

Political (1899) Department.

ORDINARY MS.

G.O., No. 160

DATED 18. 2. 99

INDEXED.

[Despatch Abstract.]

Communicating to all Police offices
proceedings, Judicial Dept, on endorsement of
the Port of India forwarding copy of certain
correspondence regarding the surrender to the
Portuguese Govt of certain persons concerned
in a daktari in Goa in January last

18.2.99

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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Political CURRENT No. 25/

Government (1899) of Madras. JUDICIAL.

Recd. } 15 - 2 - } 1899.
Regd. }

Enclosures

Spare copies

G.O., No. 215, 6th February 1899.

Order No 1609 18.2.99
his

Communicated to all
Political officers.

FEBRUARY.

Comd
Capt
M. P. M.

1899.
16.2.99

To The Resident J.C.
Poll. Agent, Pudukottai } ser O
" Sandur
" Banganapalle

Extradition.

Communicating to the Hon'ble the Judges of the High Court, and the Inspector-General of Police and all District Magistrates endorsement of the Government of India forwarding copy of certain correspondence regarding the surrender to the Portuguese Government of certain persons concerned in a dakaiti in Goa in January last.

Special Inse
13/2/99.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper :—

Endorsement by the Government of India, Foreign Department, dated Fort William, 25th January 1899, No. 245-I.A.

Read—the following papers :—

Telegram from the Resident in Mysore, Bangalore, to the Foreign Secretary, Simla, dated 19th July 1898.

No. 3541. Captain deLeao, an Officer of the Portuguese army, has arrived from Goa with a letter to me from the Governor-General, Portuguese India, asking for the surrender of six Pathans, who are charged with having committed dakaiti in Goa in January last. This officer informs me that the Government of India have agreed to the following arrangements, viz., that in the case of offenders concerned in the dakaiti alluded to, who are not British subjects, extradition to Goa may be allowed, and that in the case of British subjects, they may be tried by a British Court in India. Accordingly request is now made to me that such of the Pathans as are British subjects be sent to Hubli in Bombay, where other persons are awaiting trial for the offence specified, and that those who are not British subjects be handed over to the Portuguese Government on the Goa frontier. Captain deLeao states that the foregoing procedure has been acted upon in Bombay. Mysore Darbar will hand over the Pathans to us. Please wire instructions to regulate my proceedings. I have no information as to a convention having been entered into with Portuguese India Government.

Telegram from the Foreign Secretary, Simla, to the Resident in Mysore, Bangalore, dated 29th July 1898, No. 2066-I. A.

Your telegram 3541, July 19th. Captain deLeao's statement is accurate as far as it goes. There is no objection to procuring extradition from Mysore to Goa of Pathans who are shown not to be British subjects, provided Goa authorities admit that in similar circumstances fugitive criminals from Native States taking refuge in Goa will be surrendered on our requisition. Such of the Pathans as are British subjects may be sent for trial to Hubli if Bombay authorities requisition.

It is understood that the Mysore Government are satisfied as to the evidence against the men and willing to surrender them.

From Lieutenant-Colonel D. ROBERTSON, I.S.C., Resident in Mysore, to the Secretary to the Government of India, Foreign Department, dated Bangalore, 18th October 1898, No. 5601—256-98.

In continuation of my telegram No. 3541, dated the 19th July 1898, and with reference to your telegram No. 2066-I.A., dated the 29th idem, conveying the instructions of the Government of India regarding the surrender to the Portuguese

Government of certain Pathans concerned in a dakaiti in Goa in January last, and who had taken refuge in Mysore, I have the honour to report, for the information of the Government of India, the action taken by me in the matter.

2. The purport of your telegram was communicated to Captain deLeao, who had been deputed by the Portuguese Indian Government to obtain the surrender of the dakaitis. He then communicated with the Governor-General of Portuguese India, who, in his telegram of the 1st August, agreed in general terms to reciprocate in the matter of surrender of criminals.

Copy enclosed.

The assurance given was not, however, entirely satisfactory or complete, in that it did not provide for extraditions between Indo-Portuguese territory and the British Government with special reference to Native States under our Political control, and the surrender of criminals who might take refuge in Goa having committed offences in Native States and who were not Portuguese subjects. Captain deLeao then left Bangalore to represent the matter to his Government, and I subsequently received letter No. 79, 1898, dated the 11th August 1898, in which His Excellency offered to hand over to the British authorities any persons, who, not being Portuguese subjects, had committed crimes in the

Copy enclosed.

