

MADRAS RECORD OFFICE.

Government of Madras.

Journal DEPARTMENT.

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Proceedings of the Madras Government, Judicial Department,
29th December 1866.

No. 194. Read the following Proceedings of Government in the Revenue Department, dated 3rd December 1866, No. 3283.

Passing orders on the investigation by the Magistrate of South Arcot into the complaint preferred by Mr. Le Faucheur of Pondicherry.) (Vide Proceedings, Revenue Department, dated 3rd December 1866, Nos. 23—25.)

No. 195. ORDER THEREON, 29th December 1866, No. 2007.
Communicated to the Inspector General of Police.
(Signed) A. J. ARBUTHNOT,
Chief Secretary.

To the Inspector General of Police.

Ed. J. Tulloch.

*Proceedings of the Madras Government, Revenue Department,
3rd December 1866.*

Read the following papers:—

No. 23. From the Collector and Special Agent, South Arcot, to the Chief Secretary to Government, Fort Saint George, dated Cuddalore, 26th October 1866, No. 285.

1. In acknowledgment of the Order of Government, dated 17th instant, No. 1,638, recorded in their Proceedings of the same date, Judicial Department, I have the honor to state that the complaint of His Excellency the Governor of Pondicherry, a translation of which stands at the head of those Proceedings, has already received personal investigation and final adjudication at my hands, as will be seen by the enclosures.

2. The accompanying copy of correspondence, between M. Bontemps and myself, will shew the Government that the complaint of Mr. Le Faucheur, backed by His Excellency, had my immediate attention, and, though at considerable inconvenience, I proceeded to Pondicherry; after summoning the parties concerned, and to render my proceedings as public as possible, I held the enquiry in a building very courteously placed at my disposal for the purpose by the French authorities. Before leaving for Pondicherry, the Superintendent of Police was also informed by me of the occurrence, and of my intention personally to investigate it.

3. I would beg the attention of Government to my final decision, and to my letters to His Excellency the French Governor, as these sufficiently explain the whole matter, and render a recapitulation of it unnecessary.

4. I had an interview with M. Bontemps after the enquiry, when I verbally informed him of the result, I further explained the misinterpretation by His Excellency's Government of the Orders of the Government of Madras in the year 1862, which His Excellency has quoted in his present letter, and I here desire the attention of Government to those Orders, as

• Dated 25th June 1862, No. 1,401.

quoted in the margin.* I take their spirit to be that all goods of a French

officer passing from one French settlement to another, whether by land or by sea, shall throughout be exempted from all Customs duty; but to entitle them to such exemption, I submit that the seal and certificate therein required should be those of a British and not of a French authority, as supposed by the French. I explained this in my letter to His Excellency, and also at our personal interview. No other construction has ever been put upon the Order in question, either in my Office or by the Customs Agents, and the French Passes spoken of in M. Bontemp's letter have only been conditionally protective, subject to subsequent proof that the goods they covered had duly reached the French settlement to which they were destined, on the production of which the duty levied and retained in deposit has always been immediately returned. The respect and recognition of these French Passes has necessarily been nothing more.

5. The Governor appeared quite satisfied with my explanation after perusing the correspondence which had led to the Order, and as he acquiesced in my view of it, and did not press for any reference on the point, I have not moved further in the matter. His Excellency is in error in stating that 2,352 Passes had been issued since 1st January last, the numbers date consecutively from the year 1862, i. e., from and after the issue of the Order to which I have adverted, and were given for merchandize of all kinds passing from Pondicherry to other French settlements, and

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few, if any, have been for personal baggage or goods of an officer, the cases of which are very rare; but in all, whether merchandize or officer's property, the same course is observed, and the goods or articles so covered by a French pass are merely subject to conditional duty, which is returned, as already explained, on the production of the required endorsement.

6. The proper and usual course, which has hitherto obtained in cases like that of M. Le Faucheur, is to apply to the Collector, when a free pass for all personal baggage and effects is at once granted, and which of course is a perfect release to the holder from all the vexation and detention to which otherwise every traveller must of necessity be subject, when passing a Foreign Customs House. M. Le Faucheur's non-observance of this course exposed him to the annoyances of which he complained, but he relied on the French pass with which he had furnished himself as a sufficient protection; and was of course disappointed. His family and his property were not, however, delayed beyond a few days, and they subsequently passed through the Frontier Customs stations under a certificate from me, without further hindrance.

