10/12/36 I

M.R.O. 1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Original DEPARTMENT.

G.O. No. 28 Press ~~Mis.~~

Dated 27—1—~~19~~ 1863

14-15

Not to be folded or roughly handled

17-2-31

Proceedings of the Madras Government, Political Department,
27th January 1863.

Read the following papers :—

No. 45. To His Excellency SIR W. DENISON, K. C. B., Governor in Council of Fort Saint George.

The humble petition of SAMOODRALA NARRAINA CHETTY.

SHEWETH,

1. That your petitioner is a resident of Kurnool, and subject to the jurisdiction of the Civil Court of Nundial.

2. His daughter married an inhabitant of Banaganapullay, which is an independent Principality adjoining Kurnool. Her husband died during her life-time, upon which the husband's property devolved upon the widow; and she subsequently died without issue, upon which her property devolved upon your petitioner.

3. While your petitioner was in Banaganapullay on business, a person named Chicharla Rungiah set up a false claim to his inheritance, and induced the Nabob of Banaganapullay to seize upon your petitioner and keep him imprisoned for 20 days, at the end of which he was released, and he at once escaped to Kurnool.

4. Shortly after his return to Kurnool he received the Notice, which is appended to this petition and marked A, in which he was called upon to appear before the Nabob's Court, and show cause why he should not carry out the terms of a Razeenamah said to have been executed by him in favor of the plaintiff in a suit for property.

5. The alleged plaintiff was the person who had seized upon his property, and caused his imprisonment; and your petitioner wholly denies the existence of any such suit, or the execution of any such Razeenamah.

6. Your petitioner was absent from Kurnool at the time the Notice was received; but on his return he addressed a petition to the Nabob, a copy of which is appended and marked B, in which he denied the fact of the suit and Razeenamah and said that he would attend at the Nabob's Court, but that he was afraid of his personal safety, and that he was ready to answer any claims that might be preferred against him in the Civil Court of Nundial.

7. The Nabob of Banaganapullay at once issued his Warrant which is appended hereunto and marked C, directing one Javan Mohammed to seize your petitioner and bring him before his Court. The Collector has authorised your petitioner's arrest, and exportation under this Warrant.

8. Upon hearing of this Warrant, your petitioner addressed a petition to the Civil Court of Nundial, a copy of which is annexed and marked D, in which he claimed the protection of the Court against such an illegal seizure.

9. The Civil Court of Nundial passed its order, hereunto annexed and marked E, by which it stated upon reference to the High Court and under its direction, that the Court of Nundial had no power to control the acts of the Collector, but that if aggrieved by him, your petitioner's only course was to appeal to the Government, to whom the Collector was subordinate in his political capacity.

10. Your petitioner applied to the High Court for a copy of its order in this case, but was refused; the original application with the endorsement of the Deputy Registrar thereon is annexed and marked F.

11. Your petitioner submits that the process of the Nabob of Banaganapullay is null and void against your petitioner for the following reasons :—

1st. Because your petitioner is a resident of Kurnool and not subject by inhabitancy or otherwise to the jurisdiction of the Nabob.

2nd. Because the whole proceedings upon which the Warrant was founded were fraudulent and illegal.

3rd. Because the execution of any foreign process in British territory, unless under the terms of some treaty is a violation of Her Majesty's sovereign rights.

Civil Suits

Your petitioner therefore prays that the Collector and the other Officers may be warned not to execute or recognise the present or any future Warrant which may issue from the Court of the Nabob of Banaganapullay, and your petitioner shall ever pray.

(Signed) JOHN D. MAYNE,
Petitioner's Vakeel.

MADRAS, *21st October* 1862. }

(Signed) V. RAMANUJA IYENGAR,
Vakeel.

I, Samoodrala Narrain Setty, residing at Raucherla Moonemadoogoo, in the Taluq of Puttegonda, Zillah of Kurnool, do hereby appoint you, Mr. J. D. Mayne and Vembakum Ramanuja Iyengar, (Pleaders in the High Court of Judicature, Madras), as my duly constituted Agents for the purpose of filing a Petition and of pleading in support of it on my behalf before the Government at Madras, in the matter of the Jagheerdar of Bunganpully having issued a Warrant of arrest directly upon me, and I further agree that whatever you may do in my behalf in the above matter, will be recognized as my own act.

