

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

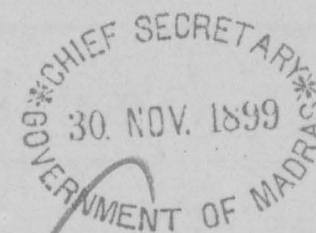
FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
422	201	Pol.	26/3/1900				

Political (1899) Department.

CURRENT No. 1554

Look up Tipper. & Ry Jurisdiction
in Native States Curd.
2.12.95



From

The Resident in
Lunenburg & Cochin

Ref No. 3656

Order

Dated 25th December 1899

Received 30-11-99

Registered

Enclosures nil

Spare copies

9/12/98

SUBJECT.

Solicit instructions in
the matter of jurisdiction
to the Lunenburg & Cochin
as regards arrests of criminals
on the portion of the
Lunenburg-Cochin Railway
& Lunenburg-Lunenburg Junction

BACK PAPERS.

G.O.	No.	Department.	Date.
S.C.	7878	PAU	5. 12-99
S.C.	7456	PAU	13-11-99
"	731	"	6. 11 99
"	612-3	"	13-2-99.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ref: on C No. 3656.

Resident's Office

Trevandrum 25" November 1899.

From,

G. T. Mackenzie Esquire, I.C.S.

Ag Resident in Travancore and Cochin.

To,

The Chief Secretary to Government,

Fort St George.

Sir,

At the request of the Travancore Darbar I have the honour to solicit instructions in the following matter.

2. His Highness the Maharajah has ceded jurisdiction over the portions of the Shoranur Cochin Railway and of the Tinnevely Quilon Railway which pass through Travancore territory. The question arises whether this will oust the jurisdiction of Travancore entirely or whether there will be concurrent jurisdiction. It is feared that, if the Travancore Police cannot arrest on the railway, each station compound may become a refuge for bad characters who wish to evade arrest. For grave offences there is the process of extradition but there are many minor offences for which there is no Extradition.

3. Another question is whether the Travancore Customs officers can enter a train at the frontier to search the passengers' baggage for tobacco, opium and other contraband goods.

4. These two questions will certainly arise when the railways are opened and the Travancore Darbar asks that the two questions be settled beforehand.

I have the honour to be

Sir

Your most obedient servant.

G. T. Mackenzie

Ag Resident.

cut.

nature of the jurisdiction exercised
by the Paramount Power over railways
in Native States.

Attention is also invited to pages
346-348 of Lee Warner's Protected
Princes of India where the question of
railway jurisdiction is dealt with. He
points out that "there must be one
law affecting the administration and
the working of a line of railway through-
out its whole length," and after alluding
to the inconveniences caused by reverse
legislation as in the case of Bombay
Act I of 1862, which was promulgated
for bringing under the Regulations and
Acts of the Bombay Presy: certain
lands ceded by H. H. the Gaikwar of
Baroda for railway purposes, states
that "the present practice avoids all
difficulties, & secures the sovereignty
rights of the Native States." Jurisdiction
& full powers of administration, he says,
are ceded to the Gov. General in Council,
who thereon notifies the application to
the foreign territory occupied by the line
& its stations, of the requisite laws,
and

Establishes the necessary canals for
their administration under the provisions
of the Foreign Jurisdiction Act.

This is obviously the procedure which
should now be adopted in regard
to Travancore jurisdiction. But
the two railway lines in Travancore
is not clear of the Govt. of India
intended by its letter of May 1882, that
there should be a change in the usual
procedure, it is submitted that the
matter may be referred to that Govt.
for a decision.

15-XII-98
16-XI-98

CS.

The view taken in the
above note appears to be
correct.

With regard to the
difficulties anticipated
that referred to in para
2 of the Res^d letter seems
an imaginary one. The
Station compounds will
hardly provide accommodation
for criminals. If they
are not hauled by train
they will be turned out by

the railway servants as
 happens. If they
 go to the station to get
 away by train at 4
 I presume the question of
 jurisdiction will make very
 little difference. A man will
 hardly fly from his country
 except in the case of a
 great offence & for such
 an offence he may be
 extradited.

The difficulty alluded
 to in para 3 is a more
 real one. The frontier will
 be within the limits
 of the railway line &
 the Durban will apparently
 have to establish custom
 inspection stations at the
 gate of every station,

as they establish it near the
 at the frontier. It is only a matter of
 of movement.

