

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again G.O., dated 9th February 1887, No. 276, Judicial.

READ—also the following papers:—

From Colonel T. K. GUTHRIE, Inspector-General of Police, to the Chief Secretary to Government, dated Madras, 8th March 1887, No. 1017.

In accordance with G.O., dated 9th February 1887, No. 276, Judicial, I have the honor to report that the convention concluded between the French authorities and South Arcot has worked very well, and been productive of the utmost cordiality between our police and the French police. I should therefore like to see it extended to the whole presidency.

From E. GIBSON, Esq., Acting District Magistrate, Tanjore, to the Chief Secretary to Government, dated Vallam, 10th March 1887, No. 339 M.

In reply to G.O., dated 9th February 1887, No. 276, Judicial, I have the honor to inform you that the adoption of the convention referred to seems to me to be expedient between this district and French territory. Much delay would be avoided, and criminals would less frequently escape. The power of arrest by the French police except on a warrant from a British magistrate would be limited, of course, to what are known as *cognizable* cases. Section 3 (2) of the convention seems to give larger powers.

2. In paragraph 5, "Karikal" should be substituted for "Pondicherry," and "Procureur" for the "Solicitor-General."

From W. A. HAPPELL, Esq., District Magistrate, Godavari, to the Chief Secretary to Government, dated Cocanada, 14th March 1887, No. 8.

In reply to G.O., No. 276, dated 9th ultimo, Judicial, I have the honor to report that the rules prescribed in G.O., No. 359, dated 14th March 1872, have been observed in this district, and no difficulty, so far as I am aware, has arisen.

2. In practice, I would give a liberal interpretation to the term "grave offences," as Yanam is a single village forming an integral part of this tract of country, though not of this district; and its tribunals may be trusted to administer the law in a just and civilized manner. Persons who have committed grave offences here are not likely to take refuge there. The place is so small that they can be found at once.

3. The assistance of our police has been applied for and given when serious riots were committed or apprehended in Yanam.

4. I see no objection to the Police Convention contained in the proceedings of Government under reply being put in force in this district.

From W. LOGAN, Esq., District Magistrate of Malabar, to the Chief Secretary to Government, dated Calicut, 6th April 1887, No. 1596.

Referring to G.O., dated 9th February 1887, No. 276, Judicial, I have the honor to state that the extension to Mahé of the arrangements now in force in regard to Pondicherry and South Arcot, and contained in the convention of 15th August 1872, appears to be highly desirable and may be adopted with respect to the French settlement of Mahé in this district.

2. There is now some inconvenience in the matter of complying with requisitions for arrest of fugitives from justice in both States, and this ought, I think, to be removed, and a clear convention providing for all purposes entered into by both Governments.

3. With regard to the terms of the convention, I have the honor to offer the following remarks in so far as this district is concerned:—

In paragraph 5, insert after Pondicherry the expression "or Mahé," and after the "Solicitor-General" the clause "or such other officer as may be authorised in this behalf."

In paragraph 8, add the following after "officers of the French judicial police," "provided that the prisoners and the articles seized are to be sent for the orders of the Joint Magistrate of Malabar at Tellicherry, or of the District Magistrate at Calicut, as may seem convenient in each case."

ORDER—dated 20th May 1887, No. 1068, Judicial.

The Government Order above read referred, for the remarks of the Inspector-General of Police and of the several District Magistrates concerned, a letter from His Excellency the Governor of the French Settlements in India, in which the attention of this Government was drawn to the varying methods of procedure observed with respect to extradition between the several French settlements and British districts in this presidency, and it was proposed that a convention, which was made in 1872 between the Police authorities of Pondicherry and South Arcot, should be extended to the rest of the presidency. The Government observe that the South Arcot Police Convention of 1872 was not entered into with the sanction of Government, nor does it appear to have until now ever come under their notice. It was a convenient arrangement entered into between the local police officers, and it seems open to objection in only one of its clauses—that, namely, which provides for the provisional arrest of persons suspected of having committed certain crimes on either written or verbal requisitions of police officers of either nation. Such arrest, if not supported by a warrant issued by a magistrate having jurisdiction under section 15 of the Foreign Jurisdiction and Extradition Act, 1879, would be illegal, and it is therefore necessary that the action of officers of the British police under the convention should be brought into accordance with the requirements of the law in this respect.

