M.R.O. 1—30,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 685 Press ~~Mis.~~

Dated 22 - 11 - ~~19~~ 1860

Not to be folded or roughly handled

21/3/81

Proceedings of the Madras Government, Political Department, 22nd November 1860.

Read again letter from His Excellency the Governor of the French Establishments in India, dated 17th, and recorded in Proceedings, 31st October 1860.

No. 69. Read also the following letter from A. PURVIS, Esq., Magistrate of the Godavery District, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Rajahmundry, 5th November 1860, No. 406.

I have the honor to acknowledge the receipt of the Order of Government of the 26th ultimo, calling on me, with reference to a letter from His Excellency M. D'Ubraye, Governor of the French Establishments in India, for an early report of the circumstances under which I declined to make over to the Chief of Yanam, certain inhabitants of the District charged with receiving stolen property.

2. A robbery took place in the French Settlement of Yanam in May last. Of the two individuals concerned as principals therein, both residents of Yanam, one escaped into our Territory. He was, on the application of the Chief of Yanam, apprehended and delivered over to him.

3. The Chief subsequently applied to me to deliver up to him six other individuals, inhabitants of Ingeram, within this jurisdiction, who were accused of receiving the stolen property. Three of them were discovered and brought before me, but as it appeared to me that the offenders should be tried before the tribunals of their District, I intimated the same to Monsieur De St. Hiliare, the Chief of Yanam.

4. It is true that Act XVI of 1851, authorizes the trial of the receiver where the principal is tried, or where the receiving takes place, or where the property is found, but under Act I of 1849, the accused could not, I apprehend, be delivered over to the French authorities at all, nor under Act VII of 1854, except on an Order of Government passed on a consideration of the circumstances of the case, as elicited in a preliminary enquiry to be held by the Magistrate.

———

No. 70. ORDER THEREON, 22nd November 1860, No. 685.

It is observed that a robbery was committed in the French Settlement of Yanam. One of the persons actually concerned in it, a resident of Yanam, escaped into the British Territory and was, on the application of the Chief of Yanam, given up by the Magistrate of the Godavery District.

2. Subsequently the Chief of Yanam applied to the Magistrate for the extradition of six other men, inhabitants of Ingeram, (British Territory), charged with having received the stolen property. The Magistrate declined to accede to the application as it appeared to him that the offenders should be tried before the tribunals of the Godavery District.

3. "It is true" Mr. Purvis adds, "that Act XVI of 1851, authorizes the trial of the receiver where the principal is tried, or where the receiving takes place, or where the property is found, but under Act I of 1849, the accused could not, he apprehends, be delivered over to the French authorities at all, nor under Act VII of 1854, except on an Order of Government passed on a consideration of the circumstances of the case, as elicited in a preliminary enquiry to be held by the Magistrate."

4. The Government must observe that the reason assigned in the concluding part of the passage above quoted did not warrant the Magistrate's absolute refusal of extradition. Supposing the case to be one falling under Act VII, 1854, he should have reported the matter to Government and awaited their orders. It is not however clear to the Government that this enactment does apply, inasmuch as the offence charged, that of *receiving* the stolen property, was apparently committed *in British Territory*.

5. It is evidently to the interest of both nations that the extradition of criminals should be carried out to the fullest extent that the law will allow. The Government therefore resolve to submit these papers to the Advocate General for his opinion, whether the British Government

would be warranted in delivering up parties under such circumstances as the prese is, parties charged with having received in British Territory property acquired by burglary rob- bery committed in the French Territory either by Act I, 1849, Act XVI, 1851, referred by His Excellency M. D'Ubraye, Act VII, 1854, or the Convention of 7th March 1815.

From Collector in charge of Special Agent's De- rtment, 18th June 1849.
To do. 29th June 1849.

6. It has been considered by Government on a former occasion, that Act I, 1849, did not apply to *European* Foreign Settlements in India, but they are not sure that this view is correct.

