

1. Number of pages. 16
2. Date of repair. 5/12/35
3. Initials of Reference. J
6/12/35

M.R.O. 1-22,400-22-11-50.

MADRAS RECORD OFFICE.

Government of Madras.

Industrial DEPARTMENT.

G.O. No. 1540

Press
Misc. Cc.

Dated 28-11-1872

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
28th November 1872.

No. 97. Read the following letter from the Acting Magistrate of South Arcot, to the Chief Secretary to Government, Fort St. George, dated Cuddalore, 20th November 1872, No. 52:—

I have the honour to request instructions as to what course I should take under the following circumstances.

2. The lands of the English village of Nallatoor and those of the French village of Yembalom are immediately adjacent, and the ryots of both villages derive their supply of water for irrigation purposes from the same stream, the Nallatoor ryots having the advantage of being above their French neighbours and being thus enabled to cut off the supply. Last month the former erected a dam across the stream for this purpose, upon which the Yembalom villagers proceeded to pull it down. The Nallatoor ryots turned out and an affray ensued, the scene of which a subsequent investigation showed to be within French territory. The French Government were not aware of this, and called upon me to mete out justice to the Nallatoor ryots who were represented, and I believe justly, to be twice offenders, first, in having unlawfully erected a dam to cut off the supply of water to the Yembalom villagers; and, secondly, when the latter removed the obstruction, in having assaulted them. In my capacity of Special Agent I requested His Excellency the Governor of the French Settlements in India to have instructions issued to the aggrieved parties to lay their complaint before the Assistant Magistrate. This was done in due course when the fact was elicited that the affray took place on foreign territory.

3. As soon as this want of jurisdiction on the part of the British authorities is communicated to the French Government it is probable that they will demand the surrender of the parties under Article 9 of the Treaty of 1815. Although it is most desirable that they should not go unpunished, the offence with which they are charged is not, in my opinion, of sufficiently grave character to justify my surrendering them without a reference to Government. These disputes about water are very common, and no doubt ought to be put down, but they can hardly be considered heinous offences. Section 4 of Act I. of 1849, which has been repealed by Act XI. of 1872, would have met the case exactly, but there is no corresponding provision in the enactment last quoted, as Section 9 applies only to "Native States," which term, however, is defined in Section 2 to mean "all places without and beyond the Indian territories under the dominion of Her Majesty." As the procedure provided by the existing treaty is ordered to be followed by Section 14, I presume that the parties must be surrendered to the French Government if requisition is made for their extradition; but, as there is room for doubt, I have thought it right, under the instructions conveyed in paragraph 4 of the Order of Government dated 14th March last, No. 359, Judicial Department, to make the reference.

4. A nominal list of the persons charged, thirteen in number, and all British subjects, is enclosed.

Proceedings of the Madras Government, Judicial Department,
28th November 1872.

No. 98. ORDER THEREON, 28th November 1872, No. 1540.

Under the circumstances stated by the Acting Magistrate, the Governor in Council sees no objection whatever to his dealing with the case under Section 9, Act II. of 1872, and the definition in Clause 2 of Section 3.

2. As no application for extradition has been made, the provisions of the treaty have not been brought into operation, and Section 14 of the Act is inapplicable.

(True Extract.)

Chief Secretary.

To the Acting Magistrate of South Arcot.

Exd. J. Wright.

N^o 52 South Arcot Magtes Office
Cuddalore 20th Nov^r 1872.

From H. C. Sullivan Esq^r
Acting Magistrate
South Arcot.
To The Hon^{ble} W. Huddleston
Chief Secretary to Government
Fort St. George.

Sir,
I have the honor to request
instructions as to what course
I should take under the
following circumstances:
2. The lands of the English
village of Kallatour and
those of the French village
of Yembalom are immedi-
ately adjacent, and the
ryots of both villages derive
their supply of water for
irrigation purposes from
the

Govt. of 1872. M. 100.

JUDICIAL.

TO THE ACTING MAGISTRATE OF
CUDALORE.

Printed by the Govt. Press.

No. 1.

1872.

6. 6. 1872. Nov. 20. 1872. A. 1. 100.

NOVEMBER.
1872. 07-08.

Noting out the copies to be taken by the Act-
ing Magistrate of South Arcot in a case in which
the ryots of the English village of Kallatour
are charged by others of the French village of
Yembalom with committing an offence in French
territory.

the same stream, the Nallator
ryots having the ad-
vantage of being above their
French neighbours and
being thus enabled to cut off
the supply. Last month
the former erected a dam
across the stream for this
purpose, upon which the
Yembalom villagers pro-
ceeded to pull it down.

The Nallator ryots turned
out and an affray ensued
the scene of which a sub-
sequent investigation show-
ed to be within French
territory. The French Govern-
ment were not aware of
this and called upon me
to mete out justice to the
Nallator ryots who were
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Yembalom villagers, and
secondly when the latter
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In my capacity of Special
Agent I requested His
Excellency the Governor
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tions issued to the aggrieved
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plaint before the Assist-
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a reference to Government.
These disputes about water
are very common, and no
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but they can hardly be
considered heinous offences.
Section IV of Act I of 1849
which has been repealed
by Act XL of 1872 would
have met the case exactly,
but there is no correspond-
ing provision in the en-
actment last quoted, as
Section

+ Sec. 4 - "The fact that
a person is a subject of the British
Empire, or an alien committed
to the custody of the
British authorities, shall
be a sufficient ground for
the trial of such person
in any court of law or equity
in the United Kingdom
or in any colony or place
under the authority of
the Secretary of State
for the Colonies."
The person charged
with this offence
it had been con-
sidered within the
British territories."

9
Section 9 applies only to
"Native States" which term,
however, is defined in
Section 2 to mean "all
places without and beyond
the Indian territories un-
der the dominion of
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cedure provided by the
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4. A nominal list of
the persons charged, thirteen
in number, and all British
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I have the honor to be
Sir

Your most Obedt Servt.

W. H. M. M. M.

Acting Magistrate

15

- Known
S. Magistrate.

7 Judicial 1892 Nelt
from

202

213

do no application

Under the circumstances

Definitions in Chapter 2 of section 3.

01-1-75

See a letter
from the Chicago
States of South
Carolina dated 20th
November 1872
No 52

28.5.1872

15-4-28. 154 ✓
28-11-32. 1 ✓
12-1-30. 1 ✓

Court of 1872 Madras.

Judicial

The Mag. of South Arcot.

Interlocutory 28 }

Recd.

Ex.

G. O. 28 Nov. 1872, No 1540

Nos. 97. 98.

File 233.

Limiting out the course to be
taken by the Mag. of S.
Arcot in a case in wh. certain
acts of the English village of
Pallatam are charged by others
of the French village of Yum.
namely with committing an
affray in French territory.