M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1642 Press ~~Mis.~~

7 17½-12-1857.

Dated 23-12-~~18~~ 1857

Not to be folded or roughly handled

No. 7. Extract from the Minutes of Consultation, dated 17th December 1857, No. 1642.

Act XXXIII of 1857, or an Act for making further provision for Foreigners has recently passed the Legislative Council and received the assent of the Governor General.

2. By the first Section of this Act every Foreigner, on his arrival in any part of the Madras Presidency from any port or place not within the possession or under the Government of the East India Company, or from any port or place not subject to the provisions of the Act, *i. e.* Section XXII, from the Settlement of Prince of Wales' Island, Singapore and Malacca, or from the Territory of Aden will, henceforth, have forthwith, to report himself to the Commissioner of Police if he arrives at Madras, or, if at any other place, to the Magistrate or such other Officer as may be appointed to receive such reports by the Government. By Section XX in the word 'Magistrate' is to be included every person exercising the full powers of a Magistrate and a Justice of the Peace.

3. The Right Honorable the Governor in Council is pleased to direct that all Magistrates of the several Districts under this Presidency with their Joint Magistrates or Assistant Magistrates, being in the Commission of the Peace, shall receive the reports alluded to in this Section. At Cochin, the Officer to receive such reports shall be Mr. Cullin, the Principal Sudr Ameen, who is a Justice of the Peace and Joint Magistrate.

4. A statement is to be sent in to Government monthly by the Commissioner of Police and by the Magistrates of the several Districts, giving in the subjoined form the particulars of all reports that may have been made to themselves or to their Assistants. When no reports have been made during the month, no statements will be sent in. In any cases in which it may seem to them to be necessary, the report will be communicated to Government at once.

5. By Section XX, Foreigners are defined to mean persons not being natural born subjects of Her Majesty or Natives of places in the possession and under the Government of the East India Company. The term would therefore include subjects of the Travancore, Cochin and Hyderabad States, as well as *Native* subjects of the French and Portuguese Settlements in India. The Right Honorable the Governor in Council is pleased, under Section XXIII, to exempt all these classes of persons from the operation of the Act until further orders. As respects such persons it will, however, be the duty of the Magistrates of the Districts adjoining those States or Settlements, to arrest and detain in custody, pending further inquiry, or the result of any reference that they may make to Government, any persons entering their Districts from those Settlements or Territories under suspicious circumstances, or whose appearance is such as to excite suspicion. This they may do under the existing law.

6. By Section V, no Foreigner is to travel in, or pass through any part of the Territories in the possession and under the Government of the East India Company, without a License, and such Licenses for the Madras Presidency are under the following Section to be granted by the Chief Secretary to Government, or by such other Officers as shall be specially authorized by the Executive Government.

7. The Right Honorable the Governor in Council, is pleased to authorize the Commissioner of Police for the Town of Madras, the Magistrates of the several Zillahs under this Presidency, and the Joint Magistrate of Cochin, but no other Joint Magistrate nor any Assistant Magistrate, to grant Licenses.

8. Section VII specifies certain particulars which are to be entered in every License. In addition to these, there should, in the opinion of Government, be in every License a correct description of the person to whom it is granted as is usual in Foreign Passports.

9. Forms of Licenses with headings in English, Tamil and Teloogoo for all Districts but Malabar and Canara ; in English and Malayalum for Malabar, and in English and Canarese for Canara, will be furnished to the several Magistrates. They will be filled up, on issue, in the vernacular language of the District as well as in English.

10. List of the Licenses which may have been granted during the previous month will be sent in monthly to Government by the Magistrates, and any peculiar cases be reported specially, as already ordered in respect to the reports to be made under Section I.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

N11

Memo.

I beg to circulate this draft for
issue if approved to the Commis-
-sioner of Police and Magistrates
of all Districts on the Draft Act
becoming Law which may be
done immediately as it has
been amended by the Select Committee
and is not likely to take long in passing

J.P.

Memo:

A Bill to make further provision relating to Foreigners.

Read a first time on the 7th Nov/57.
Within a week Read a second time,
referred to the Select Committee, &
reported on by the same. Time
how before become Law.