7. A case of the kind is to be regretted, because it is some little time before the matter is understood, and the real facts become known; meanwhile the irritation and excitement that arise in a small settlement like Pondicherry are very great, and it was for this reason that I went over at once, and as I am well acquainted with most of the officials, and both His Excellency and those in authority under him have always evinced towards me the greatest courtesy and confidence, I am happy in being able to inform Government that my presence, and the enquiry publicly held by me, quite allayed all angry feelings, and the facts were eventually fully understood, although it may not have been satisfactory to the parties immediately concerned, that the Customs Police Officers escaped actual punishment for their alleged overbearing and offensive conduct; but there was nothing really proved against any individual of them when the case came to be sifted, and all I could do was strictly to warn the Customs Officers of their duty, and of their certain dismissal from employ if in the execution of their legitimate functions they were guilty of any insulting or offensive demeanor towards travellers.

8. Government will be aware that in the Land Customs, as well as in the Salt Department, there are two branches of administration, and that the Police form the preventive establishment in both, and although ostensibly working with one aim and end, the functions and interests of each department are dissimilar, giving occasion at times for the display of ill-feeling and jealousy, and this has no doubt a tendency to prevent that unity of action on the part of the executive, which however of value in the interests of the Customs Revenue, is productive at times of annoyance to travellers. But I am happy to say that the instances of collision are very rare, and hitherto the two departments have, on the whole, worked very amicably, but in the exercise of their responsible functions, the Revenue Customs Officers have frequently to thwart the interests of the Police executive. The latter share in the proceeds of all confiscated goods, and naturally stimulated by a desire for their own gain are sometimes over-zealous and energetic in the seizures they make, and considerable caution and watching are needed to prevent injustice, and to secure the public against a needless and wanton aggravation of the delay and annoyance inseparable from the mildest enforcement of all Customs laws.

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9. In reply to my letter marked D, announcing the final disposition of M. Le Faucheur's complaint, and which I had previously personally intimated to the Governor of Pondicherry, I received a brief acknowledgment* from His Excel-

lency, accepting my solution of the matter, and offering no sort of objection; and I am aware that M. Bontemps merely seeks for some guarantee that in future, Officers of his Government shall not be subject to similar indignities and annoyances, as have been alleged in the present case; and this guarantee I have now given, provided the course be adopted as pointed out, and which, till this recent occurrence, had been invariably followed, and the Government will observe that M. Bontemps is quite satisfied with this settlement of the matter, and has already made it known to the several departments of his Government, so that I submit, with all deference, that nothing remains to be done.

10. In order to place the Executive administration of our Customs laws on a more satisfactory footing, and to bring into greater harmony of action the two branches of the department, I have now drawn up certain rules for the general guidance of all Customs Officers, Revenue and Police, the strict observance of which will, I think, obviate all future complaints; and I propose to publish these rules in English, French, and Tamil, in the local Gazette and "Pondicherry Moniteur," and they will be pasted up on a large board at each of the principal Sayer stations, and a few copies will be printed in pamphlet form for circulation to the public.

11. I am now in communication with the Inspector General of Police on the subject, and I have sought his comments and remarks on my proposed rules, before they are finally sent to the press, and I do not presume Government wish to be troubled further with a matter so entirely within the competency of the local Executive to deal, but I desire to assure His Lordship in Council that it has hitherto been my anxiety, and no effort shall in future be wanting on my part to render our Customs laws as little obnoxious and irritating as possible to our French neighbours, and I am sanguine that the measures I have now taken will effectually have removed all real cause for hereafter complaint.

Transferred to the Revenue Department.

(Signed) J. D. SIM,

Secretary to Government.

No. 24. From the Inspector General of Police, to the Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 8th November 1866, No. 1,858.

1. With reference to G. O. No. 1,638, dated 17th October 1866, I have the honor to submit a copy of Captain Swanston's letter to the Collector of South Arcot, dated 23rd October 1866, No. 665, with enclosures, also a copy of the Collector's letter to the Superintendent, dated 11th October 1866, No. 482.

2. The facts of the case are these:—A M. LeFaucheur arrived at the Mortandy Custom House about 11 p. m. on the 22nd September with six carts, and stated that he was on his way to Salem. He stated that he had no dutiable articles, except eight bottles of Claret, and produced a French pass, which was duly received and taken

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to the Amcen. The Amcen ordered the preventive officers to search the carts. To this the passenger objected, and stated that he would return to Pondicherry. He became very excited. It is stated that the Police were threatened with a gun. Possibly something else was in the dark mistaken for a gun. The Preventive establishment considered it their duty to detain the carts until duly examined. One cart was searched that night and returned to Pondicherry. In this a lady was travelling. The next afternoon the rest were searched in the presence of the owner, when a much larger quantity of dutiable articles was found than had previously been declared by the passenger.