2. It will accordingly be an instruction to the police, on receiving a requisition for provisional arrest, to apply to the magistrate having jurisdiction for a warrant under section 15, Act XXI of 1879, and it is probable that in most cases the magistrate will be satisfied in the first instance with the mere production by the police of the French requisition. Further, in Article 3, Clause 2, the word "grave" will be introduced before "crimes and offences," to make the convention agree in terms with the interpretation which long usage has placed on the Treaty of 1815.

3. With these corrections, the convention appears to be unobjectionable, and the Government see no reason why it should not be extended to other parts of the presidency which adjoin French territory. Its extension is generally approved by the district officers consulted, and they will accordingly place themselves in communication with the French authorities of the settlements adjoining their districts in view of the adoption of the convention.

4. These proceedings will be reported to the Government of India for confirmation, and the following letter will be addressed to the Government of the French Settlements:—

(True Extract.)

H. E. STOKES,
Ag. Chief Secretary.

To the District Magistrate, Tanjore.
" " " Malabar.
" " " Godavari.
" " " South Arcot.
" Inspector-General of Police.

ENDORSEMENT—dated 20th May 1887, No. 1069, Judicial.

Copy to the Government of India, Foreign Department.

H. E. STOKES,
Ag. Chief Secretary.

LETTER—to His Excellency Mons. Ed. Manes, Governor of the French Settlements in India, dated Ootacamund, 20th May 1887, No. 1070, Judicial.

I have the honor to acknowledge the receipt of your Excellency's letter, No. 4, dated the 26th January 1887, suggesting the general adoption in this presidency of a convention drawn up in 1872 between the police officers of Pondicherry and South Arcot for the regulation of proceedings preliminary to extradition. This convention was entered into without the sanction of the Government of Madras, to whose notice it does not appear to have been before brought, but it seems to be a convenient arrangement, arrived at between the local police officers, to facilitate the arrest of criminals, and, in order to meet your Excellency's wishes, the Government of Madras are prepared to assent to its extension to the rest of the presidency, subject to the following modifications. In Article 3 (b) of the convention, the word "grave" will be inserted before "crimes and offences," in order to bring the convention into accord with the interpretation which long custom and authority has given to Article 9 of the Treaty of the 7th March 1815. On receiving the requisition referred to in Article 8 of the convention, British police officers will apply to the magistrate who possesses jurisdiction, for a warrant of arrest under section 15 of the Foreign Jurisdiction and Extradition Act XXI of 1879. With these modifications, orders have been issued to the local officers, directing them to take steps for the drawing up of conventions similar to that now existing between the police of Pondicherry and South Arcot, but I must inform your Excellency that these conventions, being without the sanction of the Government of India, are informal and subject to alteration under that Government's orders.

CONNEMARA.

Exd. A. Raitt.

Gobt. of {1887} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., &c., 20th May 1887,
Nos. 1068—1070.

MAY.

Extradition.

Passing orders on correspondence regarding the general adoption in this Presidency of a convention drawn up in 1872 between the Police officers of Pondicherry and South Arcot for the regulation of proceedings preliminary to —; forwarding copy of the same to the Government of India; and addressing the Governor of Pondicherry on the subject.

9TH FEBRUARY 1887, No. 276, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From His Excellency Mons. Ed. MANES, Governor of the French Settlements in India, dated Pondicherry, the 26th January 1887, No. 4.

I have the honor to call your attention to the various modes of procedure followed with respect to extradition by both our Governments. As regards the Settlement of Pondicherry and the South Arcot district, extradition is regulated by a convention of the 15th August 1872, of which a copy is attached, whereas in other parts of the peninsula, notably at Karikal, Tanjore, and on the coast of Orissa, the French and British authorities have no definite instructions on the subject. Having no other guide but Article 9 of the Treaty of the 7th March 1815, the above authorities have been accustomed to arrest criminals whose extradition is demanded, only on the receipt of reports containing information, and to hand them over if the papers—often incomplete—contain sufficient charges and grounds to justify guilt. The consequence is that some dangerous criminals often find refuge through delay caused by the observance of formalities.

2. In view to remedy the inconvenience in question, and to render more uniform the relations of our respective Governments on the subject of reciprocal demands for extradition, I have the honor to propose that the application of the convention concluded on the 15th August 1872, between the authorities in Pondicherry and those in South Arcot, be extended to all the British possessions comprised in the Presidency of Madras. For my part, I will take the same measures in order that the arrangements may be observed at Karikal, Yanam, and wherever necessary.

