(1) பக்கங்களின் எண்ணிக்கை 12

(2) புதுக்கித் திருப்பிய நாள் 3.4.90

(3) ஆதாரங்குறிப்பவர் கருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

P.W.D துறை

134

அரசாணை எண். — மு. கோப்புத் தாள் எண். 3356 — அச்சகம் பலவகை

நாள் : 26-11-1889 19 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

6 Sheets

ஆவண கா-1—18,000—15-6-87.

6

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

Read—the following paper:—

From Colonel J. PENNYCUICK, R.E., Superintending Engineer, Periyár Project, to the Chief Engineer, Public Works Department, dated Periyár, 27th July 1889, No. 1311-P. R.

With reference to G.O., No. 523 W., of 20th February 1889, I have the honor again to invite attention to the anomalous and inconvenient position of the camps connected with this project as regards magisterial control.

2. An unfortunate occurrence which has lately taken place has brought this position into greater prominence than before.

3. On the 2nd instant, Mr. Keeling, Assistant Engineer, fired at a tiger which had come into the camp at night; the bullet went into the hut occupied by Mr. Taylor's gardener (a private servant), and wounded the man in the knee. It was at first thought that the wound was slight, but ten days later (on the 12th instant), the man sank suddenly and died.

4. The matter was reported to Mr. Maltby, the Travancore Magistrate at Peermade (simply because it seemed necessary that some inquiry should be held, and there was no one else to hold it), who sent over an Inspector of Police to inquire into the matter. The latter's report will doubtless be sent to me by Mr. Maltby, and will be sent on to Government when received. According to present information, the occurrence was pure misadventure, and Mr. Keeling was but very slightly, if at all, to blame.

5. It is not, however, clear what further action can be taken, and the occurrence illustrates the absolute necessity of the camps being placed under the British magistracy; "panchayats and departmental fines" are all very well for trifling offences, but something more is wanted, not only for cases such as the one under reference, but for serious offences such as may occur any day. At present, there is no one to deal with such cases; the Madura magistracy will not acknowledge us, and we cannot acknowledge, and cannot be expected to acknowledge, that of Travancore.

6. This latter point is one on which it is necessary to lay stress. We are not here on our own private business, but on that of the State, and it is out of the question that we should consent to divest ourselves of our rights as Englishmen, and place ourselves under the authority of a Native State. Moreover (and this argument appears conclusive), we continue to pay taxes to the British Government.

7. The whole difficulty, and many others, would be got rid of at once by the course, which I have recommended long ago, of declaring the camps connected with the project to be temporarily British territory for administrative purposes; and no other course, as far as I can see, will get rid of them. This question is one entirely distinct from that of posting a resident magistrate for the project camps; that is a mere matter of convenience, the important point is that they should be placed definitely under the magisterial control of the District Magistrate of Madura.

8. To prevent misunderstanding, I think it desirable to state clearly that we have no complaint to make of any action on the part of the Travancore officials; on the contrary, Mr. Maltby, the only one with whom we have much to do, has acted throughout with a courtesy and consideration which deserves our warmest acknowledgments, but the position is such that, with the best will in the world on the part

of the officers concerned, a serious conflict of authority may at any moment arise, and it is eminently desirable that such a position should be brought to an end as soon as possible.

No. 632 D.

Transferred to the Judicial Department for consideration, with reference to Government Order in that department, No. 282, dated 15th February 1889.

(By order.)

(Signed) R. R. E. DRAKE-BROCKMAN, Lt.-Col., R.E.,
Acting Joint Secy. to Govt., P.W.D.

OOTACAMUND,
6th August 1889.

ORDER—dated 13th November 1889, No. 574, Political.

Certain expressions in Colonel Pennycuick's letter make it probable that he is under a misapprehension regarding the jurisdiction of the Native Sarkar over European British subjects residing in Travancore, and it is desirable to state, for the information of himself and other English officers and their subordinates employed on the Periyar works, how the law stands.

2. In 1874, after a prolonged discussion, and with special reference to the efforts which the Governments of Travancore and Cochin had made to conduct their judicial administration on enlightened principles, the Governor-General in Council consented to allow certain of their magistrates, being themselves European British subjects and Christians, to exercise (subject to such control as the Resident had previously possessed and to such advice as he was by treaty empowered to offer) the same jurisdiction over European British subjects as might be exercised over them in British territory by European British subjects who were Magistrates of the first class and Justices of the Peace.

