

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 1127-113

Press
Mis.

Dated 16th March 1858

Not to be folded or roughly handled

24/4/58

Fort Saint George, Marine Consultation, 19th March 1858.

No. 7. From D. ELIOTT, Esq., Member of the Legislative Council; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 8th March 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of the 3rd Ultimo, and the accompanying papers, and Draft of an Act for a Marine Police Force at Madras, and to transmit to you the Draft of a Bill, founded on that Draft Act, which I introduced at the Meeting of Council on the 27th Ultimo when it was read a first time. I also transmit to you the Statement of object, and reasons annexed to the Bill and a Minute in which, with reference to the letter of the Honorable Company's Solicitor enclosed in your letter, I have explained the alterations I have made in the Bill.

The Bill was read a second time on Saturday the 6th Instant, when some observations were made by the Member for Bombay expressing doubts as to the efficacious working of the provisions in the Bill for the protection of Goods in transit between the shore and the Shipping in the Madras Roads by means of Police Peons accompanying the Goods in the Boats, on the ground that the Peons were likely to combine with the Boat men, and that a system of spoliation would probably arise such as was detected some years ago at Bombay.

It seems advisable that consideration should be given to the facts disclosed in the investigation of the Bunder frauds at Bombay to which Mr. LeGeyt refers. The Official report of the proceedings of Council on the second reading, which will be sent to you in due course, will put the Government in possession of Mr. LeGeyt's observations, and I would suggest that a reference be made to the Government of Bombay for detailed information as to the frauds referred to, and the means which have been adopted to prevent their recurrence, with a view to the reconsideration of the provisions proposed in the Bill, in consultation with the Commissioner of Police and the Chamber of Commerce, and to the communication of the result of such further consideration to the Select Committee on the Bill.

MINUTE.

The letter of the Honorable Company's Solicitor, forwarded with the Chief Secretary's letter of the 3rd February, points out that "the proposed Draft Act remedies an omission in Act XIII of 1856, (the Police Act,) which does not give either the Commissioner of Police or the Police established under its provisions any Jurisdiction beyond low water mark." The Draft Act, it appears, was prepared and finally settled by the Advocate General, it is to be presumed, therefore, that the above is the opinion entertained by that Officer as well as by the Solicitor. But Act XIII of 1856, Section XXVI, expressly gives Jurisdiction to the Police Magistrates in respect of all offences mentioned in the Act, which are committed within the limits of the Port of Madras, and the Commissioner of Police *may* be vested with the Jurisdiction of a Magistrate of Police, and at Madras, I believe, is actually vested with that Jurisdiction; and if he is not vested with such Jurisdiction, is at any rate "to Act as a Justice of the Peace so far as may be necessary for the preservation of the Peace, the prevention of crimes, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate of Police." Adverting to these provisions, I cannot understand how the Advocate General and the Honorable Company's Solicitor have been led to think that the Commissioner of Police has no Jurisdiction beyond low water-mark. It appears to me that he has already all the powers within the limits of the Port, which Section III of the Draft Act professes to give him.

Again, with respect to the Police Force, although it is called the Police Force of the Town of Madras and the word "Town" is defined to "include all places within the local limits of the Jurisdiction of the Supreme Court," the definition does not exclude places not within those limits to which the Jurisdiction of the Police Magistrates and the powers of the Commissioner of Police are extended by any provisions of the Act. On the contrary, it is ordered by the Act that all process issued in any Criminal proceeding by the Commissioner of Police or any Magistrate of Police shall be served and extended by an Officer of the Police Force, and none other; and though in Section XXIV the words "within the said Town" are introduced, there are no such words in

Fort Saint George, Marine Consultation, 19th March 1858.