ENCLOSURE.

No. 304.

CONVENTION concluded regarding the suppression of offences and crimes committed in French and British territories.

At 8 A.M., on the 15th August 1872, the undersigned, Michaux (Ordonnateur), Laude (Solicitor-General), Ferrier (Director of the Police), and Young (Superintendent of Police in the district of South Arcot), met for the purpose of arriving at a conclusion regarding a more efficacious mode for suppressing grave crimes committed in French and British territories, have agreed to the following provisions:—

1. The police of both territories will respectively communicate any useful information regarding what they do.
2. They will exchange lists of vagrants and people without fixed residences who wander from one territory to another.
3. The officers of the Judicial police belonging to French territory will arrest, provisionally, on either written or verbal requisitions of officers of the British police—
 - (1) All French subjects suspected of theft with dacoity, of gang robbery on the high roads, of theft with force, of homicide or of murder. They will draw up reports of the arrest and submit information as to what has been done by them.
 - (2) British subjects suspected of crimes and offences other than those relating to the Revenue and Customs' Laws.
4. They will proceed on similar requisitions to search for articles stolen and prepare reports regarding their seizure.

5. They will forthwith send the arrested prisoners and the articles seized to Pondicherry, for the orders of the Solicitor-General.

6. In no case and under no pretext, will they themselves make over the prisoners arrested or the articles seized to foreign agents (unknown parties).

7. They are prohibited from performing any of their duties in foreign territory.

8. The above provisions are reciprocal, and will be observed by the officers of the British police on requisitions made by officers of the French Judicial police.

We have drawn up, in duplicate, the present proceedings and have signed them.

(Signed) MICHAUX.
(") LAUDE.
(") FERRIER.
(") YOUNG, Captain,
Supdt. of Police, S. Arcot.

Approved—as regards the intervention of the French police.

PONDICHERRY,
23rd August 1872.

(Signed) FARON,
Governor and Commissary-General.

Approved—as regards the intervention of the British police.

CUD DALORE,
26th August 1872.

(Signed) SULLIVAN,
Collector of the S. Arcot District.

Transferred to the Chief Secretary to Government, for disposal.

GOVERNMENT HOUSE,
26th January 1887.

(Signed) J. D. REES,
Private Secretary.

ORDER—dated 9th February 1887, No. 276, Judicial.

Communicated to the District Magistrates of Tanjore, Malabar and Godáviri, and the Inspector-General of Police, for remarks.

(True Extract.)

II. E. STOKES,
Ag. Chief Secretary.

To the District Magistrate, Tanjore. ✓ 1294

" do. Malabar. ✓ 1304

" do. Godáviri. ✓ 1113

" Inspector-General of Police. ✓

Copy to the District Magistrate, South Arcot.

Govt. of 1887 Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 9th February 1887, No. 276.

FEBRUARY.

Extradition.

Communicating to certain officers, for report, proposal of the Governor of Pondicherry, that the convention of August 1872, regulating — in the South Arcot district, be extended to the whole presidency.

Statistical Department.

No. 1117.

Chief Office of the Inspector General of Police,
Madras, 8th March 1887.

FROM

Colonel J. B. Guthrie

INSPECTOR GENERAL OF POLICE,

TO

THE Chief Secretary
to Government
Fort Saint George.

SIR,

Enclosures.

In accordance with G.O. 9th February 1887 No 276, Judicial, I have the honor to report that the convention concluded between the French Authorities and South Arcot has worked very well and been productive of the utmost cordiality between our Police and the French Police. I should therefore like to see it extended to the whole Presidency.

I have the honor to be
Your most obedient servant
J. B. Guthrie
Inspector General of Police

Recd. M
Copd. by

1.4. no 276-9-2-87. encl

Judicial (1857) DEPARTMENT

FROM Col. J. R. Guthrie
INSPECTOR GENERAL
of Police,

No. 1017.
Dated 8th } March 1887.
Received }

No.



SUBJECT.

Recommends that the Convention concluded between the French Authorities and South Arcot may be extended to the whole Presidency.

2 P
Mysore District Magistrate
No. 339
Camp Talwar
10th March 1887
1256
From E. Gibson Esq.
Mysore District Magistrate
To Mr. Spence A. E. Stokes,
Acting Chief Secretary
to Government,
Judicial Department,
Madras.