From Secretary to Governor General, to Governor of Fort Saint George, 27th October 1817, *with enclosures.*

7. With respect to the Convention of 7th March 1815, it is also to be remarked, that it was directed by the Supreme Government in 1817, that, so far as depended on the British Government, the provisions of Article IX should be left inoperative, pending further orders from Home, which orders have never been received. In 1839 the French Government were also informed that the provisions of Article IX of the Treaty of 1815, had long been considered inoperative, except in cases of great importance and of a criminal nature. But "knowingly receiving property obtained by robbery or burglary" is classed among Heinous offences in Section XXI, Act VII, 1854, and it will be seen from the Lists forwarded by the Collector in charge of the Special Agent's Department, with his letter of 31st March 1860, that extradition has frequently been made by both Governments of parties accused of offences of a less grave character.

See Precis of cases in which extradition had been refused by both the French and English Governments, forwarded by Acting Collector in charge of Special Agent's Department, 28th June 1858.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Memorandum.

Papers sent to the Govt. Solicitor with Order of Govt. 22d. November 1860. No. 685. Political Department. to be returned when no longer required

Convention between Great Britain and France. 7th March 1815. ✓

From Govt. of India. 27th Octr 1817. with Enclos.
To do do 25th Novr. " ✓
From the Special Agent. 18th June 1849. with enclos
To do do 29th " " ✓
From do do 28th June 1858 with enclos
From do do 31st March 1860 ✓ "
From H. E. the Govr. of the French Settlements 17th Octr "

It is requested that the original papers marked thus X. may be returned when no longer required.

MONTHLY OFFICE No. 147

H. M.'S ELECTRIC TELEGRAPHS IN INDIA.

SOUTHERN DIVISION.

PREPAID MESSAGES ARE TRANSMITTED ON THE TELEGRAPH LINES IN INDIA AT THE FOLLOWING RATES:—

For distances of 400 miles and less, Messages of 16 words and under are charged one Rupee.

Over 16 words the charge increases at the rate of one anna for every additional word.

Beyond 2 miles Peon-hire is charged at the rate of 2 annas per mile, from each Telegraph Office.

Cypher Messages are sent at the ordinary price, but can only be received in numbers written in full, or in common English words.

The Rates are Doubled for distances over 400 miles and under 800 miles.

" " Tripled for distances over 800 and less than 1,200.

" " Quadrupled for distances over 1,200 and less than 1,600; and so on, an additional rate is charged for each distance of 400 miles, or part of 400 miles.

When the Messages are to be repeated, one-half extra is charged and it is *only* for "*repeated*" messages that refunds of charges are granted on account of inaccuracies or delays.

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FROM Coconada — TO Madras

FROM Magistrate Godaveri — TO Chief Secretary

WORDS 21 S. P.

17th November. The men were not committed to the Rajahmundry court. Yanam authorities would not send prosecutor or witnesses against them.

2 A robbery was committed in the French Settlement of Yanam. One of the persons actually concerned in it a resident of Yanam, escaped into the British Territory and was, on the application of the Chief of Yanam, given up by the Magistrate of the Godavery District. Here the offence of which

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Political Department.

Memorandum.

From the Magistrate of the Godavery District. — Dated 5th November 1860, No 106.

This seems to me a case of some difficulty.

2 A robbery was committed in the French Settlement of Yanaon. One of the persons actually concerned in it, a resident of Yanaon, escaped into the British Territory and was, on the application of the Chief of Yanaon, given up by the Magistrate of the Godavery District. Here the offence of

which

which the party who was given up was charged, had been committed on French ground.

3. Subsequently the Chief of Yanaon applied to the Magistrate for the extradition of five other men, inhabitants of Yanaon (British Territory) charged with having received the stolen property.—

Here the offence charged that of receiving, was, it is to be presumed, committed on British Ground.

4. Now the Convention of 7th March 1815 Article 9— supposing it to be operative— applies only to offences committed within the limits of the Power demanding extradition— Act VII 1851 also applies only to "persons accused of having been guilty of any

See the Precis first Para—

From Collector in charge of Special Agents Dept. 18th June 1849.
To — do — 29th June 1849.

any heinous offence in any part of the Territories of a Foreign Prince or State— Act I 1849 has been ruled by Govt.— I am not sure correctly— not to apply to European Foreign Settlements in India— and if it did, it refers only to offences committed within the Territory of any Foreign Prince or State.