Section XXIII, by which the Commissioner of Police is required to take care that a sufficient number of Officers shall be in attendance upon every Magistrate of Police sitting at any Police Court, for the purpose of executing all such orders and process as may be directed or delivered to them. "I read this as meaning all such orders as the Magistrate may have occasion to give in the exercise of any Jurisdiction or power given to him by the Act, in the exercise of his Jurisdiction in respect of offences committed within the limits of the Port, as well as of his Jurisdiction in respect of offences committed on shore; also, for example, in the exercise of the special power given to him to order a foreign deserter to be conveyed on board the vessel to which he belongs, by a warrant which assuredly must be directed to an Officer of the Police Force. The Officers of the so called Police Force are the instruments of the Commissioner of Police for the performance of all his duties; and, charged as he is generally with the duty of detecting, apprehending, and detaining offenders in order to their being brought before a Magistrate of Police in all cases within the Jurisdiction of such Magistrate, that duty must be held to extend to offences cognizable by the Magistrate equally when committed within the limits of the Port as on Shore, and consequently the Officers of the Police Force may be employed by him equally in either case. It may be remarked that the power of the Commissioner of Police as well as of a Magistrate is declared to extend to the issuing of a special warrant directed to any Police Officer of the search of *any Ship or Vessel* for stolen goods. Further, it should be noticed that Officers of the Police Force are empowered in certain cases to act without a warrant in respect of offences against the Act, which power is not limited to offences committed on shore or above "low water-mark."

It seems to me, therefore, altogether unnecessary to introduce into the Bill the provisions contained in Section III of the Draft, which, in my opinion, would give to the Commissioner of Police and the Members of the Police Force no powers beyond what they already possess within the limits of the Port by Act XIII of 1856. Under Section VIII of this Act, the Governor in Council, with the sanction of the Governor General in Council, may increase the Police Force to such extent as may be deemed necessary in order that it may be of a strength sufficient for the performance of the additional duties to be imposed upon it. Under Section VIII, the Commissioner of Police, with the approbation of the Government, may assign these additional duties to the new Members of the Force, as their "*particular service*," or may make such other arrangement as he may deem expedient.

I have therefore omitted in the Bill I have prepared the first three Sections of the Draft and have made some alterations in other parts. I have confined the application of the Act to Cargo Boats, because I do not find passenger Boats mentioned in the previous papers, throughout which only Boats employed in landing and shipping Cargo are contemplated, and the protection of Goods and Merchandise is the special object intended.

I have thought it proper to reduce the amount of Corporal punishment proposed, and to omit the provisions in Section VI for imprisonment with hard labor in addition to Corporal punishment.

No. 8. ORDER THEREON, No. 112 A; dated 16th March 1858.

Resolved that copy of the above letter and Minute be furnished to the Chamber of Commerce and the Law Officers of Government for their information, and that immediate application be made to the Government of Bombay for the information referred to in the last para: of the Honorable Mr. Elliott's letter.

On its receipt the subject of that letter will be further considered.

Ordered that the following letter be Despatched.

(Signed) T. PYCROFT,
Chief Secretary.

No. 8 A. TO THE SECRETARY TO THE GOVERNMENT OF BOMBAY, dated the 16th March 1858, No. 113.

SIR,

The Governor in Council has been informed by the Member of the Legislative Council for this Presidency, that, on the "Bill for the maintenance of a Police Force for the Port of Madras"

Fort Saint George, Marine Consultation, 19th March 1858.

being read a second time on the 6th Instant "some observations were made by the Member for "Bombay, expressing doubts as to the efficacious working of the provisions in the Bill for the "protection of goods in transit between the shore and the shipping in the Madras roads by means "of Police Peons accompanying the goods in the Boats, on the ground that the Peons were likely "to combine with the Boatmen, and that a system of spoliation would probably arise such as was "detected some years ago at Bombay."

2. The Official report of the Proceedings of the Council* has not yet been received, but the circumstances to which he has referred are doubtless matter of notoriety at Bombay, and

*Which will contain a statement of the remarks made by Mr. LeGeyt on the occasion.

