed by the Nizam's Government.

2. Regarding this proposal the Resident observes

observes that no officer of either Government can, without regular permission, enter the territory of the other State for the purpose of exercising therein any functions of his office; but that he is aware of no objection to the officers of either State proceeding as private individuals into the territories of the other and giving information to and ~~of~~ obtaining, by their knowledge and advice, the officers of the other; and he thinks it would be better generally to carry on business in this way than in the other more formal one which might be reserved for more important cases.

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3. The Governor in Council sees no objection to the adoption of the course proposed by ~~the Nizam's~~ Dominions and approved by the Resident, and to the co-operation of the officers of the two Governments in the manner suggested, in so far as it is not in any way opposed to the provisions of Acts I of 1849 and VII of 1852, ~~must facilitate the trying and apprehension of Criminals, and check~~ of justice. His Excellency in Council resolves to communicate these proceedings to the Magistrates of the Districts bordering on the Hyderabad Territories and to direct that the course pointed out may be observed whenever the necessity arises.

+ In the contrary in accordance with the course prescribed in Section 19 of the latter provided always that nothing herein shall be held to affect or limit any power or authority vested in the Governor in Council.

To the Magistrates of Bellary, Kurnool, Kistna & Godavary - and Head of Police -

Dept 12/5

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Judicial 1865. Department.

No. 701

PROCEEDINGS OF GOVERNMENT.

Rec'd 28th Feby 1865

Dated 8th May 1865

Judicial Dep.tt

No 702.

To The Resident at Hyderabad.

Sir,

In acknowledging the receipt of your letter of the 19th January last No 111, suggesting certain arrangements for facilitating the tracing and apprehension of offenders from the Hyderabad State taking refuge in the British territories and vice versa, I am directed to inform you that the Governor in Council sees no objection to the adoption of the course proposed by you; and as the co-operation of the Officers of

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Press No. 4266, G. M.—12-4-65—500.

of the two Governments
in the manner suggested,
while in no way opposed
to the provisions of Acts
I of 1849 & XII of 1854, must
facilitate the detection
of crime, His Excellency
in Council has directed
the Magistrates of the
Districts bordering on the
Hyderabad territories
to observe the course
pointed out in your
letter whenever the
necessity arises.

Fort St. George
8th May 1866

By Order

Sd

Judicial 1866 Departt.

No. 702.

To

The Resident

at Hyderabad.

Dated 8 May 1866.

98.