Native States under the control of the Government of India, and had absconded into Goa territory; provided the Government of India agreed reciprocally to surrender to the Portuguese Government persons who, being neither British subjects, nor subjects of the Native States under the control of the Government of India, had committed crimes in Goa territory, and had absconded to either British India or any Native State as above mentioned. Acting on the instructions contained in your telegram No. 2066-I.A., dated 29th July last, I accepted His Excellency's offer in my letter of the 2nd September.

Copy enclosed.

3. I now give details showing how, in conformity with this arrangement, the six Pathans were disposed of. Four were arrested in the Civil and Military Station, and one in Mysore territory; the sixth was an inmate of the Bangalore Central Jail. The Darbar arrested the man at large in Mysore territory and willingly transferred him as well as the one in jail to my custody. A preliminary enquiry was then held by the District Magistrate, Civil and Military Station, who considered that a *prima facie* case against the accused had been established. Three of these men were undoubtedly British subjects, and inquiries instituted in the Punjab as to the nationality of the others, who also claimed to be British subjects, elicited the fact that one was a British subject. As regards the remaining two, the enquiry by the Deputy Commissioner of Peshawar showed that they were unable to substantiate the claim they had preferred to be British subjects. They were consequently despatched under police escort to Castle Rock on the 28th September, to be handed over to the Portuguese Indian Government, and I have just heard of their safe arrival at Goa.

Copy of telegram enclosed.

4. The four accused persons who are British subjects will now be handed over by the District Magistrate to the Magistrate of the Belgaum District, for trial there, on the requisition of the Bombay Government.

5. Copies of all papers necessary to render the case complete are forwarded, and I hope that my proceedings will receive the approval of the Government of India.

Vide Appendix.

6. In conclusion, I would invite reference to this office letter No. 2284, dated the 26th June 1896, regarding the income-tax clerk who absconded from Bangalore to Goa and has since resided at that place secure from arrest. In connection with the arrangement for the reciprocal surrender of criminals with Goa, and in consequence of the representation I made to Captain deLeao, the defaulting clerk (Krishnasawmy Naidu) has been surrendered by the Goa authorities and is now undergoing his trial here.

APPENDIX.

List of enclosures to letter No. 5601—256-98, dated 18th October 1898, to the Government of India, Foreign Department.

- (1) Letter No. 58, dated the 28th June 1898, from the Governor-General of Portuguese India, to the Resident in Mysore.
- (2) Letter No. 71, dated the 2nd August 1898, from the Governor-General of Portuguese India, to the Resident in Mysore.
- (3) Letter No. 79, dated the 11th August 1898, from the Governor-General of Portuguese India, to the Resident in Mysore.
- (4) Letter No. 4402, dated the 2nd September 1898, from the Resident in Mysore, to the Governor-General of Portuguese India.
- (5) Letter No. 4559, dated the 7th September 1898, from the Resident in Mysore, to the Chief Secretary to the Government of Bombay.
- (6) Letter No. 5491, dated the 30th September 1898, from the Secretary to the Government of Bombay, to the Resident in Mysore.
- (7) Proceedings of the District Magistrate of the Civil and Military Station of Bangalore, in Criminal Miscellaneous Case No. 139 of 1898.
- (8) Telegram, dated 11th October 1898, from the Governor-General of Portuguese India, to the Resident in Mysore.

From the Governor-General of Portuguese India, to the Resident in Mysore, dated 28th June 1898, No. 58.

Constando que se acham em Mysore 5 individuos, cuja prisas se vai, requisitar como implicados no roubo praticado em 22 de Janeiro ultimo no pagode de Queulá, territorio de Goa, teuo a honra de apresentar a V. Exa. o capitao Augusto Maria de Leao, que tem tratado d'este negocio perante os magistrados inglezes de Hubly, Dharwar e Bombaim, e que poderá fornecer a V. Exa., esclarecimentos sobre o assumpto, rogando ao mesmo tempo se digne consentir na transferencia d'aguelles homens, logo que sejam presos, para Hubly, onde se acham a maior parte dos réus capturados por aquelle crime, a fim de serem julgados n'um unico acto e pelo mesmo crime, o que e de grande conveniencia.

Antecipo a V. Exa., os meus agradecimentos pela satisfacão d'este pedido e por tudo quanto se dignar fazer em ordem a facilitar aprisaó e transferencia sollicitadas.

Deus Guarde a V. Exa.

Translation of a letter from the Governor-General of Portuguese India, to the Resident in Mysore, dated 28th June 1898, No. 58.