I am directed to solicit that this Government may, as early as convenient, be favoured with detailed information as to the frauds in question,—what was the system under which they are perpetrated,—what means have been adopted to prevent their recurrence and with what success.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

A
BILL

FOR

*The maintenance of a Police Force for the Port
of Madras.*

WHEREAS it is expedient to make further
provision for the security
Preamble. of the traffic between

the shore and the shipping in the Port of
Madras by increasing the Police Force ; 5
and whereas it is just and expedient that
the said traffic should contribute towards
the expenses and maintenance of the said
Force ; It is enacted as follows :—

I. To meet the expense of such an in-
crease to the Police
Force, established under
the provisions of Act

XIII of 1856, as may be necessary for the 5
purposes of this Act, the sum of three
annas shall be charged and taken by the
owner of every boat employed to convey
cargo or goods to or from any ship or ves-
sel in the Port of Madras in addition to the 10
hire payable under Act IV of 1842.

II. No boat shall convey any cargo or
goods of any descrip-
No boat to convey goods without a Police Officer. tion to or from any ship
or vessel in the Port of
Madras unless accompanied by an Officer of 5
the Police Force.

III. If any boat shall convey any cargo or

Penalty if a boat
carry goods without
having a Police Officer
on board.

goodsto or from any ship
or vessel in the Port of
Madras without having
an Officer of the said 5

Force on board of such boat, the owner of
every such boat and the tindal and every
boatman then in such boat, and every boat-
owner, tindal, and boatman who shall hinder
any Officer either from accompanying any
such boat or in the performance of his 10
duty when in any such boat, shall on con-
viction before a Magistrate be liable as
follows: every boat-owner for the first of-
fence to a penalty not exceeding fifty Ru-
pees, and for a second or any subsequent 15
offence to a penalty not exceeding one
hundred Rupees; every tindal for the first
offence to corporal punishment not exceed-
ing twenty stripes of a rattan; and for a
second or any subsequent offence to cor- 20
poral punishment not exceeding twenty-
five stripes of a rattan; and every boatman
for the first offence to corporal punishment
not exceeding fifteen stripes of a rattan,
and for a second or any subsequent offence 25
to corporal punishment not exceeding
twenty stripes of a rattan.

IV. Every boat-owner shall on every

Owner to furnish
weekly to the Commis-
sioner of Police returns
of trips made daily by
each of his boats.

Monday make to the
Commissioner of Police,
or to such other person
as the said Commission- 5

er of Police shall appoint to receive the
same, a return in writing, signed by such
boat-owner, of the number of trips made
by each of his boats on each day during
the preceding week. 10

V. Every boat-owner who shall neglect

Penalty for neglect-
ing to make return, and
for making false return.

to make such return as
in the next preceding
Section specified shall,

on conviction before a Magistrate, be liable 5
for a first offence to a penalty not exceed-
ing fifty Rupees, and for a second or any
subsequent offence to a penalty not exceed-
ing one hundred Rupees; and every boat-
owner who shall make a false return shall 10
be liable to a penalty not exceeding three
hundred Rupees, and to the forfeiture of
all licenses which he may hold under the
provisions of Act IV of 1842.

VI. Every boat-owner shall on every

Monday pay to the said
Realization of tax. Commissioner of Police,

or to such other person as the said Commis-
sioner of Police may appoint to receive the 5
same, the said sum of three annas for every
trip made by any boat belonging to him,
employed in conveying cargo or goods, ac-
cording to the weekly return to be made by
him as hereinbefore directed; and in default 10
of such payment, one or more of the boats
of any boat-owner making such defaults
may be seized and sold by virtue of a war-
rant or warrants under the hand and seal
of a Magistrate until the amount so due by 15
such boat-owner and the expenses of sale
&c. shall be realized; and such amount, when
realized, shall be forthwith paid to the said
Commissioner of Police.

