M.R.O. 1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 408 Press ~~Mis.~~

32-33

Dated 27. 3 — ~~11~~ 1933

Not to be folded or roughly handled

No. 32. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Calicut, 5th March 1858, No. 39.

SIR,

Dated 2nd Instant, No. 68. I venture to lay before Government for instruction, the letter of the Joint Magistrate of Cochin, on the subject of the tobacco monopoly of Tangasherry and Anjengo.

2. The matter is one of some importance, and the feeling of parties has run so high that I fear a collision will occur. The question is, how far our *Police* are authorized to interfere.

3. It seems to me that the soundness of the assumption of the Advocate General, that these little farms leased to the Travancore Government are integral parts of the territories of that State, and that the Circar may legally establish such monopolies as it pleases, will be doubted, if any cause should bring the matter before a criminal tribunal of this District. The terms of the leases expressly provide that this shall not be the case.

4. Further, there has, I believe, been no guarantee of the tobacco monopoly of the Travancore Circar on the part of this Government. The farms* in question are an integral part of the British territory, and their revenues and customs were administered by British Officers, until the Travancore Circar, finding that tobacco was smuggled largely into these places, offered to take on lease the Company's revenues, and as the tobacco monopoly was at the time the law of the land, it was included in the revenue so leased. This accommodation surely constituted no such guarantee as shall deprive our subjects of their legal rights.

* The lease of one expires on the 12th July next.

5. It might be desirable still to submit the question propounded by Mr. Cullin in para. 10 of his letter to the Advocate General.

6. The Travancore monopolies cannot be enforced without the direct and determined support of the Company's Police. Suspected houses must be entered and searched and unless the Police is greatly strengthened, our Ameens must call in more aid from Travancore, and countenance the acts of the Travancore Peons of the Police and Preventive Establishment.

7. Mr. Cullin and myself believe that the law will not support such proceedings on the part of the Police, I therefore beg to submit the question propounded for the instruction of Government.

From E. CULLIN, Esq., Joint Magistrate of Cochin; to W. ROBINSON, Esq., Acting Magistrate of Malabar, dated 2nd March 1858, No. 68.

SIR,

I have the honor to acknowledge the receipt of an Extract from the Minutes of Consultation in the Judicial Department, under date the 10th February 1858, No. 196.

2. The above Minute of Consultation establishes the right of the Travancore Government to a monopoly of tobacco at Tangacherry and Anjengo, but I beg to state that very great difficulties, as I shall endeavour to demonstrate, still exist.

3. The Advocate General assumes "Travancore to be an independent State, having power legally to establish within its territories such monopolies as it pleases" and he considers Anjengo "an integral part of its territories for the purposes of revenue and customs duties," including its tobacco monopoly.

4. I beg leave respectfully to submit, that, within certain limits, Anjengo and Tangacherry are British territories, and that the Travancore Government, in respect to these two places, stands in the position of renters or contractors. In fact, that the Travancore Government occupies exactly the same position as a private individual holding a contract from the British Government, granting him certain privileges within British territories.

5. The British Criminal and Civil Law obtain in Anjengo and Tangacherry. The inhabitants of those places proudly claim to be recognized as British subjects, and they are unquestionably British subjects, and, as stated in my letter of the 9th February 1855, No. 35, copy of which for convenience is herewith transmitted, I do not think they can be tried before a British tribunal for smuggling tobacco into those places.

6. No Warrant issued by a Travancore Officer can be served at Anjengo and Tangacherry, and a British Magistrate cannot issue a Warrant in a case of tobacco smuggling at these places, having no law to support him.

7. The Sovereignty at these two places is, I submit, with the East India Company.

8. The Police Ameens of Anjengo and Tangacherry are in my opinion good Public Servants, and I think they only require to be told the course which they should pursue.

9. I request that I may be favored with instructions as to the degree of support the Police Ameens of Anjengo and Tangacherry are expected to afford to the Travancore authorities in seizing [illegible] at those places.

10. For the guidance of the Police Ameens, I solicit replies to the following queries:

That is to say, whether it is the duty of the Police Ameens of Anjengo and Tangacherry to seize all contraband tobacco found at those places, and hand it over to the Travancore authorities? — Ans. by the Government: 1. Will it be the duty of the Police Ameens of Anjengo and Tangacherry to seize all contraband tobacco found at those places, and hand it over to the Travancore authorities?

2. Will it be the duty of the Police Ameens, when occasions arise, to search suspected houses for tobacco?

3. Should the Travancore Peons be permitted to enter Anjengo and Tangacherry, and search for and seize tobacco within the limits of Anjengo and Tangacherry?

	Peons.
Anjengo	4
Tangacherry	3

The Police Force at Anjengo and Tangacherry as shewn in the margin, is in my opinion, much too weak if it is expected that the Police Ameens unaided by the Travancore Police are to suppress smuggling at those places.