19/12/99

It seems advisable to ask India

as to what arrangements will
 be made, in communication to
 the Durban. There must be
 numbers of precedents. There seems
 to be no use in this but trying
 to solve the problem.

H. J. M.

I agree that it is advisable to ask India.

21.12.99

Draft. H. J. M.

Read again: $\frac{74576}{15.11}$ & $\frac{777/8}{8.12}$ (12)

C. No. 1554 From the Resident in T. & C., No. 3656, dated 25-11-1899.

189

99 99 99 99 99 189

189

P.W.D. (Ry.) } for ~~the~~ i
Revenue } ~~the~~

Cost
2.100

ORDER:-

no: 836 8/30 Dec 99

The Government of India will

be addressed on the subject.

(H.E. letter No. 83) d/ 30-12-99

To
The Residt. in T. & C
~~Judicial Dept.~~
~~Revenue Dept.~~
P. W. Dept. (By.)

Ref. ^{Copy} s. Copy for Shorapur-Godwin By
Book file.

LETTER:-

no 837. 7 30 Dec 90

To
The Secretary to the Govt. of India.

Foreign Dept.

Sir,

With reference to my Nos. 746

~~was~~., and 788 Pd, dated the 13th November and ¹³5th December 1899 respectively, forwarding copy ^{to} of the Proceedings of this Govt. of the same date, regarding

the

the cession of jurisdiction by the
Travancore Darbar, over the ^{lands in that state occupied by} ~~the~~ Shoranur-Cochin and Tinnevely-

Quilon Railways ^{through} ~~the~~ I am directed to ^{report} ~~that~~

the Darbar has raised the question
whether this cession will oust its
jurisdiction entirely or whether there
will be concurrent jurisdiction. It is
apprehensive that if the Travancore
police cannot arrest on the railway, each
station compound may become a refuge
for bad characters who wish to evade
arrest, ^{since} many ^{all} minor offences ^{are} non-
extraditable. The Darbar has also ^{inquired} ~~whether~~
~~whether~~ whether the Travancore
customs officials will be able to enter
a train at the frontier to search the
passengers baggage for tobacco, opium
and other contraband goods.

2. The Governor in Council con-
siders that there can be no doubt that
the Darbar has ceded full jurisdiction
and that concurrent jurisdiction will not
exist. ^{As regards} the apprehension of
the Darbar that station compounds will
be converted into refuges for criminals,
^{it appears to be} it is clear that criminals who are not
travellers by train can be expelled,
from the premises of railway stations
by the railway officials as trespassers
and that it is unlikely that the railway
itself will be resorted to by criminals
except in the case of a grave offence
and for such an offence extradition
would

Could be put into force. As regards
customs, the establishment of by the
Darbar of customs inspection stations
at the frontier will, it is thought,
~~offer~~ ^{amply} safe guard its ~~revenue~~.
As a clear settlement of
these two questions appears to be
desirable ~~the railway~~ ^{the railway}
I am to solicit the orders of the
Governor General in Council in the
matter.

(from orders)

Cms.
28/12/14

28/12/14

given for copying _____
copied _____
examined _____
signed _____

189 .

MAIN G.O., No.
189 ,

, DATED

NT No.

LOSURES TO C. No

IDER OF GOVERNMENT

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ETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
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Political (1899) Department.

ORDINARY MS.

G.O., No. 836-37

DATED 30.12.99

INDEXED.

[Despatch Abstract.]

Shoranur - Cochin & Tinnervelly - Quilon Railways.

Submitting the orders of the Govt sent in Council on the question whether the cession of jurisdiction by the Travancore Darbar over the lands in that state occupied by the — will entail its jurisdiction entirely or whether there will be concurrent jurisdiction & on the further question whether the Travancore Customs Officials will be able to enter a train at the frontier to search for contraband goods.

PRINTED IN G.O., dated

26th March 1900, No. 201.

19/10

161083

21-11-13 ✓

11-2-18 ✓

3-12-23 BR ✓

26-8-26 II ✓

20-4-27 ✓

25-7-27 ✓

11/8/28 BL ✓

23-1-34 BR ✓

22-1-34 IV ✓

13-10-38 ✓