KURNOOL, *29th September* 1862. }

శముద్రాలనారాయణశెట్టిగారు.

Signed in my presence this 29th September 1862.

(Signed) A. W. SULLIVAN,
Civil Judge.

A.

NOTICE.

No. 1, *of Higyra* 1277.

The Court of Adawlat of Banganpalle Taluq.

Plaintiff Rangaya, son of Chedella Nagaya of Bhanumukkala.

Defendant Samudrala Narayana Setty, of Munimadugu Racherla Taluq, Patticonda.

Whereas Rangaya, Plaintiff, has presented a Petition on the 7th of Mahi Jilhez of Higyra 1278, stating that in a Suit brought by him against you on the 1st of Mahi Rajjab of Higyra 1277, regarding property worth Rupees 1,00,000, one lac of Rupees, you, the Defendant, conformably to a Razeenamah by the two parties on the 15th of Rajjab of Higyra 1277, filed a Razeenamah engaging to share all your property equally with the Plaintiff; that you then proceeded to your village and refused to give the Plaintiff his share, it is hereby directed that you should immediately on seeing this Notice present yourself before the Court within 15 days from this date, *i. e.*, on or before the 28th of Mahi Jilhez, and present a counter-motion if you have any thing to say against the Petition presented by the Plaintiff, and that in case of your failure to appear within the term above specified, a Warrant of Execution conformably to the said Razeenamah will be issued against you immediately after the expiration of the said term.

Dated Mahi Jilhez of Higyra 1278.

(Signature in Persian.)

Execution of this (Notice) by the village authorities of Racherla.

Wednesday, the 7th of Jyesta Bahula of Dundhubi, corresponding with the 18th June 1862. The Defendant Narayana Setty is not present in our village. On inquiring of the inmates of the house, they say that they are not aware whither he has gone.

(Signed) RACHERLA TIMMA REDDI.
(,,) KARANAM G. SOOBBAYA.

B.

To

DURBUNTHKE HAJAMT NABOB SYED GOOLAM ALIKE BAHADUR MUNSIR DOWLAH, Nabob of Banagom Pullay.

The humble Petition of Samudrala Narayana Setti of Rachurla, in the Taluk of Puthe Condah, Zillah Kurnool.

I understand that in my absence a Notice was sent directed to me, but without date, communicating to me that one Rungier had brought a suit against me in your Court, on the 1st Rajjool of Hijri 1277, for Rupees 1,00,000; that on the 18th idem, a Razeenamah had been filed

Proceedings of the Madras Government, Political Department,
27th January 1863.

by the litigants; that in accordance therewith, I failed to give him a half share of the property; that the Plaintiff having complained of this on the 7th Jilhez of 1278, I should answer this within fifteen days; and that on failure, a Warrant would be issued against me. I therefore hasten to communicate to you the following particulars:—

1. The Plaintiff and his maternal uncle Payasani Cumbiah having, in the month of Rajoob of 1277, made some false representations to you, you placed me under a rigorous confinement to compel to give my property to the Plaintiff; but as I would not give any thing, you released me. I never executed any document agreeing to give Plaintiff a share, nor did I execute the Razeenamah in question.

2. I need not give any thing to the Plaintiff Rungier. My daughter was the heir to the property left by her deceased husband Seethalla Nagiah; and she also having demised, I am entitled to succeed to the entire property Though Rungiah may have been fostered and maintained by my daughter, he cannot become the heir to her property under the Hindoo law.

3. The Plaintiff and his said uncle Cumbiah usurped much of the jewels and other property left by the deceased Nagiah in Banaganpullay and Banoo Mookoola Pettah; and having been questioned by us, the Plaintiff agreed that some of the property was with him, and also gave a list of such property in his own handwriting, dated 11th Magaira of Rowdri. Though these particulars were communicated to you, and you were requested to recover the property from him, you have made no inquiry into the matter.