3. At the same time, the Government of India agreed to confer on such magistrates the necessary powers to enable them to commit to the High Court of Judicature at Madras such cases as in British territory were punishable with death or transportation for life; while, lastly, the Resident was invested with the powers of a Court of Session, in view to the committal to him of such offences as, in the opinion of the adjudicating magistrate, could not be adequately punished by himself and were not such as could be committed to the Madras High Court.

4. In pursuance of this decision, the then Maharaja of Travancore nominated four English gentlemen to exercise the magisterial powers above described, and by notification in the *Gazette of India*, dated 9th August 1875, the necessary powers were conferred upon them. Mr. Maltby, to whom reference is made in Colonel Pennycuick's letter, exercises jurisdiction over European British subjects under the limitations which have been specified.

5. Briefly stated, the final powers of such a magistrate as Mr. Maltby in this respect are confined to imposing three months' imprisonment or a fine of one thousand rupees or both. An appeal lies from his decision to the English barrister Judge of the Travancore High Court. Both the original and appellate proceedings are, however, subject to the control of the British Resident. More serious offences have to be committed by him to the British Resident, and offences of the gravest order are committed to the High Court of Madras. In both cases, his powers of committal are derived from the English Government.

6. It will thus be seen that the jurisdiction of the local magistracy is exercised by a special arrangement initiated by the English Government; that their proceedings are subject to the control of the Resident; and that the more serious offences, the possibility of the occurrence of which is contemplated in Colonel Pennycuick's letter, would be committed to the Resident or the High Court of Madras for trial.

3357

7. The suggestion that the camps should be declared to be British territory would not, without the assent of His Highness the Maharajah, be feasible; and, having regard to the special provisions which have been devised for safe-guarding the interests of British subjects residing in Travancore, His Excellency the Governor in Council would not be prepared to ask such a concession. So long as the powers of the specially-appointed European magistrates of Travancore are confined to petty cases, and even then are under the control of the British Resident from first to last, their jurisdiction will, the Government does not doubt, be cheerfully accepted by the officers and subordinates who have been called on to reside within the Travancore State in performance of their duties.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Public Works Department.
" Military Department.
" Resident in Travancore.

ENDORSEMENT—dated 13th November 1889, No. 575, Political.

Copy to the Government of India, Foreign Department.

J. F. PRICE,
Chief Secretary.

Exd. A. Raitt.

2

Govt. of {1889} Madras.

POLITICAL.

Issued.

Recd. *Encl.*

G.O., &c., 13th November 1889, Nos. 574, 575.

Bk 3356 (P) 26-11-89

NOVEMBER.

Jurisdiction of Travancore Sarkar over European British Subjects.

Stating the law regarding the — with reference to the request of Colonel Pennycuick, Superintending Engineer, Periyár Project, that the camps may be declared to be British territory. Copy to the Government of India.

3356

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(By order.)

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Acting Joint Secy. to Govt., P.W.D.

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(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Public Works Department.
" Military Department.
" Resident in Travancore.

ENDORSEMENT—dated 13th November 1889, No. 575, Political.

Copy to the Government of India, Foreign Department.

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Govt. of {1889} Madras.

POLITICAL.

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G.O., &c., 13th November 1889, Nos. 574, 575.

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No. 335 bw. of 26-11-1889

Comd. to the Chief Engineer Periyar Project.

1 ed / R.R.E.D.B.

W.

C.E. Periyar Project.

S.E. IV Circle for information

13TH NOVEMBER 1889, Nos. 574, 575, POLITICAL.

3356

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3336

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Chief Secretary.

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Copy to the Government of India, Foreign Department.

J. F. PRICE,
Chief Secretary.

Exd. A. Raitt.

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PWCno 11085

Govt. of {1889} Madras.

POLITICAL.

(6)

Issued. SECRETARY TO GOVERNMENT, 21 NOV. 89, P.W. DEPARTMENT, MADRAS.

Recd. 21. 11. 89 Encl.

G.O., &c., 13th November 1889, Nos. 574, 575.

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W. Thorden

No 325 b W d/26-11-1889

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Communicated to the Chief Engr Periya Project -

Rucon 23. 11. 89

Ch. E. P. Project

S. E. IV circle for information

2 Copies to Dy D 26/11

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