Understanding that there are in Mysore five individuals whose arrest is required in connection with a dakaiti committed on the 22nd January last on the Queula temple in Goa territory, I have the honour to introduce to your Excellency Captain A. M. deLeao, who has already had business with the British Magistrates of Hubli, Dharwar, and Bombay, and who will lay before your Excellency clear and *prima facie* proofs. I would ask at the same time that you will kindly agree to the extradition of these men, when they are arrested, to Hubli, where there are now in custody most of the accused in this case, in order that all may be tried at one time and place for the same offence—the most convenient course. Permit me to thank you in anticipation and to ask you to be so good as to issue such orders as will facilitate the arrests and transfers asked for. May God guard your Excellency, &c.

From the Governor-General of Portuguese India, to the Resident in Mysore, dated 2nd August 1898, No. 71.

Tive a honra de dirigir hontem a V. Exa., o seguinte telegramma.—

Being informed by Captain Leao that some Pathans, implicated on the robbery of a Hindu temple, in the territory of Goa, are now in prison at Bangalore by the orders of your Excellency, and knowing that some of those Pathans are not British subjects, I ask your Excellency to be good enough to permit the extradition of the

same men to be tried by the Portuguese Courts, assuring your Excellency that I will reciprocate giving back at your territory to be tried by British Courts when found on any part of the country jurisdiction (a) Governador-Geral.

Confirmando esse telegramma cumpre me agradecer a V. Exa., a boa vontade com que se tem dignado coadjuvar o Capitão A. M. de Leao na importante diligencia de que está por mim encarregado e em que tenho o maior emponho.

Translation of a letter from the Governor-General of Portuguese India, to the Resident in Mysore, dated 2nd August 1898, No. 71.

I had the honour to address you yesterday the following telegram:—

"Being informed by Captain Leao that some Pathans, implicated in the robbery of a Hindu temple in the territory of Goa, are now in prison at Bangalore by the orders of your Excellency, and knowing that some of those Pathans are not British subjects, I ask your Excellency to be good enough to permit extradition of the same men to be tried by the Portuguese Courts, assuring your Excellency that I will reciprocate giving back at your requisition some men of your territory to be tried by the British Courts when found on any part of the country jurisdiction."

Confirming the same telegram I beg to thank you for the good-will with which you have been pleased to give to Captain A. M. Leao the necessary assistance in the important task I have entrusted him with and in which am earnestly interested.

From the Governor-General of Portuguese India, to the Resident in Mysore, dated 11th August 1898, No. 79.

Em officio No. 32 de 6 de abril ultimo tomei para com L. Exa. Lord Sandhurst, Governador da presidencia de Bombaim, o compromisso de entregar ás autoridades inglezas os subditos não portuguezes que commettessem nos territorios da India Ingleza quaesquer crimes e se refugassem em Goa, quando por sua parte o Governo Inglez entregasse ás autoridades portuguezas os subditos não inglezes que, tendo commettido crime nos territorios de Goa acolhessem ao territorio da India Ingleza. Quanto aos subditos inglezes e portuguezes seriam julgados perante os tribunaes da sua respectiva nacionalidade pelos crimes commettidos nas areas dos territorios da India Ingleza e Goa.

Tomo agora para com V. Exa. o compromisso de entregar ás autoridades inglezas, devidamente requisitados, os subditos não portuguezes que, tendo commettido crimes nos estados Nativos da India se acolherem ao territorio de Goa, quando V. Exa. em nome do Governo da India concorde em entregar os individuos, que se provar não serem subditos inglezes ditos inglezes on dos Estados Nativos da India, sob a autoridade do Governos Inglez, que tiverem commettido crimes no territorio de Goa e se refugiarem na India Ingleza ou nos Estados Nativos da India, sob a autoridade do Governo Inglez da India.

Fica por esta forma explicado o men telegramma de le officio de 2 do corrente, dirigidos a V. Exa.

Approveito a occasião para rogar a V. Exa. que os individuos cuja prisão ali requisiton o capitão Augusto Maria de Leão e contra os quaes deu provas no tribunal de Bangalore para mostrar *prima facie* a sua connivencia no roubo do pagode de Queulá segam enviados tão promptamente quanto possível, os subditos inglezes para Belgão e os subditos estrangeiros para Goa, conforme se provar a sua naturalidade.

Deus Guarde a V. Exa.

Translation of a letter from the Governor-General of Portuguese India, to the Resident in Mysore, dated 11th August 1898, No. 79.

Under letter No. 32, dated 6th April last, I proposed to His Excellency Lord Sandhurst, Governor of Bombay Presidency, to hand over to the British authorities any persons who, not being Portuguese subjects, may commit crimes in the British

territory and abscond into the Goa territory, provided the British Government also surrender to the Portuguese authorities any persons, who, not being British subjects, may commit crimes in the Goa territory and abscond into the British territory. As regards the British and Portuguese subjects, they would be tried by the Courts of their respective nationality for crimes committed within the area of British and Portuguese India.