4. While such are the facts, and while I am not a resident in your dominion, but a permanent resident in the British territories, the fact of your having issued a Notice against me on the ground of my having executed a Razeenamah, and threatening to issue a Warrant against me, makes me apprehensive that you intend to harass me still, and does not at all show that I shall get justice done.

5. I would appear in person and communicate the above particulars within the time limited in the Notice, but the fear that you might again subject me to a rigorous imprisonment, and otherwise greatly harass me, keeps me back. I therefore most humbly pray that you will look on the Plaintiff and myself with an equal eye, and dismissing his petition, direct him, if he has any claim against me, to file a suit in the Civil Court of Nundial, within whose jurisdiction I am a permanent resident.

30th June 1862.

C.

WARRANT.

The Court of Adawlat of Banaganpalli Taluq.

Rangaya, son of Chedella Nagaya, residing in Bhanamukkala in the said Talaq, Samudala Narayana Setti, residing in Racherla Taluq, Pattikonda Zillah, Kurnool.

Whereas in a suit brought forward by Rangaya the Plaintiff against you Narayana Setti, the Defendant, regarding property worth Rupees 1,00,000, a lac of Rupees, though a Notice was served on you on the 10th of Mahi Jilkod of Higyra 1278, requiring your attendance at the Court, on the 25th idem, yet, as you failed to appear before the Court up to the expiration of the said term, you are hereby required by this Warrant to put your signature on the Warrant according to law, immediately on receiving the Warrant, and then to come and appear before the Court forthwith.

To Javan Mamood—Take this Warrant Hukkam with you, and showing it to Narayana Setti the defendant, get it signed by him, the defendant, and then bring the defendant with you and present him before the Court.

Dated 13th Mahi Jilkod of Higyra 1279.

(Signature of the Nawab.)

D.

Translation of a Miscellaneous Petition presented by Samudrala Narayana Setti, inhabitant of Munimadugu Racherla, in the Pattikonda Taluq; to the Civil Court of Nundial.

Having received information that the Nawab of Banaganpalli who sent me a Notice in the month of June 1862, to the effect that one Rangaya had presented a petition to him urging that I had not acted conformably to a Razeenamah filed before the Nawab, engaging to share my property equally with the said Rangaya instead of replying to my petition regarding it, has issued a Warrant directly for my immediate apprehension and that the Collector has also issued order directing the execution of the said Warrant, I beg to represent as follows:—

I. In January 1861, when I went to Banaganpalli, the Nawab put me in confinement; my brother-in-law therefore presented a petition on the 24th idem, to the Magistrate of the Kurnool District, on which they released me from custody. This is all that occurred; I did not file Razeenamah of any description whatever.

II. I am a person permanently residing within the limits of the jurisdiction of your Honor's Court and carry on trade. Consequently there is no reason whatever for the Nawab to receive any suit brought against me or for my admitting it and executing any Razeenamah.

III. From the Notice sent by the Nawab, it does not appear that a Razeenamah was filed specifying any amount or giving a description of property which would justify the issue of a Warrant. Consequently there is no reason for issuing a Warrant against me except through the means of a fresh suit.

IV. The Decrees passed by the said Nawab and the Razeenamahs filed before him cannot properly be executed against me who am living within the jurisdiction of your Honor's Court, unless the suit be again instituted and the Decree established in the Court.

V. Even though the execution of such Decrees, &c., without the re-institution of the suits be considered correct, they should have been executed only through the Court; but the Nawab had no authority to issue directly any Warrant against me and to direct me to be apprehended and brought before him.

I beg therefore that the Court will do me justice by stopping the execution of the Warrant issued directly by the Nawab against me, as I am living within the jurisdiction of the Court.

Dated 17th July 1862.

(Signed) KUSTHURI RAGHOONADHA ROW,
Pleader for Petitioner.

E.

Proceedings of the Civil Court of Nundial, 4th September 1862.

Read again Miscellaneous Petition, No. 91 of 1862, presented by C. Raghunatha Rau Pleader, on behalf of one Samudrala Narayanasetti, an inhabitant of Munimodugu Racherla, in the Pattikonda Taluk, of the District of Kurnool, complaining of a Warrant for his apprehension having been issued direct by the Nawab of Banganpilly, in execution of a Razeenamah said to have been filed by him in a Civil Suit before the Nawab; and of the Collector of Kurnool having directed the execution of the said Warrant; and requesting this Court to prevent the execution of the Warrant against him; he (Petitioner) being a resident within the jurisdiction of this Court.

