

(1) Number of pages _____

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MADRAS RECORD OFFICE.

Government of Madras.

Judicial

DEPARTMENT.

G.O. No. 1597

Press
Mis.

Original

Dated 22. 7

18 87.

Not to be folded or roughly handled

Gouvernement
des
Etablissements Français
dans l'Inde

Pondichéry, le 14 Juillet 1887.

CURRENT NO. 52

République Française.
Liberté - Égalité - Fraternité.

Administration

de la
Justice

Son Excellence Monsieur Edg. Manis,

Gouverneur des Etablissements Français dans l'Inde

N° 20

A Monsieur

Son Excellence le très-honorable Monsieur

Robert Bourke, Gouverneur de la Présidence

de Madras

à Cotacmand.

Au sujet des extraditions.

Monsieur le Gouverneur,

J'ai l'honneur, en réponse à votre lettre

n° 1070 du 20 Mai dernier, de vous remercier

d'avoir bien voulu donner l'ordre pour

l'application générale dans la Présidence

de Madras de la convention conclue en 1872

entre les fonctionnaires de la présidence de Pondichéry

et du Sud Arcot, pour l'extradition des mal-

facteurs.

Cependant je dois faire remarquer à votre

Excellence que le mot "grave" ajouté dans

l'article 3 n° 2 de cette convention ne me paraît

pas exactement placé : précédant les mots

"crimes et offenses ou délits", il semble en effet

s'appliquer à ces deux sortes d'infractions, tandis

qu'il ne peut évidemment qualifier que les

dernières. Il conviendrait donc de libeller

ce n° 2 de l'article 3, comme suit : "Les sujets

anglais prévenus de crimes et d'offenses ou délits

graves, de manière à mettre, comme pour le
dit, la convention d'accord avec l'interprétation

de la langue habituelle et l'autorité ont donné
l'article 9 du traité du 7 mars 1815.

Sous le bénéfice de cette observation dont
V^{re} Excellence reconnaîtra certainement
la justesse, je prescris de mon côté aux fonction-
naires français compétents de se mettre en
relation avec les agents politiques de votre
Gouvernement, pour le règlement de cette
matière, sur les bases de la convention locale du

15 août 1872.
Enfin ces arrangements n'ayant pas été jusqu'à
présent ratifiés par le Gouvernement de l'Inde,
je serai obligé à V^{re} Excellence de vouloir bien
leur faire donner la sanction nécessaire, pour en
assurer la stabilité.

Je prie agréer, Monsieur le Gouverneur,
l'assurance de la haute considération, avec laquelle
J'ai l'honneur d'être
De Votre Excellence,
v^{re} très obéissant serviteur.

Le Gouverneur,
G. Courcier

2 P

Letter
PETITION from the Governor of
Pondicherry.

Dated 4th July 1887.

TRANSFERRED to the Chief Secretary to
Government for disposal.

(By Order.)

W. J. J. J.
Private Secretary.

GOVERNMENT HOUSE,
POTACAMUND }
8th July 1887.

Wp 105A-70-20.5-87
276-9-2-87
1-7-87 5011 Route

CURRENT NO. 805
(1887) DEPARTMENT.

Jude

From

THE PRIVATE SECRETARY
TO THE RIGHT HON. THE GOVERNOR,

To

THE CHIEF SECRETARY TO GOVERNMENT,
DEPARTMENT.

Dated 7th }
Recd. 4 } July 1887.

ENCLOSURE.

Subject.

Transfers a ^{letter} petition from the Governor
of Pondicherry.

French translation

In translation

11/7

Not 11/7

11/7

Judl. DEPARTMENT.

C. No.

From

Private Secy to H. S. the Govt. dated 7th July,
transferring a letter from the Governor of
Pondicherry. 4th July 87. no. 20.

FOR ORDERS.

