M.R.O. 1—35,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.	322	Press Mis.—
Dated	19-5-	No 485

Not to be folded or roughly handled

No. 1. From G. N. TAYLOR, Esq., Acting Collector in charge of the Special Agency Department; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 26th April 1858.

SIR,

I have the honor to request that you will be pleased to submit, for the orders of Government, the accompanying original letter, with its enclosure, from His Excellency the Governor of the French Establishments in India, applying for the extradition of a French European Gentleman who is stated to be now residing with his Sons, Merchants and Tradesmen, at Tranquebar in the District of Tanjore.

Mr. Prudhomme.

Although by Article 9 of the Convention concluded between Great Britain and France on the 7th March 1815, it is stipulated that all offenders shall be given up, reciprocally, yet in the Despatch forwarded on the 25th November 1817 by the Government of Fort Saint George for the guidance of this Department, it was ruled that this Article should continue inoperative in all its parts until instructions shall be received from England.

In obedience to that order this Department has hitherto refrained from applying for the surrender of offenders, who have taken refuge in the French Territory, except in cases of murder, theft or crimes deserving of exemplary punishment, and the Authorities at Pondicherry have likewise restricted their demands to cases of great importance. Even in the instances above referred to compliance has sometimes been refused by both Governments, when the grounds upon which application was made did not appear to them to justify such a course.

As the charge against Mr. Prudhomme does not appear to be of great criminality, it is for the Right Honorable the Governor in Council to determine, whether it is not expedient to inform the Governor of Pondicherry, in reply to his letter of the 23rd Instant, that the case is not of that serious nature, for which alone extradition has hitherto been granted by either Government.

No. 31.

MONSIEUR LE COLLECTEUR,

Par un arrêt de la Cour Impériale que vous trouverez cy joint et que je vous prie de vouloir bien me retourner, dèsqu' il ne vous sera plus nécessaire, le Sr. Prudhomme habitant de Pondichéry a été condamné à 3 mois de prison pour avoir tenté de corrompre Mr. Mestro Directeur des Colonies. Le Sr. Prudhomme s'est, assure-t-on, réfugié chez ses fils négociants à Tranquebar.

Je vous prie de vouloir bien, aux termes des anciens traités qui règissent les rapports des deux Territoires, donner des ordres pour que ce condamné soit livrè à l'autorité Française.

Agrèez, Monsieur-le. Collecteur, l'assurance de ma haute considération,

Le Commissaire Gènèral,
Gouverneur des Establishments Français,
dans l,Inde.
(Signed) DUBRAYE.

I just heard that the Governor of Pondicherry has asked the Madras Government for my unjust extradition from their Territories on account of a sentence passed on me by the Imperial Court of Pondicherry of three months' imprisonment and a fine of 600 francs for a petty offence (délit de Police Correctionnelle).

According to the Treaty between the English and French Governments entered into in 1814 and 1815, when Pondicherry was delivered up to the French, I respectfully claim protection under the terms of that Treaty, which allow no extradition for my offence, but only for Criminal offences, of which I am not at all guilty.

Even the French law is against the extradition of an individual, when claimed by any foreign Government for petty offences (délit Correctionnel,) as a violation of the law of Nations. According to Rogron, code d'Instruction Criminelle on his commentary on Article 6.

You will be clearly able to judge from the enclosed proceedings (Jugement du Tribunal Correctionnel and Arrêt de la Cour Imperial de Pondichery,) that it is a question relating to a private communication of which I was publicly accused, and as it could not be brought direct as an accusation against me, another method has been tried, as an attempt at menace against an high functionary, in the aim of obtaining a favorable report for the appointment solicited.

All proceedings against me at Pondicherry have been carried on in a arbitrary and illegal manner, and the Judgements of the Courts have been excessive, quite beyond the allowance of the law; in the first instance compelling me to give 2000 Rupees' security, or seven times over as much as the law demanded, *viz.*, 600 francs or 250 Rupees; and when my case was before the Superior Court, no cognizance seems to have been taken of my defence, but the Court reduced the sentence against me to the minimum imprisonment, *i. e.* to 3 months instead of 6.—Whereas by an impartial examination of my defence, the Court would have been obliged to dismiss the case; but they waived impartiality and confirmed the proceedings of the subordinate Court.