2. Read Proceedings of the High Court of Judicature, dated the 30th ultimo, in reply to a reference made by the Civil Judge on the subject.

3. The Civil Judge is unable to comply with the prayer of the Petitioner, as the High Court have ruled that it is not competent for him to interfere in the proceedings of a foreign tribunal, and that no appeal can lie to the Civil Judge against the acts of the Collector in such matters.

If the Petitioner considers himself aggrieved by the act of the Collector, the proper course is for him to appeal to the Government to whom the Collector is subordinate in his political capacity.

4. The Petitioner is therefore dismissed.

(Signed) A. W. SULLIVAN,
Civil Judge.

4th September 1862.

Referred to the Collector of Kurnool for early report.

FORT SAINT GEORGE,
28th October 1862.

(Signed) T. PYCROFT,
Chief Secretary.

Proceedings of the Madras Government, Political Department,
27th January 1863.

No. 46. From G. BANBURY, Esquire, Acting Collector of Kurnool; to A. J. ARBUTHNOT, Esquire, Chief Secretary to Government, Fort Saint George, dated 26th November 1862, No. 49.

In returning the Petition* and enclosures which accompanied the Honorable Mr. Pycroft's endorsement, dated 28th ultimo, I have the honor to make the following reply to that requisition.

*No. 2,806 of 1862.

2. By a letter received from the Nawab of Banaganpully, it appears that the Petitioner Naraynah Chetty, an inhabitant of Racherlah, in this District, was accused of having appropriated certain property belonging to one Rungiah, a resident in the Nawab's territory, and that the two parties subsequently filed a Razeenamah before the Nawab by which they agreed to divide equally the property in dispute. Petitioner admitted his opponent's claim and said he would proceed to Racherlah for the purpose of dividing the property then at that village, and which he had previously brought from Banaganpully. This Razeenamah duly executed is now amongst the records of the case.

3. The property under litigation being originally in the Nawab's territory, the cause of action arose there, and the suit was consequently entertained in the Nawab's Court.

4. Upon complaint being made to the Nawab that Petitioner Narayanah Chetty had not acted up to the terms of the agreement, the Nawab adopted the usual course of sending through the Collector a Notice to be served upon Petitioner requesting his appearance at Banaganpully; this Notice could not be shown to Petitioner, as he was not to be found at Racherlah, this fact was notified by the village authorities on the back of the Summons.

5. Petitioner then wrote to the Nawab denying that he had ever executed any Razeenamah, a Warrant for his apprehension then followed, and the Collector was requested to permit its execution in our territories, which course Mr. Minchin accordingly authorized. In the meantime Petitioner addressed the Civil Court of Nundial claiming its protection on the ground that he was a British subject. The Civil Judge thereupon called upon the Collector for explanation, and in reply Mr. Minchin intimated that he was acting as Government Agent in the matter and was not consequently amenable to the Civil Court. This objection taken by the Collector was supported by the High Court, who in their Proceedings* ruled that no appeal would lie to the Civil Judge against the acts of the Collector in such matters. Finally the Warrant was never executed and Petitioner appears to have gone off to Madras.

*Dated 30th August 1862.

6. Into the actual merits of the Civil suit I am not I presume required to enter, neither do I apprehend there need arise any discussion regarding the mutual service of Notices and Summonses between the two territories, as it is to a certain extent optional with the party thus addressed to act in accordance therewith or not. The real question to be considered is regarding the issue of Warrants, whether this course is legal and whether it is expedient.

7. As regards the first point there is no doubt the course hitherto pursued is not supported by any legal enactment, but I would venture to suggest that it is for Government to determine whether it is not politically expedient to maintain this usage.