4. In what way are notorious smugglers of tobacco at Anjengo and Tangacherry to be dealt with?

11. As the two places are immediately under my charge, I feel particularly anxious that the doubtful points should be cleared up, and that the Police Ameens should receive definite instructions for their guidance.

12. The tobacco question has, for some time, caused much trouble and inconvenience at Tangacherry and Anjengo and I am afraid it will continue to do so, unless matters are put on a better footing.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

No. 33. ORDER THEREON, No. 108, dated 27th March 1858.

The Government can perceive no necessity for the above reference.

2. The monopoly of tobacco is expressly provided for in the Treaty with Anjengo leaves it outside of the only consideration which gives it any value. They were sent by the Travancore Government mainly for the purpose of securing their cooperation and preventing the importation of tobacco by sea.

3. The Government consider that it would be an act of bad faith on the part of this Government to assist the smuggling of tobacco into Travancore directly or indirectly.

4. With regard to the points submitted by the Joint Magistrates in the 4th para. of their letter, the Government, Act IV of 1853 does not apply to these Settlements. Among the powers to be exercised by the Government are every thing which the Madras authorities have done for the protection of the Salt, Sirkar tobacco monopoly and prevention of smuggling is now the Act passed they are bound to do now.

(Signed) H. FORBES,
Acting Secretary to Govt.

Ex. I Collector

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convenience as herewith transmitted, I do not think they can be tried before a British tribunal for smuggling tobacco into those places.

6. No warrant issued by a Travancore officer can be served at Anjengo and Tangacherry - and a British Magistrate cannot issue a Warrant in a case of Tobacco smuggling at these places, having no law to support him.

7. The sovereignty at these two places is, I submit, with the East Indian Company.

8. The Police Ameens of Anjengo and Tangacherry are in my opinion good Public Servants and I think they only require to be told the course which they should pursue.

9. I request that I may be favored with instructions as to the degree of support the Police Ameens of Anjengo and Tangacherry are expected to afford to

Queens unaided by the Travancore Police are to suppress smuggling at those places.

11. In what way are notorious smugglers of Tobacco at Tingengo and Tangacherry to be dealt with?

11. As the two places are immediately under my charge, I feel particularly anxious that all doubtful points should be cleared up, and that the Police Queens should receive definite instructions for their guidence.

12. The Tobacco question has, for some time, caused much trouble and inconvenience at Tangacherry and Angengo and I am afraid it will continue to do so, unless matters are put on a better footing.

Thank you
Sig[d] J. E. Cullin
1st Magte

(True Copy)

D. Thomson
Acting Magistrate

Oakland 5th March 1858.

From

M. Robinson Esqr

Acting Magistrate

Mariposa

To Malakoff

My Dear Sir Esqr

Chief Secretary to Government

Auckland

Sir

I enclose to you, before Government
my Information and Petition of the undersigned Inhabitants
against the Conduct of the Police Officers
employed in the Mariposa District, and
of Long and Serious Outrages committed
by them upon the Persons of the Natives
The matter is one of grave importance
and the Safety of Property has rendered
it necessary that I should call upon
the Natives to assist the Police
in the execution of their duty
I am therefore
Sir
Your most
obedient Servant

Government an integral parts of the Territories of that State, & that the Crown may legally establish such Monopolies as it pleases, still it is doubted if any Cause should be tried by the matter before a criminal Tribunal of the District. The terms of the Grant especially provide that this shall not be the case

4. Further than this, there has been no guarantee of the Tobacco Monopoly of the Travancore Crown to form part of the Government. The Province is to be an integral part of the British Empire, and their Revenues & Customs are administered by British officers until the Travancore Circar finding that Tobacco was smuggled largely into the Neighbouring Districts, offered to take on lease the Company's Revenues & as the Tobacco Monopoly was at the time the Law of the Land, it was included in the Revenue so leased. This accommodation surely constitutes no such guarantee as shall deprive our

5

our subjects of their legal rights-

5. It might be desirable still to submit the question propounded by Mr. Cullin in para: 10 of his letter to the Advocate General-

6. The Travancore Monopolies cannot be enforced without the direct and determined support of the Company's Police. Suspected Houses must be entered and searched and unless the Police is greatly strengthened, our Amens must call in more aid from Travancore, and countenance the acts of the Travancore Sons of the Police and Preventive Establishment-

7. Mr. Cullin and myself believe that the the Law will not support such Proceedings on the part of the Police, I therefore beg to submit the question propounded for the instruction of Government-

I have the honor to be
Sir,
Your most Obed. Servant
F. Robinson
Acting Magistrate

Ld Pitt

C 16 Feby 1838 No 2 & 4.
Sealed No 327.