First - who are Foreigners - Vide
Interpretation Clause. Sect XX.
"A Foreigner .... is a person not
"being a natural-born subject of
"Her Majesty. or a native of any
"place out the possessions & under the
"Govt of the East India Company"
The terms before, besides Frenchmen,
Russians, Persians & the like, will
include subjects of the Travancore,
Cochin and Hyderabad states.
Mysore is put by the act on the
same footing as Oude & Scinde,
viz "as being in the possessions &
"under the govt of the E. I. Co;" the
Commissioners of Mysore being
one of those who are to work the
Act - Nothing is said of a Speci

officer for the assigned dis-
tricts of Hyderabad. Are these
districts assigned in perpetuity
or only till the Nizam's debt to
the Company is paid off?
Native subjects of the French &
Portuguese settlements will also
be foreigners.

Section I - Every foreigner arriving
in British India is to report him-
self - If he arrives in the first in-
stance at the Presidency, to the
Commissioner of Police; if at
any other place, to the "Magis-
"trate or to such other officer
"as shall be appointed to receive
"such reports by the Executive Govt"
It is presumed that, where there is a
Magistrate in every district here,
such Magistrate will work here
act without any special appoint-
ment. Where the word "Magistrate"
/section XX/ shall include every
"person exercising the full powers
"of a Magistrate, and a Justice
"of the Peace" If a Foreigner therefore
were to land at Tranquebar, it
will suffice were he to report himself

to the Head officer - and
if a foreigner disembarked at
the port of Cochin, he will report
himself to Mr Cullen or any
Justice of the Peace (there are one
or two) there - it not necessarily
to the Magistrate of the District
of Malabar, to which British
Cochin is subordinate.
But though "Magistrates" in the
sense above mentioned, are ipso
facto officers authorized to receive
reports, Govt may appoint
as many other persons as it
pleases, likewise to receive such
reports. The distinction in the
powers of these two classes
is /see XVI/ that Magistrates
may delegate Police officers to
search ships for foreigners, while
the officials appointed by Govt
have no such power, though they
may search vessels in person.

Section V

"Foreigners not to travel in
"India without license" But
if a foreigner landed at Madras,
reported himself & chose to stop
within its limits, he need not
have a license - no but he

Section VI. Licences can only be granted by the Chief Secretary, & such other persons as the Executive Govt may see fit to appoint. It will perhaps be necessary to delegate the power to the Commissioners of Police and to every Magistrate (par excellence) of a district.

Section VII. Certain particulars are to be entered in every licence, & while by the following Section the Govt may add to such particulars any conditions it pleases. So may its officers whom it may appoint in any locality to grant licences. Govt or such officer may at any time, without assigning reasons, revoke such licence.

Section VIII. Foreigners travelling without licence, or breaking its conditions, or going beyond the districts or limits mentioned therein, to be apprehended.

Section IX On apprehension to be brought before a Magistrate, who may discharge him, send him to the Residency, or detain him pending orders of Govt

Section X. While in such custody, foreigners are to be put to as little inconvenience as possible - may be kept to bail.

Section XI Govt may remove from the Company's territories any foreigners so apprehended.

Sect XII. Govt may do the same in the case of any Foreigner, under whatever circumstances.

Section XIV. Contumacious foreigners to be apprehended & detained under such conditions as the Executive Govt shall deem sufficient for the peace & security of the British territories, and of the allies of Her Majesty and of the East India Company, & of the neighbouring Princes and States.

Section XV "Govt may "prohibit persons, not being natural born subjects of Her Majesty, "from travelling or passing through "any part of India without a "license."

Against whom is this clause directed? Not against foreigners, for they are already prohibited from travelling without license; besides which persons offending agt this clause are to be dealt with "as foreigners" It must be meant

to apply to Jobbers, Bye-rayces
& other suspicious clapses among
the subjects of the East India Cy.
The definition of a "natural born
subject" wd appear to be, first,
"any person born in the dominions
"of the Crown" and, secondly
"any person born anywhere of
"a person of the above description,
"or of one whose father or father's
"father was a person of the
"said description"
Aliens who have become natu-
-ralized under act XXX / 52
are exempted, I presume, from
this clause, equally with "natu-
-ral born subjects".