8. The Banaganpully Jaghire is an independant State; our Processes both Civil and Criminal, have always been allowed by the Nawab to be executed within his territories, and as an act of reciprocal courtesy we have similarly permitted the same proceedings on his part within our limits. There is no treaty to this effect, but no objections have hitherto been raised, and the system appears to have worked well. Our Government being considerably the gainers by the existence of this mutual understanding. I may also add that no complaints have hitherto arisen regarding the execution of these Processes, neither have they been made to answer any unfair purposes; in fact the whole arrangement has been judiciously carried out.

9. I would beg to point out that in the event of its being deemed improper any longer to continue the practice which has hitherto obtained, considerable difficulties and hindrances to the course of justice will inevitably arise. The Banaganpully territory is surrounded by our Talooks, and would thus become a safe asylum and refuge for criminals, defaulters and reprobates of every description, thereby greatly nullifying the action of both Criminal and Civil justice.

10. In conclusion, I beg to submit an abstract from the Sunnud granted to the Banaganpully Jaghiredar, by which you will perceive that we have been careful to provide for the delivery of persons charged with offences against our Government; it seems therefore but fair and reasonable that we should similarly render assistance to the Nawab with reference to offenders amongst his subjects who may enter our territories.

Extract of a Sunnud issued to Gholam Alli Khan, Jahiredar of Banaganapilly.

* * *

You therefore shall have the general management of the Revenue and Police of your Jaghire, and also the duty of administering Civil justice, subject to the undermentioned conditions.

You shall at all times maintain faith and allegiance to the Honorable Company, their enemies shall be your enemies, and their friends shall be your friends, you shall assist the Honorable Company to the utmost of your power against foreign and domestic foes. You shall maintain a strict watch over the public peace in your Jaghire, you shall not afford an asylum to offenders from the Company's Districts, but shall either deliver them up or assist the Officer of the Company who may be sent in pursuit of them. You shall cause justice to be rendered to inhabitants of the Company's Districts and others who may have pecuniary claims on any of the inhabitants of Banaganapilly.

* * *

L. S.

(Signed) H. C. MONTGOMERY,
Secretary to Government.
(„) HENRY POTTINGER.
(„) J. H. BERKELEY.
(„) D. ELLIOT.

(True Extract.)
(Signed) GEO. BANBURY,
Acting Collector.

No. 46A. ORDER THEREON, 27th January 1863, No. 28.

The Petitioner, Nárayana Chetty, is a British subject resident in the District of Kurnool. A suit having been brought against him in the Court of the Nawab of Bunaganpully, he is alleged to have filed a rázinámá, agreeing to give up half the property in dispute. He was permitted to return to British territory to perform the terms of his engagement, and thence wrote to the Nawab, denying that he had ever assented to it. The Nawab thereupon issued a warrant for his apprehension, and sent it to the Collector. Mr. Minchin authorized its execution within British limits. The Petitioner, however, had effected his escape, and was not to be found.

2. Such appear to be the salient facts of the case. His Excellency the Governor in Council observes, in the first place, that no specific charge has been brought against the Petitioner. He is therefore surprised that Mr. Minchin should have consented so readily to his apprehension. But there are other and stronger grounds than this for supposing that his arrest, and exportation to Bunaganpully, would have been illegal. Petitioner, being a British subject found in British territory is clearly entitled to the protection provided by Act I of 1849. He is amenable only to British tribunals, or to tribunals of the character referred to in Section V of that Act of which there are none in Bunaganpully, and, if it were deemed advisable to arrest him on representations made by the Nawab and charging him with a definite criminal offence, his case ought to have been reported for the orders of Government as directed in Section III of the

Proceedings of the Madras Government, Political Department,
27th January 1863.

enactment quoted. His Excellency in Council is therefore clearly of opinion that the course pursued by Mr. Minchin is not only without legal sanction, which the Acting Collector admits, but is a contravention of Act I of 1849, and of Act VII of 1854, Section VII, and a violation of the Petitioner's rights as a British subject.

3. From the Acting Collector's report it would appear to be the practice to allow the Nawab's processes to be served in the Kurnool District, and from the fact that the Collector's consent was given without hesitation in such a case as the present, His Excellency in Council has little doubt that the practice is indiscriminately followed. Mr. Banbury admits that it is unsupported by any legal enactment, but he submits that it is a question for the Government to determine whether the mutual service of warrants between the two territories is not politically expedient; and whether, if we refuse to allow the Nawab's processes to enter our limits, we can fairly claim admission for our own into Bunaganpully.

