

# Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1872

Dated 6<sup>a</sup> Sept. 1895

INDEXED.

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[Despatch Abstract.]

EXTRADITION FOR OFFENCES AGAINST ACT XIII OF 1859

Furnishing Mr. Stopford with a copy of the essential portion  
of letter to the Resident in Mysore, dated 31st January 1887, regarding—.

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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31ST JANUARY 1887, No. 194, JUDICIAL.

## JUDICIAL DEPARTMENT.

LETTER—to

THE RESIDENT IN MYSORE.

SIR,

I am directed to acknowledge the receipt of Major Fraser's letter of the 12th November last, No. 3059—916, stating that if this Government see no objection, you will be prepared to propose to the Government of India that offences punishable under the Criminal Breach of Contract Act should be added to the list of offences given in the schedule annexed to the Foreign Jurisdiction and Extradition Act, 1879.

2. In reply, I am to point out that the effect of a notification issued under section 11 of that Act could not, apparently, be confined to the Mysore State, but must necessarily apply to all States in India in alliance with Her Majesty. For this reason alone, His Excellency the Governor in Council considers that the issue of such a notification as that suggested would be very undesirable.

3. But even supposing that the view taken on this point is incorrect, or that the difficulty were overcome by legislation, His Excellency in Council considers that it would still be objectionable to include such an offence as breach of contract within the schedule of the Extradition Act. This is not, strictly speaking, an offence at all, for the law merely allows the criminal courts to summarily order fulfilment of the contract or return of the advance, and in case of persistent disobedience to enforce a penalty. His Excellency in Council foresees that the application of the provisions of the Extradition Act to such cases would entail endless trouble and difficulty. The defaulting laborer would, in the first instance, probably promise to perform his contract, and would accordingly be handed over to his employer. There is nothing to prevent his absconding the next day, and this would necessitate the tedious procedure of extradition being again resorted to, and entail upon the officers of the British Government and the Mysore State an amount of labour wholly incommensurate with any advantages which might be gained.

\* *Vide* Proceedings of the Chief Commissioner of Mysore, Judicial Department, dated 23rd July 1878, No. 3072—J-7.

Letter from the Chief Secretary to the Government of Madras, to the Chief Commissioner of Mysore, dated 26th August 1878, No. 1727, Judicial.

From the Secretary to the Chief Commissioner of Mysore, to the Chief Secretary to the Government of Madras, dated 28th October 1878, No. 5825—35-J.

4. I am in conclusion to say that the question of reciprocity was fully considered in 1878,\* and it was then decided that complete reciprocity was impossible.

I have the honor to be,

Sir,

Your most obedient servant,

H. E. STOKES,

Ag. Chief Secretary.

FORT ST. GEORGE,  
31st January 1887.

Exd. A. Raitt.

x. (breach of contract)  
2/10/8

Govt. of (1887) Madras.  
JUDICIAL.

Issued

Recd.

Encl.

Letter, 31st January 1887, No. 194.

JANUARY.

Criminal Breach of Contract Act.

Communicating to the Resident in Mysore the views of this Government on the proposal to add offences punishable under the — to the list of offences given in the schedule annexed to the Foreign Jurisdiction and Extradition Act, 1879.



[G]  
25  
800-23-7-95

DEPARTMENT.

C. No.

FOR ORDERS.

Para 2 & the first sentence  
of para 3 of the letter read  
Comparisons between  
Mysore & other native States  
J.S. will give copy thereof

BS  
31/8/95

I think it will be enough to  
give copy of the parts containing the  
suggestion objections. This is all  
that the Members ask for.

25/2/9

Resubmitted to H.M. for  
perusal of H.E.'s note.  
Orders are solicited as  
whether H.M. is accept H.E.  
suggestion, or not here to their previous  
notes

26/8/95  
SS 29/8/95

as presented in the

When given for copying \_\_\_\_\_  
 When copied \_\_\_\_\_  
 When examined \_\_\_\_\_  
 When signed \_\_\_\_\_

189

READ AGAIN G.O., No.  
 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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Act III of 1859, reference it is said, clearly & is made to a letter forcibly indicated. As it is of great importance to the planting community to know exactly what these objections may be, I would respectfully request that we may be furnished with the objections to declaring such offences extraditable, are,

When given for copying \_\_\_\_\_  
 When copied \_\_\_\_\_  
 When examined \_\_\_\_\_  
 When signed \_\_\_\_\_

189

READ AGAIN G.O., No.  
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DATED

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