I have now the pleasure to make the same proposal to you, *i.e.*, of surrendering to the British Authorities, when their surrender is duly applied for, any persons who, not being Portuguese subjects, may commit crimes in the Native States of India and abscond into the Goa territory, in case you should agree in behalf of the Government of India to surrender such persons whose nationality should be proved to be neither British nor of the Native States of India under British Government protection, and who, having committed crimes in the territory of Goa, have absconded into British India or into the Native States of India under the British Government protection.

This is an explanation of my telegram of the 1st and letter of the 2nd instant addressed to you.

I will avail myself of this opportunity to request you to be kind enough to forward as early as possible to Belgium, being British subjects, and to Goa those whose nationality is not ascertained, among the accused who have been arrested at the requisition of Captain A. M. Leao and against which he gave proofs in the Court of Bangalore showing *prima facie* their connivance in the robbery of the Hindu temple of Quecula.

From the Resident in Mysore, to the Governor General of Portuguese India,
dated 22nd September 1898, No. 4402.

I have the honour to acknowledge the receipt of your Excellency's telegram and Telegram, dated the 1st August 1898. letters as noted on the margin. In the Letter No. 71, dated the 2nd August 1898. letter last quoted your Excellency offered „ No. 79, „ 11th „ to hand over to the British authorities any persons who, not being Portuguese subjects, might have committed crimes in the African States.

any persons who, not being Portuguese subjects, might have committed crimes in the Native States under the control of the Government of India and have absconded into Goa territory, provided the Government of India agreed reciprocally to surrender to your Excellency's Government persons who, being neither British subjects nor subjects of a Native State under the control of the Government of India, might have committed crimes in Goa territory and have absconded to either British India or any Native State as above mentioned.

2. In reply, I have now the pleasure to inform you that the Government of India empower me to agree to your Excellency's offer. Consequently such of the Pathans concerned in the temple dakaiti at Goa on the 22nd January last as are shown to be neither British subjects nor subjects of a Native State as specified in paragraph 1 of this letter, will be handed over to your Government. As your Excellency is aware, six Pathans are now under arrest here. Of these, three are admitted by Captain deLeao to be British subjects, and will be made over for trial to the Government of Bombay on the requisition of His Excellency the Governor in Council. As regards the remainder (who also assert that they are British subjects) I am still in communication with the Deputy Commissioner of Peshawar, from which district they allege they have come, and if it cannot be shown that they are British subjects, they will be transferred to Goa as desired. The great distance between Bangalore and Peshawar unfortunately has given rise to some delay, but I have wired to the Deputy Commissioner of that district, asking to be supplied with information at the earliest possible date.

3. I now beg to invite attention to Captain deLeao's telegram and letter of the 18th August, in which he reported the arrest of one Krishnasawmy Naidu, who was a clerk in the Collector's office here and absconded to Goa territory in 1895, after

embezzling a large sum of Government money. In accordance with Captain deLeao's suggestions, I am sending two * Police officers and a clerk by the name of Srinivas Iyengar. The latter was recently the head clerk of the Collector's office; he can identify and will produce such evidence as will suffice to establish a *prima facie* case against the accused Krishnasawmy Naidu. I would request that, if your Excellency's Government is satisfied that a *prima facie* case has been established, the accused may be handed over to the head constable above named, who will arrange for his escort hither.

4. As I understand that the party now being despatched from here will, under the plague regulations, be detained for some ten days on the way, I am sending this letter by post. A duplicate copy will, however, be handed to the head constable for delivery to your Excellency on his arrival.

Thanking your Excellency in anticipation for the assistance to be rendered by your Government.

From the Resident in Mysore; to the Chief Secretary to the Government of Bombay, dated 7th September 1898, No. 4559.

I have the honour to forward, for the information of the Bombay Government, copies of the marginally-noted correspondence regarding the extradition of six Pathans who are charged with having committed dakaiti in Goa territory in the month of January last, from which it will be seen that the Government of India have sanctioned the removal of such of the Pathans as are British subjects to Hubli for trial on the requisition of the Bombay Government.

the Governor-General, Portuguese India.

2. The six Pathans involved in the dakaiti have been secured and are now in custody under the orders of the District Magistrate of the Civil and Military Station of Bangalore. Three of them, namely, Syed Bakar Shah, Baidulla Khan *alias* Savan Khan, and Mir Hamid Khan *alias* Sherdin Khan, are admittedly British subjects, while there is still some doubt as to the nationality of the remaining three (Hammad Khan *alias* Mulla, Daria Khan *alias* Thor Khan, and Sheik Hammad *alias* Rasool Khan), who, however, allege that they are British subjects. The District Magistrate has written to the Deputy Commissioner, Peshawar, to verify their statement that they belong to that district, but meanwhile, as the case against the other three persons named has been much delayed it seems unnecessary to postpone the present reference.

