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(3) Initials of the Referencer long

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No. / B.P. No.	Press. / Mis.
520	
248–249	
Dated 31-3-1862	19 .

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297

Not to be folded or roughly handled.

Archives —1 10,006-9 88

No. 248. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 31st March 1862, No. 520.

I am directed by His Excellency the Governor in Council to forward in accordance with Section 40 of the Indian Council's Act the accompanying Laws—Acts I, II, III of 1862—which have been passed by the Council of the Governor of Fort Saint George for making Laws and Regulations, and have received the assent of His Excellency the Governor on the 20th instant and I am to request that these Acts may be submitted to the Right Honorable the Governor General for his assent. I am instructed at the same time to forward for reference, if desired, the Statements of Objects and Reasons for which the Acts have been passed, and the correspondence connected with them.

2. The first Act,* I of 1862, is an Act for the levy of Port dues in the Port of Ganjam. On account of the increasing importance of this Port, it has been deemed advisable to make further provision for its conservancy, and for bringing it under Act XXII, 1855. The Act, mutatis mutandis, is nearly verbatim the same with those which have been from time to time passed by the late Legislative Council of India for the levy of Port dues at several Ports of British India.

* An Act for the levy of Port dues in the Port of Ganjam.

3. Act† II of 1862 has been passed to remedy a defect in Act XXV of 1859 or "an Act to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal." By that Act penalties are attached to the carrying Native passengers *from* the Ports of British India *to* those of the Island of Ceylon in excess of the proportion to tonnage prescribed by the Act, but no punishment has been provided for the bringing of Native passengers in excess of such proportion *into* British Indian Ports from those of Ceylon. The corresponding Ordinance of the Government of Ceylon is similarly defective. In consequence of these defects the object of the Act has been to a great extent defeated. Vessels clear from a Madras Port with the due number of passengers, take on board perhaps double or treble the number on other points of the coast, yet on arrival at Ceylon the Masters cannot be punished. The like is the case with the Commanders of vessels entering Madras Ports from those of Ceylon in an over-crowded state. To check these practices the present Act, following the analogy of Act XXI 1858, Section XIX, and Act XXV, 1859, Section XI, provides for the punishment of Tindals or Commanders of craft who may bring into, no less than carry from, a port of British India, passengers beyond what the vessels are licensed to carry. The Ceylon Government have undertaken to reciprocate, and the exercise in a few instances of the increased powers given by this Act, and by the corresponding Ordinance to be passed by the Government of Ceylon will doubtless effectually repress proceedings on the part of owners and Masters of Native craft, which have hitherto been productive of much suffering and danger to the lower classes of Natives passing between Ceylon and the Continent of India.

† An Act to extend the provisions of Act XXV of 1859, entitled an Act to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal.

4. The last Act‡ No. III is designed to confer upon the Commissioner of Police for the Town of Madras power, analogous to that now enjoyed in respect to minor conservancy arrangements by the Municipal Commissioners for Madras under Act XIV, 1856, or that of making, subject to the sanction of the Madras Government, bye laws for the regulation of matters of Police detail in the Town. The purpose of this Act is succinctly given in the Statement of Objects and Reasons. It does not appear to this Government that more explanation is necessary.

‡ An Act for enabling the Commissioner of Police at Madras to make bye laws for more effectually carrying out in the Town of Madras the objects of Acts 13 of 1856 and 48 of 1860, and for the better and more effectual preservation of order therein.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Office of the Clerk of the Council
Madras 24th March 1862.

No 31

From

J. C. Morgan Esquire,
Clerk of the Council of Fort St George
for making Laws and Regulations

To

The Honorable J. Lyall,
Chief Secretary to Government,
Fort St George.

Sir,

I have the honor to inform you, that
His Excellency the Governor gave his assent
to Acts I II & III of 1862, Madras on the
20th day of March.

2. I have, therefore, to request, that
you will transmit copies of these Acts to
the Governor General, in conformity with the
provisions of Rule XL.

I have the honor to be,
Sir,
Your most Obedient Servant,

J. C. Morgan
Clerk of the Council.

Orden- 31 March 1862 No 519 A

Resolved accordingly that the
1. II. III of 1862 be promulgated
& Rittberger for his assent,
according to Sect. 40 of the Indian
Councils Act - and that the
following bills be submitted
I. M. Secretary of for
of India Home Dept.

Hiranand

× Act for the levy of Port dues in the Port of Gunjam.

2 The first Act I of 1862 is an Act for the levy of Port dues in the Port of Gunjam. On account of the increasing importance of this Port, it has been deemed advisable to make further provision for its conservancy, and for bringing it under Act XXII. 1855. — The Act, mutatis mutandis, is nearly verbatim the same with those which have been from time to time passed by the late Legislative Council of India for the levy of Port dues at several Ports of British India.

× An Act to extend the provisions of Act XXV of 1859, entitled an Act to prevent the overcrowding of Vessels carrying native passengers in the Bay of Bengal.

3 Act × of 1862 has been passed to remedy a defect in Act XXV of 1859 or an Act to prevent the overcrowding of Vessels carrying native passengers in the Bay of Bengal." By that Act penalties are attached to the carrying of undue numbers of passengers from the Ports of British India to those of the Island of Ceylon in excess of the proportion to tonnage prescribed by the Act, but no punishment has been provided for the

the bringing of native passengers in excess of such proportion into British Indian Ports from those of Ceylon. The corresponding Ordinance of the Govt. of Ceylon is similarly defective. In consequence of these defects the object of the Act has been to a great extent defeated. Vessels clear from a Madras Port with the due number of passengers, take on board [illegible] and treble the number on other points of the Coast, yet on arrival at Ceylon the Master cannot be punished. The like is the case with the Commanders of Vessels entering Madras Ports from those of Ceylon in an overcrowded state. To check these practices the present Act, following the analogy of Act XXI. 1856 Sec. XIX and Act XXV. 1859 Sec XI, provides for the punishment of Tindals or Commanders of Craft who may bring into, or take less than carry from, a port of British India passengers beyond what the vessels are licensed to carry. The Ceylon Govt have undertaken to

to reciprocate, and the exercise in a few instances of the increased powers given by this Act and by the corresponding Ordinances to be passed by the Govt. of Ceylon will doubtless effectually prevent proceedings on the part of Owners and Masters of Native Craft, which have hitherto been productive of much suffering and danger to the lower classes of natives passing between Ceylon and the Continent of India.—

11. The last Act No III is designed to confer upon the Commissioner of Police for the Town of Madras powers analogous to that now enjoyed by the Municipal Commissioners for Madras under Act XV. 1856, or that of making subject to the sanction of the Madras Govt, bye laws for the regulation of matters of Police debated in the Town. The purpose of this Act is succinctly given in the Statement of Objects and Reasons. It does not appear

* viz. Act for enabling the Commissioner of Police at Madras to make bye laws for more effectually carrying out in the Town of Madras the objects of Acts 13 of 1856 and 14 of 1861 and for the better and more effectual preservation of order therein.—

Dis approval & minor Conservancy amendments

appear to this Govt that more explanation is necessary.

I have &c.

Fort St George,
31st March 1862

Proceedings

Judicial 1862 Dept.

No: 520.

To
The Secy. to the Govt.
of India - Home Dept.

Fort St. George
31st March 1862

Forwarding for the assent of the R. H. the Governor General of India Acts I, II, III of 1862 which have been passed by the Legislature Council of Madras. -

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