In letter to the Governor of the French
Settlements. dated 20 May 1887 - no. 1070,
he was informed that this Govt. — subject to
the confirmation of India — had extended
to the whole of the Presidency the Convention
entered into in 1872 between the police officers
of Pondicherry S. Arcat, regarding the regu-
lation of proceedings preliminary to the
extradition of offenders, subject to the
insertion of the word "grave" before "crimes
ouffences" in Art 3 (b) of the Convention.
The Govt. of Pondicherry now suggest that
the word "grave" has been misplaced. The
French translation of the Convention appears
to render the words "crimes ouffences" by
the phrase "crimes et ouffences ou delits",
a distinction being apparently drawn between
"crimes et ouffences" and "delits", the latter
prob. answering somewhat to the misnomer
of English law. The French Govt. considers
that the word "grave" is only required to
qualify "delits", presumably on the ground
that every "ouffence et crime" would be from
by its very nature "grave".
As no copy of the French criminal code is
available here, the exact definition of
"delit" & of "crime" is not known.
But the a

between "crimes" & "ouffences ou
delits"

Port appears to be harmless & only to affect
the French transls of the Convention. In
the English transls the words "crimes and"
might have been omitted. and the sentence
would have run "suspected of grave offences
other than those etc."

Submitted that the French Govt. may be
informed that this Govt. has no objection
to the word "grave" being placed, so as only
to qualify "delits" in the French version of
the convention. That the convention has
already been reported to India by conforma-
tion, & that the result will be commu-
nicated when known.

that there is no distinction
between crimes & offences in
Anglo-Indian law, both
being general terms

sep

13/7/77

WCO

M22

17/7/77

Full
The Police Commission of 1872 with
the French

FOR ORDERS.

Del 15/7/87

3 P
Jud. Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

—Read again G.O. 20th May 1887. nos. 1068-70.

also
READ the following

From the Governor of the F^r. Establishment in
India. no. 20. dated 4th July.

At *Judicial*
Order. 22 July/87 N^o. 1597

ordered that the following letter
be despatched.

slp *19/7/87* *Political*

Letter N^o. 585 of 22/7/87

Letter To H^e. M. E. Maneau. Governor of the
French Establishment in India.

Desp 13/7/87

Your Excellency,

I have the honor to acknowledge
the receipt of your Excellency's letter - no.
20 - dated the 4th July, in which your
Excellency suggests that ~~occure~~ in the
Convention drawn up in 1872 between the
Police Officers of Pondicherry & S. Arcat for
the regulation of proceedings preliminary
to extradition, the word "grave" should
be placed after the words "^{de} crimes et
d'offences ou delits" in the French text.

tion of the Convention, and requests that the sanction of the Government of India to the Convention may be obtained.

2. In reply, I have the honor to inform your Excellency that the Government of Madras has no objection to the word 'grave' being placed in the manner indicated in your Excellency's letter. so as to qualify only the phrase 'd'offences ou ^{in the French travaux of the Convention,} delits.' In Anglo-Indian law there is no distinction between crimes and offences, both being general terms.

3. The Convention has already been reported to the Government of India for confirmation, and I shall acquaint your Excellency with the result, so soon as it is known.

(F. orders)

App.
1917.

Wls

1/2/7

July

The Police Commission
1872 with Pondicherry

From order

22ND JULY 1887, No. 1597, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—again G.O., dated 20th May 1887, Nos. 1068—70, Judicial.

READ—also the following paper:—

From His Excellency Mons. Ed. MANES, Governor of the French Settlements in India, to His Excellency the Right Honorable the Governor of the Presidency of Madras, dated Pondicherry, 4th July 1887, No. 20.

J'ai l'honneur, en réponse à votre lettre, No. 1070, du 20 Mai dernier, de vous remercier d'avoir bien voulu donner des ordres pour l'application générale dans la Présidence de Madras de la convention conclue en 1872 entre les fonctionnaires de la police de Pondichéry et du Sud Arcot, pour l'extradition des malfaiteurs.

