

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1078	Press
		Mis.
43-44		
Dated	4-7-	1863
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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
4th July 1863.*

No. 43. Read the following letter from V. H. LEVINGE, Esq., Magistrate of Madura ; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Madras, dated Mélur, 23rd June 1863, No. 126.

With reference to the Order* of Government, No. 801, dated the 26th May 1863, I have the honor to forward a letter† on the subject from the Joint Magistrate at Paumben, and to report that with reference thereto I see no reason to recommend any remission of the fines, as there can be little doubt the parties were aware they were disobeying the law.

From F. G. HANKIN, Esq., Joint Magistrate, Paumben ; to V. H. LEVINGE, Esq., Magistrate, Madura, dated Paumben, 15th June 1863, No. 20.

I have the honor to acknowledge the receipt of your endorse, dated 4th instant, with an O. G. No. 801, dated 26th May 1863, and to offer the following information.

2. I would first remark on the original petition ; Petitioners state their Dhonies possess superior sailing qualities and are peculiarly adapted for passengers, the distance from Jaffna to Ramasooram is not 40 miles, yet with a fair breeze they were four days doing the voyage ; the boats are open boats, the passengers were chiefly pilgrims who never overladen themselves with provisions, &c., and there is no doubt they must have suffered much. I would also note that these people took their clearances at Jaffna for Paumben, and appear there to have said nothing about passengers, but they shipped them at the out-port of Kaits where I believe there is hardly any supervision.

3. With reference to the report of the Jaffna Collector, I cannot understand how the spirit of Act XXV of 1859 is observed by the mere entering on the back of the pass by a Clerk at an out-port of the number of the passengers illegally shipped, the object of the Act is to provide for the comfort of the passengers, to ensure the vessel being in a fit state, not overcrowded, and to take care that the provisions and water are sufficient ; that this system has not been tacitly accepted here is, I think, proved by my letters No. 19, dated 22nd October, No. 21 of the 24th October, No. 22 of the 28th October, No. 38 of the 19th December, No. 40 of the 23rd December of 1861, No. 5 of the 17th February, and No. 6 of the 11th March 1862, before the passing of Act III of 1861, and since the passing of the Act by the fact that all Tindals carrying passengers in excess without a proper license having invariably been fined, which fines, I am informed, they have recovered in a Court of Law in Ceylon from the parties who allowed them to sail without a license ; that it has not been accepted by the Collector of Jaffna himself is proved by O. G. No. 1,304 of 5th November 1862.

4. When I fined these Tindals I believed that they were fully aware that they would not have been allowed to ship the passengers at Jaffna and therefore said nothing about them till they got to the out-port, trusting to land them at Ramasooram where there is only a Custom House peon who might not be supposed to know the law, and be off again before any report could reach Paumben, I also believe that the fines inflicted were just double the amount of passage money received.

5. I am of opinion that if Native passengers are allowed to be embarked at Ramasooram the provisions of Act will be systematically evaded, the only man stationed there being a Custom House peon on some 6 Rupees a month, who I should think would soon be confused as to the numbers shipped if the Tindal of any vessel wished it so. Pilgrims do occasionally come to Ramasooram from Jaffna, but not in great numbers, and never to the knowledge of the authorities here is the number of passengers as allowed by Act XXV exceeded.

No. 44. To the Colonial Secretary, Colombo, dated Fort Saint George, 4th July 1863, No. 1,078.

With reference to the letter from this Department, dated the 26th May last, No. 801, I am directed by the Governor in Council to transmit, for the information of the Ceylon Government, a copy of a letter from the Magistrate of Madura, forwarding a report from the Joint Magistrate at Paumben on

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sailing qualities and are peculiarly adapted for passengers, the distance from Jaffna to Rama-
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comfort of the passengers, to ensure the vessel being in a fit state, not overcrowded, and to take
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and since the passing of the Act by the fact that all Tindals carrying passengers in excess without
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of the Ceylon Government, a copy of a letter from the Magistrate of
Madura, forwarding a report from the Joint Magistrate at Paumben on

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4th July 1863.*

the petition of the Tindals of certain Dhonies, which was referred for the consideration of the Madras Government.

2. Under the circumstances stated in this report, the Governor in Council concurs in opinion with the Magistrate that there are no grounds for complying with the prayer of the petitioners for a remission of the fines imposed on them for their wilful infringement of the provisions of Act No. XXV of 1859.

(Signed) J. D. SIM,
Secretary to Government.

E. I. T. McMoory.

Judicial Department.

No 1078.

To

The Colonial Secretary
Colombo

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Government, dated the 26 May last, bearing

Dated 23 June 1863. No 126

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to transmit for the information of the
Ceylon Government a copy of a letter
from the Magistrate of Madura, forwarding a report from the Joint Magistrate at Caumben on the Petition of the Tindals of certain Dhonies, which was referred for the consideration of the Madras Govt.

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of Act No XXV of 1859.

Intd. Secy
4 July 1873

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To the Colonial Secretary
the Colonial Secretary.

24th July 1873.

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