Sir
In reply to Government Order dated 9th February 1887 No. 276. Judicial, I have the honour to inform you that the adoption of the convention referred to seems to me to be expedient between this District and French Territory. Much delay would be avoided and criminals would less frequently escape. The power of arrest by the French Police except on a warrant from a British Magistrate would be limited, of course, to what

what are known as cognizable cases.

Section 3(2) of the convention seems to give larger powers.

2. In para 5 "Karikal" should be substituted for "Pondicherry" and "Procureur" for the "Solicitor General."

I have the honor to be,
Sir,

Yours most obed^t & serv^t

H. Cobb.

for Dy. District Magistrate.

mut. v.

J. G. No 276 - 7 - 2.87

1237

Judicial DEPARTMENT.

FROM District Magistrate
THE COLLECTOR
of Tanjore,

To THE Chief SECRETARY
TO GOVERNMENT,
Judicial DEPARTMENT,
Madras.

Dated 10th } March 1887.
Received

No. 339 hy.
ENCLOSURE
Subject

Extradition: Reporting that the extension of the Convention of August 1872 now existing between S. Arcot and Pondicherry regulating — to this District will be an advantage.

38

Godavari District
Magistrate's Office
Coomada, 14th March 1887

From The District Magistrate,
Godavari

To The Chief Secretary to
Government,
Fort Saint George

Sir,

In reply to G.O. No. 276 dated 9th ultimo, Judicial, I have the honour to report that the rules prescribed in G.O. No. 359 dated 14th March 1872, have been observed in this District and no difficulty so far as I am aware has arisen.

(2) In practice, I would give a liberal interpretation to the term "single village" as Yyuan is a single village forming an

an integral part of this tract
of Country, though not of this
District; And its tribunals
may be trusted to administer
the law in a just and civilized
manner. Persons who have
committed grave offences here
are not likely to take refuge
there. The Place is so small
that they can be found at
once -

(3) The assistance of our
Police has been applied for
and given when serious riots
were committed or apprehended
in Guam.

(4) I see no objection to
the Police Convention contained
in the Proceedings of Government
under people being put in force
in this District. I have the honor to be
Your ^{very} obedient servant

(12) W. A. Raffell
District magistrate

(True copy)

J. Lowe

Assistant District Magistrate

Judicial {1887} Department.

From

The Magistrate,
Godavari District.

To
The Chief Secretary
to Government,
Fort Saint George

Dated 11/4

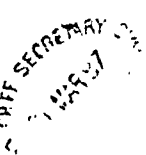
Despatched 1/5

Received 2/5

March 1887

ENCLOSURES none

No. 8



SUBJECT.

Reporting that
there is no objection to
enforce the Police Convention
of the 15th August 1872,
with respect to extradition
by the British and
the French Governments.

malabar & Malabar District

Calicut 6 April 1887.

From,

Mr. Logan Esquire

District Magistrate

of Malabar

To,

The Honble H. E. Stokes

Chief Secretary

to Government

Madras

Sir,

Referring to G.O. dated 9th
February 1887 No. 276, Judicial, I
have the honor to state that the
extension to make of the arrange-
ments now in force in regard
to Pondicherry and South Arcot
and contained in the convention
of 15th August 1872, appears to
be highly desirable and may be
adopted with respect to the
French settlement of Malabar in
this District.

2. There is now some in-
convenience

convenience in the matter of complying with requisitions for arrest of fugitives from justice in both States and this ought, I think, to be removed and a clear convention providing for all purposes entered into by both Governments.

3. With regard to the terms of the Convention I have the honor to observe the following remarks in so far as this District is concerned.

In para 5 insert after Pondicherry the expression "or make" and after the "Solicitor General" the clause "or such other officer as may be authorised in this behalf".

In para 8 add the following after "officers of the French Judicial Police", "Provided that the prisoners and the articles seized are to be sent for the orders of the joint magistrate of Malabar

at Tellicherry or of the District Magistrate at Calicut as may seem convenient in each case".

I have the honor to be,
Sir,
your most obedient servant,

Whiggins
Of magistrate

J. G. No 276. 9-2-87. 22
24 11 27 - 1/2 - 1/2 - 1/2

CURRENT NO. 1627
Judicial Department

From,
The District Magistrate
of Malabar
to the Chief Secretary
to Government
Madras.
Out of course.