3. The evidence recorded by the District Magistrate of the Civil and Military Station, which will be forwarded, if required, discloses a *prima facie* case against the accused, and further evidence will no doubt be adduced against them by the Portuguese Government when they are put on their trial.

4. His Excellency the Governor-General of Portuguese India, in his letter of the 28th June mentioned Hubli as the place to which such of the accused as are British subjects might be sent for trial, and the Government of India have, as you will observe from Foreign Department telegram, consented to this course, but in the Goa Government letter of the 11th ultimo Belgaum is named as the place of trial.

5. If the Bombay Government have no objection to such of the Pathans as are British subjects being tried by a Court within that Presidency, I request that instructions may be issued as to what place the accused should be forwarded, and that the necessary directions may be given to the Courts concerned. On receipt of such instructions steps will be taken to forward the accused under proper custody. For the present I propose to send only the accused persons Syed Baker Shah, Baidulla Khan *alias* Savan Khan, and Mir Hamid Khan *alias* Sherdil Khan. If, however, the result of the enquiry at Peshawar is sufficient to show that the remaining Pathans are British subjects, they can be sent subsequently.

From the Secretary to the Government of Bombay, to the Resident in Mysore, dated 30th September 1898, No. 5491.

I am directed to acknowledge the receipt of your letter with accompaniment No. 4559, dated the 7th instant and subsequent telegram No. 4825, dated the 19th idem, regarding the extradition of six Pathans who are charged with having committed dakaiti in Goa territory in the month of January last.

2. With reference to paragraph 5 of your letter under reply, I am to say that His Excellency the Governor in Council has decided that the trial of such of the accused as are British subjects should take place at Belgaum in this Presidency, and I am accordingly to request that the

- (1) Saiyid Bakar Shah.
- (2) Baidulla Khan *alias* Savan Khan.
- (3) Mir Hamid Khan *alias* Sherdil Khan.
- (4) Daria Khan *alias* Thor Khan.

prisoners named in the margin, who are British subjects, may be surrendered to this Government, and that the necessary arrangements may be made for handing them over to the District Magistrate, Belgaum, who has been requested to receive them in custody on arrival at Belgaum.

Proceedings of the District Magistrate of the Civil and Military Station of Bangalore, dated the 23rd September 1898.

IN CRIMINAL MISCELLANEOUS CASE No. 139 OF 1898.

Government of Portuguese India,

versus

- (1) Hammad Khan *alias* Mulla, (2) Daria Khan *alias* Thor Khan, (3) Saiyid Bakar Shah, (4) Baidulla Khan *alias* Savan Khan, (5) Mir Hamid Khan, (6) Sheikh Hammad *alias* Rasul Khan.

Read evidence and correspondence between the Resident in Mysore and from the Government of India, ending with the Resident's letter, dated to the P. ORDER.

On the application of Captain deLêao on behalf of the Government of Portuguese India, the above six accused were arrested under suspicion of being concerned in a dakaiti which occurred in Goa in January 1898. Evidence has been produced identifying all of them as having taken part in the dakaiti.

In the telegram from Government of India above quoted sanction is given to the surrender to the Portuguese Indian Government of such of these accused as may be found to be neither British subjects nor subjects of a Native State under the control of the Government of India, provided that the Government of Portuguese India agree to reciprocate in like manner under similar circumstances and also to the handing over of the others to the Government of Bombay for trial at some place in that Presidency. The Governor-General of Portuguese India has given the required promise of reciprocity.

All the accused are Pathans. It is admitted on behalf of the Government of Portuguese India that (3) Saiyid Bakar Shah, (4) Baidulla Khan *alias* Savan Khan, and (5) Mir Hamid Khan *alias* Sherdil Khan, are British subjects and asserted that the others are Afghans. It has been ascertained, however, from inquiries made through the Deputy Commissioner of Peshawar, that (2) Daria Khan *alias* Thor Khan is also a British subject. Accused (6) Sheik Hammad *alias* Rasul Khan, at first admitted himself to be an Afghan subject, but afterwards stated that his native place is within Peshawar district, and (1) Hammad Khan *alias* Mulla also states that his native place is Zedda in Peshawar district; but from the inquiries made through the Deputy Commissioner of that district it is found that there is nothing to support the claim of either of these two to be a British subject.

Accused (1) Hammad Khan *alias* Mulla, and (6) Sheik Hammad *alias* Rasul Khan will be handed over to such officer as may be deputed by the Government of Portuguese India to receive them. The other four accused will be handed over to the Government of Bombay on requisition being received to that effect.