4. A somewhat similar question arose some years back in connection with the State of Puducottah. It was then held that although British subjects found in British territory could only be tried by British tribunals, the rule should not be reciprocal, but that the subjects of any petty Native State, wherever apprehended, should always be amenable to British Courts for offences committed within British limits. The distinction was justified as a proper prerogative of the paramount power, which might fairly assert its authority to punish, on the one hand, all who might violate its laws, and, on the other, to protect its own subjects from being visited with undue severity for some alleged offence committed in a foreign country.

5. In the case of Bunaganpully however it is hardly necessary to apply the same arguments. The course to be pursued when offenders against British law take refuge there, is clearly indicated in the Sannad. The general administration of Civil Justice, and the management of the Revenue and Police of the Jaghire was entrusted to the Nawab on condition that he should maintain his allegiance to the British Government, and "deliver up all such offenders, or assist the Officer "who might be in pursuit of them." The admission of our processes therefore into Bunaganpully is not a mere act of courtesy in return for which the Nawab can claim a like concession from the British Government. It is a specific condition of his tenure of his Jaghire, and the absence of any corresponding engagement on the part of the British Government was clearly intentional.

6. The Government are not aware what system of jurisprudence may be administered by the Nawab, but, however perfect it may be, they are unable to concede to him any jurisdiction over British subjects except such as may be found within his limits. The right of appeal and other checks provided by the British Legislature for the protection of its subjects would obviously be wanting.

7. Under these circumstances His Excellency in Council resolves to instruct the Collector, while lending to the Nawab every legitimate aid in his power, to be careful to observe the procedure laid down in Act I of 1849 and VII of 1854, whenever it may be necessary to arrest a British subject for an offence committed in Bunaganpully. The extradition of a criminal into that State is only permissible in the case of a subject of the Nawab accused of having committed a heinous offence within his territory, and then only under an order of Government.

8. The terms of the Sannad will effectually prevent Bunaganpully from becoming a safe asylum for criminals, as the Acting Magistrate apprehends. It is observed however that Civil defaulters are coupled with criminals in Mr. Banbury's letter. The Governor in Council is not aware of any regulation or order which would allow defaulting ryots or Civil defaulters generally to be compelled to return to the country whence they have fled. On the contrary such a practice is at variance with the law and usage of all civilized nations.

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

Exd. T. McMootry.

Abstract of Petition No. 2803 of 1862.

States that on the demise of his daughter at Banagana Pully, the property inherited by her from her late husband there, was devolved upon Petitioner; that upon this one Ramjee of that place professing his false claim to the same, induced the Nabob to seize & imprison Petitioner for 20 days; that upon his release he escaped to Kurnool, that on his failure to appear before the Nabobs court according to the notice hereinenclosed, the warrant herein enclosed was issued by the said Nabob for Petitioners arrest, which the collector of the District of Kurnool authorized complains of the said unjust

proceedings of the collector & prays that the said officer together with certain others may be instructed not to recognise the warrant at present & in future issued by a foreign State -

[illegible]

STAMP DEPARTMENT
17 JUNE
1862
KURNOOL

Presented before me in open Court 18th and filed 19th July 1862.

(Signed) A. W. Sullivan
Civil Judge

(True copy)

A.W. Sullivan
Civil Judge

(547) Pol: Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Acting Collector of Kurnool

(Here enter 26th Nov: 62, No 49)

Order thereon 27th January 1863. No 28.

The Petitioner, Narayana Chetty, is a British subject resident in the District of Kurnool. A suit having been brought against him in the Court of the Nawab of Banaganpalle he is alleged to have filed a kabúlyát, agreeing to give up half the property in dispute. He was permitted to return to ~~the~~ British territory to perform the terms of his Engagement, and thence wrote to the Nawab, denying that he had ever assented to it. The Nawab

thereupon issued a warrant for his apprehension, & sent it to the Collector. Mr. Minchin authorised its execution within British limits. The Petr. however had effected his escape, and was not to be found.