Dated 6 April 1887.
Desp 2 7

Stating that the extension
to make of the arrangements
now in force in regard to
Pondicherry & S. Arcot appears
to be highly desirable -

12/4

Again G.O., dated 9th Feby. 1887, No. 276 Twob.
Current No. 1113 of 1887, dated 8th March from The I.C. of Police
" " 1204 of " " 10th " " " D.M. Tanjore
" " 1304 " " " 14th " " " D.M. Coimbatore
Current No. 1627 of 1887, dated 6th April from " D.M. Malabar.

I have read the case in Weir (151, 2d
Ed.). It is a curious one & the order is not
happily worded. The "act by which the
accused, when in Ceylon became possessed
of the property" must be equivalent to
the trust. If the Court meant that a trustee
did not take cognizance of a breach of
trust, the breach having been committed
here & the trust in Ceylon, I must
certainly dissent. If the act by which
possession was obtained was an offence
that offence must have been cheating
or theft & not breach of trust. But it
is probable, too, the report does not
show it, that both the trust & the
breach occurred in Ceylon: if as the
decision means that a Magistrate
cannot try a person for dishonestly
retaining stolen property (Sec 411 IPC -
stolen property including property in
possession of a breach of trust has been
committed), if the trust & breach, occurred
in Ceylon. In other words the offence
committed here is only an offence
by reason of some other offence having
been committed in foreign territory,
and consequently sec 411 to the High Court
it is no legal offence at all! This
doctrine cuts at the root of the
as well as head of the S. Arcot case.

For orders.
In his letter recorded in the
first of the papers read above
the Governor of Pondicherry the
French Settlements in India
points out that it is elsewhere
than in Pondicherry and
S. Arcot it is the custom
for the French and British
authorities to arrest persons
criminals whose extradition
is demanded, only on the
receipt of reports contain-
ing information and to
hand them over if the
papers - often incomplete
- disclose a prima facie
case. The result is that

Dangerous criminals
often escape through the
delay caused by the ob-
servance of these for-
malities.

^{the settlement of}
2. In Pondicherry and
the district of South Arcot
this inconvenience and risk
have been avoided by a
convention concluded
bet^h the local authorities
in 1872. This convention
provides

- (1) that the French & British
Police shall ~~interchange~~
communicate useful
information to each other
- (2) that they shall exchange
lists of vagrants etc.
who wander from one
territory to the other
- (3) that they ^{shall} ~~will~~ arrest,
provisionally, & on written
or verbal requisitions,
persons whose sus-

It has however been remedied,
so far as stolen property is concerned,
by the amendment of the definition
in Sec 410 of the I.P.C. It has no longer
immaterial whether the theft or
breach of trust took place in or beyond
British India.

But whether the decision was right
or wrong in its application to the
facts of the case, the principle seems
right, & no Magistrate, and a fortiori
no Policeman, can take cognizance
of an act committed in foreign
territory, merely because if committed
here it would have amounted to an
offence. There may be acts, w^h amount
to offences under our law w^h are
perfectly innocent accord to the law
of the foreign country, & hence it is
essential that proofs sh^d be
submitted by the foreign authorities.

The chief Secy's note is perfectly right
(subject to two small exceptions w^h I
have noted in the margin) & I see
no objⁿ to similar arrangements
being made in other districts between
the French & English Police, but they
must acc^t be informal, ^{unofficial} without
the sanction of India & I suppose the
order sh^d be reported for their approval
instead of leaving it to chance whether
it attracts their attention.

2 May.
Certain report/proceed-
ings to India for confirmation
C. C.
7/5

pected of having committed
certain offences: such persons
to be delivered over on requisition of formal
demand for extradition
(4) that they ~~will~~ shall

search, on similar requi-
sitions search for articles
stolen and prepare re-
ports about their seizure

This convention has worked
satisfactorily and Mr. Mani
suggests its extension to
all the British possessions
comprised in the Presy.
of Madras.

3. The J. G. of Police and
the Dt. Magts of ~~the~~
Tanjore, Godavari, and
Malabar have been con-
sulted upon the advisability
of this step & the Dt. Magt.
of Tanjore appears to have
misunderstood the scope
of the convention for he

and they all advocate the
extension of the convention,

says that "the power of arrest by the French police ~~was~~ except on a warrant from a British Magt. wd. be limited of course, to what are known as cognizable cases". It is not provided in the convention that the Police of one Govt. shall exercise any authority within the territories of the other, as Mr Gibson seems to think, and such a course wd. obviously be illegal within British territories and probably in the French Settlements also. The Dt. Magt. of the Godavari also appears to have failed to notice that the convention

but query?

see art 7 of convention
Could D.M. make this mistake?