Situated under such circumstances, I beg to claim the protection of the British Government to be permitted to reside within its Territories without molestation, and I beg also to state, I have already appealed to the Minister of Justice in France, and forwarded my whole case for consideration and relief.

For enclosure Vide No. 2 enclosure in the letter from Special Agent, 26th April, No. 78.

No. 3. From Messieur PRUDHOMME; to the Right Honorable George Francis Robert Lord Harris, Governor in Council, Fort Saint George, dated Tranquebar, 7th May 1858.

My Lord,

With all due submission to your Lordship, I respectfully venture to submit copy of letters addressed by me to H. D. Phillips, Esq., Collector and Magistrate of Tanjore, and G. N. Tailor, Esq., Collector and Magistrate of South Arcot, and humbly crave the protection of your Lordsihp in Council.

Fort Saint George, Political Consultation, 25th May 1858.

For enclosure Vide No. 1 enclosure in the letter from the Special Agent, 8th May, No. 87.

No. 4. From Messieurs PRUDHOMME; to the Chief Secretary to Government, Fort Siant George, dated Tranquebar, 7th May 1858.

Sir,

I have the honor respectfully to beg you will submit the enclosed to the Right Honorable the Governor in Council.

For enclosure Vide Nos. 2 and 3 enclosure, in the Special Agent's letter, 26th April and 8th May, Nos. 78 and 87.

No. 5. Order thereon, No. 322; dated 19th May 1858.

The Acting Collector of South Arcot in charge of the Special Agency Department submits for the orders of Government an original letter, with its enclosure, from His Excellency the Governor of the French Establishments in India, applying for the extradition of a French European Gentleman who is stated to be now residing with his Sons, Merchants and Tradesmen, at Tranquebar in the District of Tanjore.

Mr. Prudhomme.

2. Mr. Taylor represents that although by Article IX of the Convention concluded between Great Britain and France on the 7th March 1815, it is stipulated that all offenders shall be given up reciprocally, yet in the Despatch forwarded on the 25th November 1817, by the Government of Fort Saint George for the guidance of his Department it was ruled that this Article should continue inoperative in all its parts until instructions shall be received from England.

All Europeans and others whosoever against whom Judicial Proceedings shall be instituted within the Limits of the Settlements or Factories belonging to His Most Christian Majesty for offences committed, or for debts contracted within the said Limits and who shall take refuge out of the same, shall be delivered up to the Chief of the said Settlements and Factories, and all Europeans and others whosoever against whom Judicial Proceedings as aforesaid, shall be instituted without the said Limits and who shall take refuge within the same shall be delivered up by the Chiefs of the said Settlements and Factories, upon demand being made of them by the British Government.

From Secretary to the Governor General, 27th October 1817.
To Do. 25th November 1817.

3. The Right Honorable the Governor in Council remarks that the terms of the Article in question are sufficiently large and apply to all Europeans and others whosoever against whom Judicial Proceedings shall be instituted for offences committed or debts contracted. The circumstances under which it was ordered to be held in abeyance will be found in the correspondence marginally noted. The question was at the time submitted by the Madras Government to the Honorable the Court of Directors, who *replied that they had received a communication on the subject from the Bengal Government, and that it was then under their consideration. No further instructions have however since been received from that Authority.

**General letter, 12th May 1819, Para: 61.*

† *25th November 1817, issued on receipt of letter from Governor General, 27th October 1817.*

4. The Special Agent states that in obedience to the orders† of Government his Department has hitherto refrained from apply-

taken refuge in the French Territory, except in cases of Murder, Theft or Crimes deserving of exemplary punishment, and the Authorities at Pondicherry have likewise restricted their demands to cases of great importance. Even in the instances above referred to compliance has sometimes been refused by both Governments, when the grounds upon which application was made did not appear to them to justify such a course.