3. Mr. Reade went to Pondicherry and held a public enquiry into the complaint of M. Le Faucheur, as I believe, in the French Police Office, and summoned the Revenue and Police Preventive Establishments. He came to the conclusion that there was nothing to lay hold of against the Constables.

4. On the whole I fail to see that there was any irregularity on the part of the officers of Government. The Amcen ordered the carts to be searched. He had authority to do so. Without his order it could not be done. The Preventive Constables proceeded to do so, and were obstructed by the traveller in the execution of their duty in a manner the reverse of considerate or courteous.

5. The only point which may be open to remark is the detention of carts when the passenger expressed his wish to return to Pondicherry when he found he was to undergo search. It might have been expedient to have permitted this, and had an European Officer, with sufficient authority, been on the spot, he would probably have permitted it. But here too, I think, that the subordinates in the position of the Amcen and Preventive Constables were sufficiently in order with reference to the Frontier Customs practice of all countries. When a passenger presents himself and baggage at a frontier, and makes his declaration in respect to dutiable articles, he stands and falls thereby, and is not permitted to withdraw his baggage and retrace his journey at will, because he finds that his baggage is to be subjected to search.

6. In his letter to the Governor, His Excellency the Governor of French Settlements in India alludes to unrefined venal and low agents. He gives full credit to the excited declaration of M. Le Faucheur; and Mr. Reade writes some generalities in the same character. But the fact is that the matter has been fully enquired into (I need scarcely add that Mr. Reade properly and carefully looked to the French side of the occurrence), but nothing worthy of censure was established against any officer of Government, even under circumstances of provocation at the hand of the passenger. Indeed, I venture to assure the Government, as the result of much experience both in Europe and India, that the want of consideration and courtesy is quite as frequently to be found on the side of the passengers as on that of the officers of the State on whom an unpleasant duty devolves. Especially in this country a firm determination on the part of a Native to do an unpleasant duty is frequently mistaken by Europeans for insolence.

Transferred to the Revenue Department.

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

*Proceedings of the Madras Government, Revenue Department,
3rd December 1866.*

No. 25. ORDER THEREON, 3rd December 1866, No. 3,283.

Separate Revenue, No. 2.
Customs.

1. Ordered that the foregoing letters be communicated to the Board of Revenue for their remarks, and for their early report on the system of "Passes" which appears to be in force in South Arcot, and generally on the method of collecting duties pursued on the Pondicherry frontier, as well as that followed at the Custom Houses on the frontiers of Karical and Mahé.

2. The "Passes" appear to the Government to have been extremely numerous.

3. The Board will, with their report, submit a Statement of the Customs duty levied on the Pondicherry frontier on Imports and Exports during the last five years, noting any material increase or decrease caused by changes in the rate of duty. They will also ascertain, if possible, the quantities of dutiable articles imported by sea into Pondicherry, and contrast them with the quantities imported into our territories from Pondicherry during the same period.

4. The Government must remark that, as Collector and Magistrate of the South Arcot District, Mr. Reade erred gravely in holding an official enquiry into the conduct of British Officers in Pondicherry, where he has no lawful authority. In his correspondence with His Excellency the Governor of the French Settlements, Mr. Reade has also discussed the administrative arrangements of Government in a manner not called for, and likely to cause embarrassment.

5. Mr. Reade will be informed that it is not competent to him to frame rules for the Customs Officers without the sanction of the Board of Revenue. The Board will call for the draft of the rules, and instruct him in future not to ignore their authority in this manner.

(True Extract.)

Secretary to Government.

To the Board of Revenue
The Federal Office

Am 17th Oct 1966 to 1968. *Lucicola* 1883-1884

Lucicola *Lucicola*

Prognathodonta 1883-1884
No 3283

23rd Dec 1883

No 2659

Receiving notes in the
investigation of the range
of *S. aculeatus* etc. com.
- *Stenobothrus* & a
wide spectrum of
Boudieria.

194. 195.

29 Dec 1883-1884
Communicated to
Boudieria & Boudier

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20 Dec 1883-1884
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