A. M. SLIGHT,
District Magistrate.

Telegram from the Governor-General, Portuguese India, to the Resident in Mysore, dated 11th October 1898.

Your telegram No. 5409. The two prisoners, Pathan, have been received.

From Captain S. F. BAYLEY, Assistant Secretary to the Government of India, Foreign Department, to the Chief Secretary to the Government of Bombay, dated 22nd November 1898, No. 3178-I.A.

With reference to the letter from the Resident in Mysore to your address, * No. 4402, dated the 2nd September 1898. No. 4559, dated the 7th September 1898, I am directed to forward, for the information of the Government of Bombay, a copy of a letter * from the Resident to the Governor-General of Portuguese India, accepting, on behalf of the Government of India, the proposal of the Portuguese authorities with regard to the reciprocal extradition of offenders between Portuguese territory and Native States in India.

2. The Government of India will be glad to receive a copy of the reply of the Government of Bombay to the letter † of the Governor-General of Portuguese India regarding reciprocal extradition between British India and Portuguese territory.

From S. W. EDGERLEY, Esq., C.I.E., I.C.S., Secretary to the Government of Bombay, Political Department, to the Secretary to the Government of India, Foreign Department, dated Bombay Castle, 19th December 1898, No. 7209.

In compliance with the request contained in paragraph 2 of Mr. Bayley's letter

- (1) Letter from the Portuguese Government, No. 26-98, dated 17th March 1898 (without accompaniments).
- (2) Letter from the Bombay Government, No. 2101, dated 1st April 1898.
- (3) Letter from the Portuguese Government, No. 32, dated 6th April 1898.
- (4) Letter from the Bombay Government, No. 2512, dated 28th April 1898.
- (5) Government Resolution No. 3495, dated 16th June 1898.
- (6) Letter from the Bombay Government, No. 3496, dated 16th June 1898.

No. 3178-I.A., dated the 22nd ultimo, I am directed to transmit, herewith, for the information of the Government of India, a copy of the correspondence which has passed between this Government and the Governor-General of Portuguese India, regarding the reciprocal extradition of offenders between British India and Portuguese territory.

2. In forwarding these papers, I am to state that in the interval between the receipt of the Portuguese Government's letter of the 17th March last and the despatch of this Government's reply thereto, No. 2101, dated the 1st April, the matter was referred by telegram to the Government of India, who in reply issued the instructions contained in your telegram of the 29th March. The answer contained in this Government's letter No. 2512 of the 28th April was worded as it was, because the instructions referred to above required this Government before granting extradition "to establish that persons demanded are not British subjects."

3. I am to add that subsequent to the despatch of this Government's letter No. 3496, dated the 16th June 1898, 15 others, including four Portuguese subjects, whose arrest in the Savantvadi State had been effected under a procedure in conformity with the spirit of section 14 of Act XXI of 1879, have been extradited to the Portuguese authorities, in reliance on the undertaking contained in the Governor-General

of Portuguese India's No. 32, dated the 6th April last, that that Government would be prepared to surrender persons other than Portuguese subjects whose extradition might be demanded by the British Government under similar circumstances.

Translation of a letter from J. MACHADO, Governor-General of Portuguese India, to His Excellency the Governor of the Presidency of Bombay, dated Nova Goa, 17th March 1898, No. 26—98.

On the 22nd January last a gang of armed men attacked by surprise the pagoda of Hanto Durga of Queula of the district of Ponda of this territory, committing the crimes of robbery, of corporal offences, and of arson, and leaving the place so hurriedly that the local authorities were unable to arrest them. These facts produced a great sensation in the country, and on careful inquiries it was ascertained that the perpetrators were foreigners, come from the neighbouring British districts; whereupon Captain Augusto Maria Leão, Administrator of the above district of Ponda, was directed by me to proceed at once to those districts and to inform the British authorities of the whole occurrence, assisting them in the detection of the dakaites, as I communicated to your Excellency by my telegrams of the 24th and 28th January.

The active efforts made at Dharwar and at Belgaum were luckily successful, so that 39 dakaites, as it will be seen from the enclosed list, were arrested and kept in custody, 27 at Dharwar and 12 at Belgaum, being recognised *primâ facie* as implicated in those crimes, and against whom warrants of arrest have been issued by the District Judge, which also are enclosed herein.

I am perfectly aware that there is no stipulation for extradition of criminals at present between Portuguese and British India, as it was agreed upon in the Protocol attached to the Anglo-Portuguese Convention of 17th October 1892. But, on the other hand, I am sure that your Excellency will concur with me about the necessity of extirpating from any civilized country such bold culprits, and expurgating the society from these elements so pernicious to both private and public tranquillity and safety, so much so that I am informed that they belong to a gang of dakaites which have committed many robberies in British India.