5. The Governor in Council would wish to be informed why it is that the *French* Authorities have been induced to limit their demands in the manner above stated and whether they were apprized of the orders for holding the Convention in abeyance issued in 1817. He would also wish to be furnished with a precis showing concisely the circumstances of the several cases in which extradition has been refused by the two Governments.

6. This precis and information should be supplied as early as possible, meanwhile, should any further application be made by His Excellency the Governor of Pondicherry, he should be informed that the matter is under reference to the Madras Government.

7. The Government further resolve to refer Mr. Taylor's letter and the papers above noticed to the Advocate General for his opinion which it will be for him at his discretion to give either at once or on being made acquainted with the additional information called for from the Special Agent. Mr. T. Sydney Smyth will also consider whether the case be one falling under Act VII of 1854, Section XXII.

8. The Government have received two addresses from Mr. Prudhomme in which he claims protection on the ground that the terms of the Treaty entered into by the French and English Government in 1814 and 1815 when Pondicherry was delivered up to the French, allow no extradition for his offence, but only for criminal offences. The Governor in Coun-

See Article VIII. cil can find nothing to this effect in the Treaty of 30th May 1814. The terms of the subsequent Convention have been above quoted.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

which we do not very well
do: —

But by the convention it appears
that any opinion can be
obtained & I do not see how
this can be repealed — ex-
cept by repealing the order
of the Council & then repealing
it there —

I would call upon the
Agent for the cases as
[illegible] in this way

Sect 2 & means — & I would
also refer the paper to the
Advocate Genl — for his
opinion —

[illegible initials]

Act VIII of 54 does not apply
2 July I should say —
to these not since at the
[illegible] delivery of persons required

Exd. J. A. Wilson

whose a deletion has
[illegible]
Bill

[illegible]

Exd. J. A. Wilson.

Memo.

The terms of the Article are clearly Large enough and apply to all Offenders small or great as well as Debtors.

It would seem known that not long after the Convention was executed it was ordered by Govt that it should remain in operation in all its parts.

This was in consequence of an opinion given in 1877 by the then Advocate General of Bengal Sir Cutlar Fergusson that the Convention could not be acted upon, to expedite the extradition of any British subject in as much as it was not embodied in any Act of Parliament & formed no

P.S. Since the above was written this address. I have received from Mr Prudhomme a Petition in which he claims protection on the ground that the terms of the Treaty entered into by the French & Engl. subsequent to 1814 & 1815 when Pondicherry was delivered up to the French allow no exception for this Offence but only for Political Offences.

I can find nothing to this effect in the Treaty of 30 May 1814 - See Article VIII - The terms of the Emigrant Convention have already appeared to

Exd. J. A. Wilson.

No. 322. Political Department

Extract Minutes of Consn. 3/19 May 1858.

From Lieut. Col. Stuart - in charge of the Special Agency Dept - 26 April 1858.
R. 3 May - 1858.

From Mr. A. Prudhomme — 1 do
" — do — 1 do

To the Acting Collector of Land
Revenue in charge of the
Special Agency Dept.
Submitted for the orders of
Govt — an original letter
with Enclosure, from H.C. the Chief of the
French Establishments in India, applying
for the Extradition of a French European
Gentleman who is stated to be now
residing with his Son & other
Clerks and Tradesmen at
Trinquebar in the
District of Tanjore

2. Mr Taylor reports
that a Petition has been presented to him
under Art. IX of the Convention
concluded between Great Britain
and France on the 30th March 1815 by which it was stipulated
that all Offenders should be given up reciprocally
yet in the Despatch forwarded under the Seal of
the Chief of Pondicherry for the Governor of
the Dependency it was stated that the Emigrant
should be Continued on board the mail Steamer
until instructions should be received from Government

3 - The Rt Hon. Sir
Edward Ryan that the terms

Inclosure in
Mr. Morgan's Letter.