Toutefois je dois faire remarquer à votre Excellence que le mot "grave" ajouté dans l'article 3, No. 2, de cette convention ne me paraît pas exactement placé: précédant les mots "crimes et offenses ou délits," il semble en effet s'appliquer à ces deux sortes d'infractions, tandis qu'il ne peut évidemment qualifier que les dernières. Il conviendrait donc de libeller ce No. 2 de l'article 3 comme suit: "Les sujets anglais prévenus de crimes et d'offenses ou délits graves," de manière à mettre, comme vous le dites, la convention d'accord avec l'interprétation qu'une longue habitude et l'autorité ont donnée à l'article 9 du traité du 7 mars 1815.

Sous le bénéfice de cette observation dont votre Excellence reconnaîtra certainement la justesse, je prescris de mon côté aux fonctionnaires français compétents de se mettre en relation avec les agents politiques de votre Gouvernement, pour le règlement de cette matière, sur les bases de la convention locale du 15 Août 1872.

Enfin ces arrangements n'ayant pas été jusqu'à présent ratifiés par le Gouvernement de l'Inde, je serai obligé à votre Excellence de vouloir bien leur faire donner la sanction nécessaire, pour en assurer la stabilité.

Transferred to the Chief Secretary to Government for disposal.

(By order.)

OOTACAMUND,
8th July 1887.

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

ORDER—dated 22nd July 1887, No. 1597, Judicial.

Ordered that the following letter be despatched:—

[Here enter No. 585, dated 22nd July 1887, Political.]

(True Extract.)

Ag. Chief Secretary.

Exd. A. Raitt.

Govt. of (1887) Madras.
JUDICIAL

Issued

Recd.

Encl.

G.O., 22nd July 1887, No. 1597.

JULY.

Extradition.

Directing transmission of letter to the Governor of Pondicherry, stating that there is no objection to the verbal alteration suggested in the French translation of the Police Convention of 1872.

22ND JULY 1887, No. 585, POLITICAL.

POLITICAL DEPARTMENT.

LETTER—to

HIS EXCELLENCY MONS. ED. MANES,
Governor of the French Settlements in India.

YOUR EXCELLENCY,

I have the honor to acknowledge the receipt of your Excellency's letter, No. 20, dated the 4th July, in which your Excellency suggests that, in the Convention drawn up in 1872 between the Police Officers of Pondicherry and South Arcot for the regulation of proceedings preliminary to extradition, the word "grave" should be placed after the words "de crimes et d'offenses ou délits" in the French translation of the Convention, and requests that the sanction of the Government of India to the Convention may be obtained.

2. In reply, I have the honor to inform your Excellency that the Government of Madras has no objection to the word "grave" being placed in the manner indicated in your Excellency's letter, so as to qualify only the phrase "d'offenses ou délits" in the French translation of the Convention. In Anglo-Indian law, there is no distinction between crimes and offences, both being general terms.

3. The Convention has already been reported to the Government of India for confirmation, and I shall acquaint your Excellency with the result, so soon as it is known.

Be pleased to accept the assurance of the high consideration with which

I have the honor to be,

Your Excellency's most obedient servant,

CONNEMARA.

OOTACAMUND,
22nd July 1887.

Exd. A. Raitt.

Govt. of (1887) Madras.
POLITICAL.

Issued

Recd.

Encl.

Letter, 22nd July 1887, No. 585.

JULY.

Extradition.

Stating that there is no objection to the verbal alteration suggested in the French translation of the Police Convention of 1872.

READ AGAIN Order of Government, dated
1887, No. 162.

ENCLOSURES.

CURRENT NO.

STATEMENT WITH DUTY.

ORDER, OF GOVERNMENT—A.

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ORDINARY, PRINTED.

G.O., DATED *Indl* DEPARTMENT.
 22nd July/6
 No. *1597*

261585

First copy sent to Press.

25/7

Returned for signature.

3/8

Despatched in print.

13/8

[Despatch Abstract.]

Extradition - Directing
 transmission of letter to the
 Govt of Pondicherry stating
 that there is no objection
 to the verbal alteration
 suggested in the French
 translation ~~being~~ of the
 Paris Convention of 1872.