Trusting, therefore, in the friendly relations which have always been maintained between our both Governments, I have the honour to request your Excellency to direct the 39 prisoners, who, as I am informed, are not British subjects, to be handed over to the Portuguese authorities in order that they may be tried by the Portuguese Courts.

Captain Leão has been ordered by me to place himself at your Excellency's disposal in order to give any information or evidence required regarding the subject, and I hope that your Excellency will be pleased to decide the matter before the 3rd of April next, as the detention of the accused in custody at Dharwar from the 3rd and at Belgaum from the 23rd February last cannot extend, according to the British Indian legislation, beyond that date, namely, 3rd April.

In case your Excellency should not be able to allow the requested extradition I beg your Excellency to be good enough to order criminal proceedings to be instituted against them in the British Courts, for which purpose I shall forward to your Excellency, besides the warrants of arrest which are sent herewith, copies of other documents of the proceedings instituted in the Courts of Goa.

Accept, Most Illustrious and Excellent Sir, the assurances of the highest consideration with which I have the honour to be, &c., &c.

From His Excellency LORD SANDHURST, Governor of Bombay, to His Excellency the Governor-General of Portuguese India, dated 1st April 1898, No. 2101.

I have the honour to acknowledge the receipt of your Excellency's letter No. 26—98, dated the 17th ultimo, and of its accompaniments, relative to 39 (thirty-nine) Pathans detained in the Dharwar and Belgaum prisons in this Presidency.

From the preliminary inquiries, so far made, it appears possible that of these 39 prisoners the majority are subjects of the British Government and the remainder Asiatic foreigners. I have ordered a formal inquiry and report both as to the strength of the *primâ facie* case against them and as regards their nationality. I regret that I cannot accede to a request for the extradition of British subjects; but criminal proceedings will, if the evidence be reported sufficient, be instituted against the British subjects in the appropriate British Indian Courts. As regards those of the men named in your Excellency's letter who are not British subjects, I shall be happy, on receiving the report of the District Magistrates that the evidence available constitutes a fair *primâ facie* case, to grant extradition to your Government, on receiving an assurance from your Excellency that a request for surrender under similar circumstances if made by the British Government would be granted by your Excellency.

From His Excellency Colonel JOAQUIM JOSÉ MACHADO, Governor-General of Portuguese India, to His Excellency the Governor of Bombay, dated New Goa, 6th April 1898, No. 32.

I had the honour to receive your Excellency's letter No. 2101 of 1st instant, and thanking your Excellency for the favour done, I beg to state that I shall be perfectly satisfied if the British subjects accused of having committed robbery at the Hindu temple of Queula, situated in Portuguese territory, be tried in the Courts of British India, and for that purpose I shall direct that all the necessary documents and witnesses be furnished.

As regards the Indians implicated in the crime, at present confined in the Belgaum and Dharwar jails, and who are not natives of British territory, the Bombay Government will greatly favour the Portuguese Government by permitting their extradition, with a view to their being tried by Portuguese Courts; on the assurance that the Government of this Province will proceed in the same way with that of British India, and will entertain no doubt in making over any criminals, natives of India, who may not be Portuguese subjects when their extradition be officially asked for by the Viceroy or by the Governor of any of the Presidencies of British India, and when the request is accompanied by sufficient proofs of criminality.

From His Excellency Lord SANDHURST, Governor of Bombay, to His Excellency the Governor-General of Portuguese India, dated 28th April 1898, No. 2512.

I have the honour to acknowledge the receipt of your Excellency's letter No. 32, dated the 6th instant, in which your Excellency expresses perfect satisfaction, if the British subjects accused of robbery at the Hindu temple of Queula in Portuguese territory were brought to trial in British Courts, which your Excellency kindly offers to facilitate by directing that all the necessary documents and witnesses be furnished.

2. In reply, I have the honour to inform your Excellency that had the careful inquiries instituted by my Government resulted in the determination of the nationality of the accused men, I should have been happy, as stated in my letter No. 2101 of the 1st instant, to have granted the extradition of the non-British subjects to your Excellency. But their determined and dogged obstinacy with regard to their antecedents, their utmost efforts to conceal their identity and the clear unreliability of their statements have rendered it practically impossible to ascertain their domicile with any certainty. Your Excellency will doubtless appreciate the difficult circumstances under which I regret that none of the accused can be surrendered to your Excellency. Your Excellency will, however, be glad to know that orders have been issued by my Government for the trial of all the accused in the British Courts at Belgaum for the offences which the *primâ facie* evidence shows them to have committed within your Excellency's jurisdiction.