Section XVI. The Commissio-
-ner of Police, Magistrates, As-
-sistant Magistrates, & persons
specially appointed by Govt to
receive reports of arrival,
may board ship — and so may
police officers delegated for
that purpose by such Commissi-
-oner or Magt — to search for
foreigners; may cross-question
the Master & get from him a
list of passengers. Suspicious
foreigners to be refused leave to
disembark or to be dealt with
as a Foreigner travelling without
a licence.

Sects. XVII & XVIII - XIX. Penalty
for obstructing Officers - or Master
neglects to report - false answer.

Sect. XX. Interpretation Clause, be-
-fore opened to.

Sect XXI. Proof of being a
foreigner - Person suspected required
to disprove the imputation.

Sect XXII - Act to last two years;
not to extend to Aden or the Straits
Settlements, unless by an order of Govt.

Section XXIII - Act not to extend
to foreign ministers, Consuls - minors
under 14 yrs of age or to any persons
in the service of the British Govt -
and the Executive Govt may exempt
any person or any class of persons,
either temporarily or otherwise, from
all or any of the provisions of the Act.
As, generally speaking, European
adventurers alone are objects of sus-
-picion, the Act may be worked with
no very great extra labour in the
several departments.

Sect XXIV. Indemnity clause for
acts done agreably to this enactment
before it shall have passed into law.

28/11/55

Dy. to Cons - 23d Dec.

Judicial 1857 Depart.

№1642.

Ex. Mins. Cons.

Dated 17th December 1857.

F.R. 402/58.

Judl Department

№ 1642.

Extract from the Minutes of Consultation
Dated 17th December 1857.

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Foreigners has recently
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2. By the first section
of this Act every Foreigner,
on his arrival in any
part of the Madras Pres.
Sidency from any port
or place not within
the possession or under
the Government of the East
India Company, or from
any port or place not
subject to the provisions
of the Act 3 & 4 Vic. Cap. XXII
from

from the Settlement of Prince of Wales Island, Singapore and Malacca, or from the Territory of Aden — will, henceforth, have forthwith to report himself to the Commissioner of Police if he arrives at Madras, or, if at any other place, to the Magistrate or ~~such~~ other Officer as may be appointed to receive such reports by the Government — By Section XX in the word Magistrate is to be included every person exercising the full powers of a Magistrate and a Justice of the Peace.—

3. The Right Honorable the Governor in Council is pleased to direct that all Magistrates of the several Districts under this Presidency with their Joint Magistrates or Assistant Magistrates, being

being in the Commission of the Peace, shall receive the reports alluded to in this Section — At Cochin, the Officer to receive such reports shall be Mr Collin, the Principal Sudr Ameen who is a Justice of the Peace and Joint Magistrate.—

4 A Statement is to be sent into Government monthly by the Commissioner of Police and by the Magistrates of the several Districts, giving in the subjoined form the particulars of all reports that may have been made to themselves or to their Assistants — when no reports have been made during the month, no Statements will be sent in — In any cases in which it may seem ~~[illegible]~~ advisable, the report will be communicated to

to Government at once.

5. By Section XX Foreigners are declared to mean persons not being natural-born subjects of Her Majesty or natives of places in the possession and under the Government of the East India Company. The terms would therefore include subjects of the Travancore, Cochin and Hyderabad States, as well as native subjects of the French and Portuguese Settlements in India. The Right Honorable the Governor in Council is pleased, under Sec. XXIII, to exempt all these classes of persons from the operation of the Act until further orders. As respects such persons in Hyderabad, it will, however, be the duty of the Magistrates of the Districts adjoining the States & Settlements to arrest and detain in Custody, pending further inquiry or the result of any reference that they may make to Government, any persons entering their Districts from those Settlements under suspicious circumstances, or whose appearance is such as to excite suspicion. This they may do under the existing law.

6. By Sec. V no Foreigner is to travel in, or pass thro' any part of the Territories in the possession and under the Government of the East India Company, without a license and such licenses for the Madras Presidency are under the following section to be granted by the Chief Secretary to Government, or by such other

other officers as shall be specially authorized by the Executive Government.