5. Article IX of the Convention of 7 March 1815 — See precis— has been ordered by the Supreme Govt. for certain reasons to remain in abeyance, and the French Govt. have been told that it was inoperative except in cases of great importance and of a criminal nature— Receiving property the produce of a Burglary would however, I conceive,

* See enclosure in Coll's. letter 28th June 1858.

come

Political Department.

Proceedings of the Madras Government.

Read again letter from His Excellency the Governor of the French Establishments in India, dated 17th inst., and recorded in Proceedings 31st October 1860.—

Read also the following letter from the Magistrate of the Godavery District.—

(Here enter 5th Novr. 1860, No. 406)

Order thereon 22d. November 1860, No. 685.

It is observed that a robbery was committed in the French Settlement of Yanam. One of the persons actually concerned in it, a resident of Yanam, escaped into the British Territory and was, on the application of the Chief of Yanam, given up by the Magistrate of the Godavery Distrct.

Subsequently

No.

Proceedings of the Madras Government.

Dated

2045] Madras—Printed at the Government Press.

2.- Subsequently the chief of Yanam applied to the Magistrate for the extradition of six other men, inhabitants of Ingeram (British Territory) charged with having received the stolen property. The Magistrate declined to accede to the application as it appeared to him that the offenders should be tried before the tribunals of the Godavery District.

3.- "It is true" Mr. Purvis adds "that Act XVI of 1851 authorizes the trial of the receiver where the principal is tried, or where the receiving takes place, or where the property is found, but under Act X of 1849, the accused could not be apprehended, or be delivered over to the French authorities at all, nor under Act VII of 1854, except on an order of Government passed on a consideration of the circumstances of the case, as elicited in a preliminary enquiry to be held by the Magistrate.

4.- The Govt. must observe that the reason assigned in the concluding part of the passage above quoted did not warrant the Magistrate's absolute refusal of extradition - Supposing the case to be one falling under Act VII 1854, he should have reported the matter to Govt. and awaited their orders - It is not however clear to the Govt. that this Enactment does apply inasmuch as the offence charged that of receiving the stolen property was apparently committed in British Territory.

5.- It is evidently to the interest of both nations that the extradition of criminals should be carried out to the fullest extent that the law will allow - The Govt. therefore resolve to

to submit these papers to the Advocate General for his opinion whether the British Govt would be warranted in delivering up parties ~~charged with~~ Criminal offences, under such circumstances as the present, either by Act I. 1849 - Act XVI 1851 referred by His Excellency M. D'Ubraye Act VII 1851 or the Convention of 7th March 1815 -

+ that is parties charged with having received in British Territory property acquired by burglary or robbery committed in the French Territory —

From Collector in charge of Special Agents Department 18 June 1849 -
To — do — 29 June 1849.

6.- It has been considered by Govt on a former occasion that Act I. 1849 does not apply to European Foreign Settlements in India but they are not sure that this view is correct. —

7.- With respect to the convention of 7th March 1815 it is also to be remarked, that it was directed by the Supreme Govt in 1817 that, so far as depended on the British Govt the provisions of Article IX should be

From Secy to Govt Genl to Govr of Fort Saint George — 27 October 1817. with Enclosures.

See Precis of cases in which extradition had been refused by both the French & English Govts: forwarded by Acting Collector in charge of Special Agents Departt - 25 June 1858.

be kept in operation pending further orders from home - which orders have never been received - In 1839 the French Govt were also informed that the provisions of Article IX of the Treaty of 1815 had long been considered inoperative except in cases of great importance and of a criminal nature - But "knowingly receiving property obtained by robbery or burglary" is classed among Heinous Offences in Sec: XXI - Act VII 1851 - and it will be seen from the List forwarded by the Collector in charge of Special Agents Department with his letter of 31st March 1860 that extradition has frequently been made by both Governments of parties accused of offences of a less grave character. —

7.-

To the Government Solicitor with papers referred to 3 disp. 28 Feb 60

The Law

Political
Department 1864.

No. 685.

Proceedings of the Madras Government.

Dated 22d November 1864.

Copying orders on the report of the Magistrate of the Godavery District as to why he declined to make over to the chief of Yanam certain parties charged with receiving stolen property.

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