2 Such appear to be the salient facts of the case. H. E. the Govr. in Council observes, in the first place, that no specific charge has been brought against the Petr. He is therefore surprised that Mr. Minchin should have consented so readily to his apprehension. But there are other & stronger grounds than this for supposing that his arrest, and exportation to Bunagunpully, would have been illegal. Petr., being a British subject found in British territory is clearly entitled to the protection provided by Act I of 1849. He is amenable only to British tribunals, and, if it were deemed advisable to arrest him on representations made by the Nawab & charging him with a definite criminal offence, his case ought to have been reported for the orders of Govt. as directed in Sect III of the Enactment quoted. H. E. in Council is therefore clearly of opinion that the course pursued by Mr. Minchin is not only without legal sanction, which the acting Collector admits, but is a contravention of Act I of 1849, & a violation of the Petitioner's rights as a British subject.

3 From the acting Collector's report it would appear to be the practice to allow the Nawab's processes to be served in the Kurnool

+ or to tribunals of the character referred to in Section V of that Act of whom there are none in Bungunapilly.

& made of Act XIV of 1854 Section VII

District, and from the fact that the Collector's consent was given without hesitation in such a case as the present H. E. in C. has little doubt that the practice is indiscriminate. [by followed] Mr Bambury admits that it is unsupported by any legal Enactment, but he submits that it is a question for the Govt to determine whether the mutual service of warrants between the two territories is not politically expedient; and whether, if we refuse to allow the Nawab's process to Enter our limits, we can fairly claim admission for our own into Bunaganpully.

4 A somewhat similar question arose some years back in connection with the ~~Hyderabad~~ State of Pudicottah. It was then held that altho' British subjects found in British territory could only be tried by British tribunals, the rule should not be reciprocal, but that the subjects of any petty native state, wherever apprehended, should always be amenable to British Courts for offences committed within British limits. The distinction was justified as a proper prerogative of the paramount power, which might fairly assert its authority to punish, on the one hand, all who might violate its laws, & on the other, to protect its own subjects from being visited with undue severity for some alleged Offence committed in a foreign country.

5 In the case of Bunaganpully however it is hardly necessary to apply the same arguments.

The course to be pursued when offenders against British law take refuge there is clearly indicated in the Sanad. The general civil administration of Justice, ~~civil & criminal~~, was entrusted to the Nawab on condition that he should maintain his allegiance to the British Govt, and "deliver up all such "offenders, or assist the "officer who might be in "pursuit of them". The admission of our processes therefore into Bunagunpully is not a mere act of courtesy in return for which the Nawab can claim a like concession from the British Govt. It is a specific condition of his tenure of ~~judicial authority within his territory~~, & the absence of any corresponding engagement on the part of the British Govt was clearly intentional.

and the management of the Revenue & Police of the Jaghire

his Jaghire is not

6 The Govt are not aware what system of jurisprudence may be administered by the Nawab, but, however perfect it may be, they are unable to concede to him any jurisdiction over British subjects except such as may be found within his limits. The right of ~~the~~ appeal and other checks provided by the British Legislature for the protection of its subjects would obviously be wanting.

Under these circumstances, H. E. in Council resolves to instruct the Collector, while lending to the Nawab every legitimate aid in his power, to be careful to observe the procedure laid down in Act I of 49 and VII of 1854.

whenever it may be
necessary to arrest
a British subject for
an Offence committed
in Bunagunpully.
The extradition of a criminal
into that state is only
permissible in the case
of a subject of the
Nawab accused of
having committed
a heinous Offence
within his territory, such

§ The terms of the Sanad
will effectually prevent
Bunagunpully from
becoming a safe asylum
for criminals, as the
acting Magistrate
apprehends. It is
observed however that
defaulters are coupled
with criminals in

Mr Barbers letter. The
Govt in Council is not
aware of any regulation
or order which would
allow defaulting ryots
to be compelled to rot
to the country whence they have
fled. On the contrary
such a practice is at
variance with the law
nations.

To the Collector of Kurnool. dup. 28

Vol: 1863. Department

No. 28.

PROCEEDINGS OF GOVERNMENT

Dated 27 January 1863

45 + 46 A