All Europeans and others whosoever against whom judicial proceedings shall be instituted for them the limits of the Settlements or Factories belonging to His most Christian Majesty for Offences committed or for debts contracted within the said limits and who shall take refuge out of the same, shall be delivered up to the Chiefs of the said Settlements and Factories; and all Europeans and others whosoever against whom judicial proceedings as aforesaid shall be instituted within the said limits and who shall take refuge within the same shall be delivered up by the Chiefs of the said Settlements and Factories, upon demand being made of them by the British Government.

Inclosure in Governor Duncan's Letter to Mr. Secretary Adam dated Fort William 2nd October 1817

To do 25 Nov. 1817

1817 - P. 61 -

of the Article is punctually and sufficiently large and apply to all Europeans and others who may commit offences against the said Limits and who shall take refuge out of the same, shall be delivered up to the Chiefs of the said Settlements and Factories, upon a formal demand being made of them by the British Government.

The Governor General has directed me to acquaint you that he will be prepared to receive the Commissioners appointed by His Majesty for the purpose of carrying into execution the Convention concluded between His Majesty and the United States of America on the 20th October 1818 at any time after the 1st of January next.

I am &c.
(Signed) J. Adam

25th Nov. 1817. Entered & sent Receipt & Letter for Sir Jno. 27 Dec. 1817

under this Convention.

No further instructions have however since been received from that Authority -

4 - The Special Agent states that in obedience to the orders of Lord Bathurst he has refrained from applying for the surrender of Offenders who have taken refuge in the French Territory, except in the cases of murder, theft or crimes deserving of exemplary punishment, and that the Authorities at Pondicherry have likewise restricted their demands to cases of great importance. In the instances above referred to Compliance has never been refused by both Governments when the grounds upon which application was made did not appear to them to justify such a course.

5 - The principal object to which the Commissioners will direct their attention is that the Frauds and Irregularities which have been introduced into the Trade between the Coast of Coromandel and the Eastern Ports, by the Ships of the United States for the purpose of evading the Restrictions

abeyance
absent in 1817 - He would
also wish to be furnished
with a precis showing
concisely the circum-
stances of the case in
second
which extradition has been
refused by the two Courts -
5. This precis and in-
formation should be
supplied as early as
possible - he can decide
should any further ap-
plication be made by
the Governor of Pondi-
cherry he should be
informed that the matter
is under reference to the
Madras Govt -
7. The Govt for the reason
given Mr Taylor's letter
and to prepare a book
referred to the Advocate
General for his opinion
which it will be for him
in his discretion to pro-

being made acquainted
with the additional
called for from the Special
Agent - Mr Sydney
Smyth will also consider
whether it can be con-
sidering under Act VII.
1854. S XXII -
8. The Govt has decided
two addresses from the
Panchayat in the
Province protesting on
the ground that the
terms of the treaty
entered into by the
French and English
Govts in 1814 & 1815
when Pondicherry was
restored to the French
allow no power to try
his officers but only for
criminal offences.
The Govt cannot find no

- Relating to this article in the
Treaty of 30 May 1814
The terms of the subsequent Convention have been above quoted —

Special Agent — Foreign Office
Mr Solicitor — with papers noted below. } Dupl Reps JP

with the books & papers & petitions
referred to — Copy of the
Letter to Lord Liverpool 25 Nov 1817
should be sent on the papers
as soon as the Act may pass
as usual

Names of Papers sent to Mr Boyton
with the above Order —

Copy — Letter from Sp Agent — 26 March 1818 — with 2 Enclos.
Orig: — " — — — Lord Liverpool — 27 May — 1 Enclo.
Copy — " to — do — 28 — 20 Nov 17 —
" — Sp. from Count Lieven — 12 May 1819 — Rec'd 20.
Book — Journal Minutes & Rec. Book of Proceedings 1814
Orig: Letter from Lord Liverpool — 5 November 1819 — Rec'd
Sta. 2 Letters from Mr Backhouse — 7 May 20 with the enclosures Enclo.

Political letter to Engd.
28th Sept. No. 74 of 1858.
Pur. in 25 & 27.

5-12-13

Dft to Com. 25th May.
Political 1858 Department

No. 322.

Extract Mins. of Coun.

19th May 1858.

F.R. No. 47.