The 3rd provision ^{relating to proof of arrest} (ed. of course apply only to the grave offences referred to in the Extradition treaty of 1875, but-

does not apply to extradition, but to ³⁾ provisional arrest preliminary to extradition.

4.) Some difficulty is felt as to whether the Police in British India could arrest without warrant a person suspected of having committed an offence in French India. The ~~sup~~ suspicion wd. in such cases be founded on the information received from the French authorities, ~~at such a time~~ ~~and power of arrest~~ ~~be limited to what was known as cognizable cases~~ ~~offences, but (under art. 1, Sec. 54 of the Pen Code)~~ and the only question is whether the words 'cognizable

offences' in the first clause
of s. 52 of the Crim.

Proc. Code can be held

to cover an offence com-
mitted out of British

India. Offence is defined

in the Proc. Code as

"any act or omission made
punishable by any law
for the time being in force."

The law referred to must

of course be a law in

force in British India,

but it is not clear whether

the act or omission

may be an act or omission
committed or made in foreign territory but
which wd. be punishable

in British India if it

committed or made therein.

The High Ct. have ruled

that "in the absence of

compliance with the

provisions of the Extra-

diction Act no Court in

British India can ^{not} recognize

as offences acts over wh.

they have not, by virtue of

s. 2 of the Penal Code,

territorial jurisdiction (Wain

p. 251) It is thought

that if the Cts. cannot

recognize such acts as

offences neither can the

Police, and that therefore

the provisional arrest

referred to in the con-

vention under discussion

can only be made on

a warrant issued by

a Magte under s. 15

of the Foreign Jurisdiction

and Extradition Act, 1879.

Such a warrant may be

issued if the magte. has

received such information

and ^{such} ~~and~~ evidence

as would in his opinion justify the issue of ~~such~~ a warrant if the offense had been committed within the local limits of his jurisdiction.

Under sec 16 such provisional arrest may continue for two months but no longer. It is thought that a requisition from the French Police wd. justify such an arrest; but it wd. often happen that no evidence wd. accompany such a requisition e.g. if it were made by telegraph.

The remaining provisions of the convention are unobjectionable. As regards the fourth

it may be observed that the search contemplated wd. be legal as the offence of receiving, or retaining stolen property wd. have been committed in British India even though the property was stolen or misappropriated in foreign territory (vide S. 410 of the Penal Code amended)

H.A.S.
26.62

The S. Hook Police Convention was not entered into with the sanction of Government, nor does it appear to have until now ever come under the notice of Govt. The matter is important as it will

Feb 10 1861 70 8/10 5/10

Don't think we can go quite so far.
Should be safe to say that ^{in doubtful instances} probably in most
cases, the drafts will be satisfied with less
or with anything showing that the person
was induced by the French authorities to have
been committed by the accused - but we
cannot let a draft what evidence he must
action. That is for himself to consider
as a judicial officer.
cl. (2) of Art. 3 goes so far - it says
suspected of grave crimes & offenses -
the ^{treaty of 1875} ~~convention~~ has been limited in making
any practice.

22/5

READ the following

Again G.O. 9th Feb^y 1887 - no. 276 Twdl.
From D^y of Police - 8 March 87 no. 117 (C 113)
" Dist^y Magt Tanjore - 10th March 87 - no. 337 (C 1207)
" " Godavari 14th March 87. no. 8. (C. 1354)
" " " Malabar. 6 April 87. no. 1596 (C. 1627)

The G.O. above read referred for the remarks
of the J.G. of Police and of the several District
Magts concerned, a letter from —————

~~In the G.P. and in the letter of~~
~~the Police of the District of Pondicherry~~
~~to the Governor of the French~~
~~in which~~
Settlements in India ~~to~~ the attention of this Govt
was drawn
to the varying methods of procedure observed with
respect to extradition ~~between~~ the several French settlements
of British districts ~~in this Presidency~~ & it was
proposed that a
Convention, ~~made~~ which was ~~made~~ made
in 1872 between the Police authorities
of Pondicherry & S. Arcot, should be extended to the
rest of the Presidency. The Government
observe that the S. Arcot Police Convention
of 1872 was not entered into with the
sanction of Govt: nor does it appear to have
until now ever come under the notice of Govt.