Judicial 16 Feby 1838 Depart-
From

Sub-Collector
Chinsurah

Chief Secretary
to Government
Fort St George

Sub-Collector's Office
Chinsurah
the 9th
Feby 1838.

Sir

I have the honor to acknowledge the receipt of your letter dated the 2nd instant, with its enclosures, and in reply to state that I have forwarded the Petition of Mahomed Ismael Khan to the Magistrate of Hooghly, for disposal.

I have the honor to be
Sir
Your most obedient
humble Servant
[illegible]
Sub-Collector

To
The Secretary to Government
Fort St George

32.

notice is given to the said Chiefs & Headmen & Villages or certain times in managing of Tobacco being out, for specifying times which may not be exceeded.

Anjengo and Tangachery are included in the Travancore Circar for Income purposes Act IV. 1853 is a Income Act - for this appointed Stations in those places to do all other Income Taxes Acts - so for instance Act VI. 1844 can these villages claim to have the customs duties on Salt, Toddy &c, now assimilated to those in that state? This is a new addition.

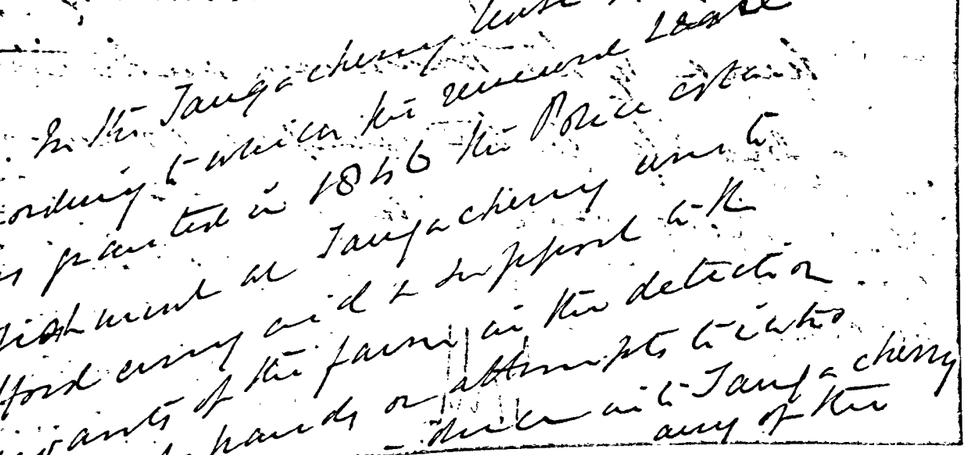
As for the questions asked of the Collector in Act IV. 1853 I suggest a Gentleman might be sent to Travancore Circar to prosecute the Monopoly, they should do now.

The purpose is not known likely to bear of smuggling so long as they know that they have Mr Robinson & Mr Collen in their power - Then for the men dear to visit as this the men of Anjengo & Tangachery were being visited indirectly, and as this the first their complaint was that they had to enjoy much of cheap Tobacco themselves - whereas the real friends they cannot - unless they visit their neighbours

J.P.

16. 7. 58

N.B. In the Tangachery Island Coast according to which it ceased to be part of Travancore in 1846 the Police station at Tangachery and to afford every aid & support to the servants of the farm in the detection of frauds or attempts to evade any of the



articles under the monopoly - & of course
notably Tobacco.
I cannot find the charge of the Inspectors
notably in case of Smuggling

I consider that it will be an
act of bad faith on the part of this
Govt. to repeal duties directly
or indirectly. The Revd Collector
&c &c &c.

These charges have evidently been
framed by the Provinces authorities
mainly for the purpose of securing
their coast trade
from participation

c 18 March

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Ref 1108. Judicial Dept.
dated 27 March 1858
From Actg Sec of Bengal 5 March 58
No 39

The first consideration
is necessity for the
above expenses -
2 - The monopoly of
Tobacco is expressly
provided for in the
Tungchung and Ku-
-gengo treaties and
is evidently the only
consideration which
gives them any value.
They were enacted by the
Imperial Govt mainly
for the purpose of securing
their continuance and
preventing the Smug-
-gling of Tobacco by

&c.

3. The first consideration that it would be an act of bad faith on the part of this Govt to assist the smuggling of Tobacco into Travancore directly or indirectly — 4th With regard to the points submitted by the Joint Magistrate as in the opinion of the Law advisers of Govt Act IV of 1853 does not apply to these settlements during the currency of the present leases — every thing which the Indenture contains has been done for the protection of the Govt

Tobacco monopoly and
prevention of smuggling
between the Cochin
they are bound to do so

Dewan of Travancore } Sept 30th

In Dr Mons 30th March
Judicial 1858 Despatch

Judl. Secl. to Engr. 30th June
No 9 of 1858 - Para 39

No 1108

Extract Minutes of Court

Dated 27 March 58—

Copied

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