7 The Right Honorable the Governor in Council is pleased to authorize the Commissioner of Police for the Town of Madras, the Magistrates of the several Zillahs under this Presidency and the Joint Magistrate of Cochin — but no other Joint Magistrate nor any Assistant Magistrate, to grant licenses.

8 Section VII specifies certain particulars which are to be entered in every license — In addition to these, there should, in the opinion of Govt., be in every license a correct description of the person to whom it is granted as is usual in foreign Passports.

9 Forms of licenses with

with headings in English, Tamil and Telugoo for all Districts, but Malabar and Canara in English and Malayalum for Malabar — and in English and Canarese for Canara will be furnished to the several Magistrates. They will be filled up, on issue, in the Vernacular language of the District as well as in English.

10 List of licenses which may have been granted during the previous month will be sent in monthly to Government by the Magistrates — and any peculiar cases be reported specially, as already ordered in respect to the reports to be made under Section I.

3 100 Cases vol 5

Commissioner of Police Dec^{r} 18

All Magistrates & Agents at Rumnad — 18/12
Canara & Malabar 19/12
Joint Mag^{s} of Cochin — 19/12
Resident Travancore 19/12
Collector in charge of Special Agents 18/12
Asst. at Kurdalore
Resident at Hyderabad 18/12

That Demand

PJO

Form

Form of Statement to be sent to Government as required by Para 6.-

Name or Names of party making report	Nation to which belonging	Place from which the party came	Place or places of his destination	object of his pursuit	Date of arrival	Remarks.
1	2	3	4	5	6	7

Form of license

Name or Names	Nation to which be-longing	District or Districts thro' which party holding the license is authorized to pass or limits within which he is authorized to travel.	Personal descrip-tion of party hold-ing license. Age Height Color of Hair Eyes. any peculiar marks	Conditions, if any, to which license is to be subject.
1	2	3	4	5

Memo

The bill expediting Foreigners has been Amended by the Select Committee and presented to the Leg: Council. It will probably soon become Law. I have circulated it for the consideration of some few points connected with it. A précis of it drawn up by Mr Carmichael accompanies—

Sect: 1. Foreigner strictly speaking according to the definition of the term in Sect XX - all subjects of the British Indian States - Native of the Bijapur Country and Native subjects of the French and Portuguese Govts in India would be Foreigners—

But it would be most

exconvicts - in particular
indeed to include them par-
-ties within the operation of
the Act - They must therefore
be assumed to be exempted - or
must be exempted under S. XXIII -

... The parties who it is to
be supposed fall within the
scope of the Act are Europeans,
not British subjects - Americans -
natives of Africa - and Asiatics
from countries without British
India - A Cashmerian or Persian
- can I imagine be a Foreigner
and so perhaps would be a
Japanese -

2. Magistrate or such other Officer
as shall be appointed to receive
such Reports -

It would be fitting to direct
that the reports be made to the
Magistrates of the several Dist.
and to their Asst. so other officers
seem requisite - The report
would have to be made to the
Senior on the spot - and to the
Assistant only when the Mag.
was not at the station -

Mr Collin Mr Collin

The P Steamer is a Sout Mag.
Act VII. 1843. S XLVII.

Magistrates might report
to forbid the arrival of suspicious
persons but of no others

5 VI - VII. VIII. The Officers
authorized to grant Licenses
should I think be only the Magis-
-trates of the several Districts -
but not their Assistants - except
at Cochin when Dr Collin might
have that authority

The Licenses to be according

to a list from - and printed
from proceedings which
to be supplied to all Officers au-
-thorized to grant licences -

The Condition when there
are any will I presume dear
to be laid down from time to
time according to the circumstances
of the several cases.

On these points instructions
may perhaps be sent down from
the Govt of India on the Act becoming
Law -

3. Sect° XV - I do not under-
-stand who are the persons
or classes meant to be dealt
with under this Section - I am
not aware of any such in this
Presidency - There may possibly
be some in the N.W. Provinces or
Bengal -

P.4. Sect XXIII - I do not see
who is to be exempted under
this Section unless it be the
Javan coreans Cochinese
&c already referred to - Para
Para 1 -

J.P.

19