It was a convenient arrangement entered into between the local police officers, & it seems open to objection in only one of its clauses, that namely which provides for the provisional arrest of ~~persons~~ persons suspected of having committed certain crimes on either written or verbal requisitions of Police officers of either nation. Such arrest, if not supported by a warrant issued by a Magt ^{having jurisdiction} under sec. 15 of the Foreign Jurisdiction & Extradition Act 1879, would be illegal, and it is therefore, necessary that ~~the~~

~~the actions~~ ^{brought into accordance with} under the Convention should be ~~in accordance with~~ the requirements of the law of officers of the British Police in this respect.

2. It will, ^{accordingly} ~~be~~ be an instruction to the Police, on receiving a requisition for provisional arrest, to apply to the Magt ^{having jurisdiction} for a warrant under sec 15 Act XXI of 1879, and it is probable that in most cases the Magt ^{will} ~~will~~ be satisfied in the first instance with the mere production by the Police of the French requisition.

3. With these corrections the Convention appears to be unobjectionable and the Govt see no ^{reason why it should not be} ~~objection~~ extended to other parts of the Presidency, which

^{Further} In art 3. cl. 2) the word 'grave' will be introduced before "crimes & offences" to make the Convention agree in terms with the interpretation w. long usage has placed on the Treaty of 1815.

To the D^r Magt, Tanjore
" " Malabar
" " Godavari
" " Plunk
" Lt. of Police.

Encl - No. 1069
Copy to the Govt of India. Foreign Dept.

sep 19/5

Copy in sep 8/6

to join French territory. Its extension is generally approved by the ^{district} Officers consulted, & they will accordingly place themselves in communication with the French authorities of the settlements ~~adjoining~~ adjoining their districts in view of the adoption of the Convention. These Proceedings will be reported to the Govt of India for confirmation. The following letter will be addressed to the Govt of the French Settlements.

sep 1/5

Letter N^o 1070 of 20 May/5

To H. E. Mons. E. Maues - Govt of the French Settlements in India.

Your Excellency,
I have the honor to acknowledge the receipt of your Excellency's letter no. 4, dated the 26th Jan^y 07. Suggesting the given adoption in this Presidency of a Convention drawn up in 1872 between the Police officers of Pondicherry & S. Arcot for the regulation

proceedings preliminary to extradition.

This convention was entered into without the sanction of the Govt of Madras, to whose notice it does not appear to have been before brought, but it seems to be a convenient arrangement, arrived at betw. the local police officers, to facilitate the arrest of criminals - and in order to meet your Excellency's wishes, the Govt of Madras are prepared to assent to its extension to the rest of the Presidency, subject to the following modifications. In Art 3 (b) of the convention, the word "grave" ^{will} be inserted before "crimes & offences", in order to bring the convention into accord with the interpretation which long custom & authority has given to art. 9 of the Treaty of the March 7th 1815. On receiving the requisition referred to in art. 8 of the Convention, British police officers will apply to the Magistrate who possesses jurisdiction, for a warrant ^{of arrest} under sec. 15 of the Foreign Jurisdiction & Extradition Act XX of 1879. With these modifications, one has been issued to the local officers, directing them to take steps for the drawing up of conventions ^{similar} to that now existing betw. the Police of Pondicherry & S. Arcat, but I must inform your Excellency that these conventions, being without the sanction of the Govt of India, are informal & subject to ~~the~~ alteration under that Govt's order.

ALL 17/5. JLV

Extradition Convention
French authorities

Draft of O. S. Bell
French authorities

Sp. Agt. 17/5

100. 505-1-7-87 Rm
26th April 1897
Pol. file 805-22-7-87
L-2616-187 India

10.1.25
Sp/29.70

23.5.29

27-11-32.I

ORDINARY PRINTED.

Indica
DEPARTMENT.
G.O., DATED 20/5/87.
No. 1068/70.

First copy sent to Press.

Retained for signature.

Despatched in print.



[Despatch Abstract.]

Extradition. Passage of

correspondence
on extradition matters regarding

the general adoption in
the Presidency of a circular

drawn up in 1872
between the Police officers

of Pondicherry, & directed for
the regulation of proceed-

ings preliminary to
forwarding copy of the same

to the Govt of India, & also
ing the Secretary of the

on the subject

that

are prepared to assent to
proposals that the convention
of August 1872 regulating
extradition in the S. Arc
district be extended to this
district, & that the
proceedings subject
certain modifications, &
orders have been issued in
the local officers & since
them to take steps for the
of the convention & since
the subject