Extradition—Goa.

—to the — Government of 12 Pathans against whom there is a *prima facie* case in connection with a temple robbery and other offences committed in — territory.

No. 3495.

Bombay Castle, 16th June 1898.

POLITICAL DEPARTMENT.

Read again Government Resolution No. 2511, dated the 28th April 1898—Directing, for the reasons therein explained, that the proceedings with a view to the extradition of the Pathans arrested in the Belgaum and Dharwar districts, in connection with a temple robbery committed in Goa territory, should be stayed and the accused be placed on their trial at Belgaum in British Courts under section 188, Criminal Procedure Code. Stating that should a defence of want of jurisdiction on the ground of foreign domicile be set up and be admitted by the Court, the proceedings for extradition can be revived. Instructing the District Magistrate, Belgaum, to arrange for the transfer of the men arrested in Dharwar and place the case, which should be entrusted to the Government Pleader, in the Court of a competent Magistrate for trial.

Letter from the District Magistrate, Belgaum, No. 3847, dated the 4th June 1898— Submitting, with reference to the above-quoted Government Resolution, a report as to his proceedings in the case of the 12 accused arrested in Belgaum.

Resolution.—The Court of the District Magistrate, Belgaum, has now accepted the plea against the jurisdiction of his Court raised by the 12 accused and is about to order their discharge on that ground. It is therefore, as required by the Government of India, in the case of these accused established that these persons are not British subjects. The District Magistrate in his telegraphic reply to this Government letter No. 1894, dated the 24th March 1898, had previously reported that a *prima facie* case had been made out against them in regard to the facts on which His Excellency the Governor-General of Portuguese India preferred a request for their extradition, and His Excellency has given the assurance required by the Government of India that he would be prepared to extradite persons other than Portuguese subjects to the British Government on demand under similar circumstances.

2. His Excellency the Governor in Council is therefore pleased to direct that the persons marginally shown, be surrendered to the Portuguese authorities and a warrant to the District Magistrate, Belgaum, under section 14, Act XXI of 1879, should be issued accordingly to hand over these accused to the Portuguese authorities. The District Magistrate should arrange the details in communication with the Portuguese officers.

- (1) Khan Sahib alias Muhammad Afzal wala Raj Muhammad.
- (2) Mura Khan wala Gul Khan.
- (3) Feroz Khan wala Said-ulla.
- (4) Muhammad Ali wala Thor Khan.
- (5) Wali Muhammad wala Gofur Khan.
- (6) Gulam Haidar wala Akbar Khan.
- (7) Akhtyar Khan wala Nabob Khan.
- (8) Muhammad Jan wala Saiyad Skan.
- (9) Saiyad Muhammad wala Maslim Khan.
- (10) Bajam Mullah wala Saiyad Hasan.
- (11) Abbas Khan wala Palas Khan.
- (12) Hossain Khan wala Fazar Khan.

S. W. EDGERLEY,
Secretary to Government.

From S. W. EDGERLEY, Esq., C.I.E., I.C.S., Secretary to the Government of Bombay, Political Department, to the Secretary-General to the Government of Portuguese India, New Goa, dated Bombay Castle, 16th June 1898, No. 3496.

In the absence of His Excellency the Governor, I am directed to acknowledge the receipt of His Excellency the Governor-General's letter, No. 39, dated the 7th ultimo, regarding the trial in British Courts of the 39 persons accused of complicity in the temple dakaiti at Queula, and to request that you will inform His Excellency the Governor-General that the District Magistrate, Belgaum, has since judicially accepted the plea of the 12 men arrested in the Belgaum district that they are not British

subjects. Government have, therefore, issued instructions for the extradition of these accused to the Portuguese authorities by the District Magistrate, Belgaum, who will arrange the details of their surrender in consultation with the officers of the Portuguese Government with whom he is already in communication as to this case.

2. The hearing of the case against the 27 men arrested in the Dharwar division is proceeding; and the result of it will be duly communicated to His Excellency.

Endorsement—No. 245-I.A., dated 25th January 1899.

A copy of the foregoing correspondence is forwarded to the Government of Fort St. George, for information.

(By order.)

(Signed) S. F. BAYLEY,
Asst. Secy. to the Govt. of India.

ORDER—No. 215, Judicial, dated 6th February 1899.

Communicated to the Hon'ble the Judges of the High Court, the Inspector-General of Police and all District Magistrates.

(True Extract.)

Adnab
for Chief Secretary.

To the Hon'ble the Chief Justice (with C.L.),
the Inspector-General of Police,
all District Magistrates.

Copy to the Political Department. ✓

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CURRENT No.

ENCLOSURES TO C. No.

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

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