VII. All monies paid to or received by

Realizations under
this Act to be monthly
paid into the General
Treasury.

the said Commissioner
of Police under this Act
shall be paid by him, at

least once a month, into the General Treasury of Fort Saint George. 5

VIII. No conviction, order, or judgment of any Magistrate shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions. 10 15

IX. None of the foregoing provisions of this Act shall be taken or deemed to extend or apply to any boat which shall convey mails only to or from any ship or vessel in the Madras roads. 5

X. This Act shall take effect from the day on which it shall be notified in the Official Gazette that the Police Force has been increased for the purposes of this Act. 5

Legislative Council of India.

Marine Police.

(PORT OF MADRAS.)

A
BILL

FOR

The maintenance of a Police Force for the Port
of Madras.

(Prepared and brought in by Mr. Elliott.)

READ A FIRST TIME ON THE 27TH FEB. 1858.

Price 3 Annas.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is intended to provide for the maintenance of an additional Police Force at Madras for the purpose of protecting goods in transit between the shore and the shipping. For many years the depredations committed in the boats employed in the conveyance of cargo in the Madras Roads have been a subject of grave complaint. In 1854 the Grand Jury made a presentment on the subject, and the Chamber of Commerce addressed to the Government a letter complaining that an organized system of robbery had grown up among the boatmen, which the existing Police Force was insufficient to repress. The Chief Magistrate having been referred to by Government, admitted the evil; and acknowledging it to be beyond his control with the means at his disposal, proposed as a remedy the establishment of a Marine Police to be employed partly afloat and partly ashore. The Government of Madras submitted this proposal to the Government of India with an intimation that the Merchants of the Port were ready to contribute towards the expenses of the establishment by paying the peons of the Force while engaged in guarding goods in course of importation and exportation. A good deal of correspondence ensued between the Local Government and the Government of India, and the latter finally authorized the Government of Madras to apply to the Legislative Council for an Act to provide for the maintenance of the required Force by the imposition of a tax to be levied in addition to the hire on every boat employed in the conveyance of goods to and from the shipping in the Madras Roads, provided the Government were satisfied that the sum of one thousand Rupees a month could be raised thereby.

The Government of Madras, after consultation with the Madras Chamber of Commerce, being satisfied "that the estimate given by that body at three annas the trip is one within the mark, and will suffice to meet all ordinary demands for the purposes of a Marine Police," determined to propose that the trip should be fixed at that rate, and directed the Government Law Officers to prepare the Draft of an Act to sanction the imposition of such a tax.

The Draft of an Act for this purpose, prepared and finally settled by the Advocate General at Madras, having been sent to me by the Government of Madras, I have framed from it the Bill which I now present.

The Madras Law Officers being of opinion that the present Police Act for Madras does not give either the Commissioner of Police or the Police Force established under its provisions, any jurisdiction beyond low-water mark, their Draft was framed so as to remedy this supposed omission, and accordingly contained provisions to make it lawful

22/58/2
22/58/2

19 March 57

for the Commissioner and the Police Force to exercise, within the limits of the *Port* of Madras, all such powers as are vested in them by the Police Act within the limits of the *Town*. It appearing to me, however, that the Law Officers are mistaken on this point, and that by the existing law the Commissioner of Police and the Police Force are virtually vested with the powers necessary to enable them to act within the limits of the Port as well as within the limits of the Town, the Magistrates of Police being expressly vested with jurisdiction over offences committed within the limits of the Port, and the Commissioner and the Police being charged by the Act with the duty of bringing before the Magistrates all offenders subject to their jurisdiction, and the power given to the Commissioner generally for the preventing of crimes and the detention and apprehension of offenders necessarily extending as far as the jurisdiction to which the offenders are amenable, I have omitted those provisions. The Bill, therefore, as altered by me, contains only the provisions which appeared to be necessary to legalize the proposed tax intended to raise a Fund for the maintenance of the additional force to be employed under the Commissioner for the purposes of the Act, assuming that such additional force will be merely an extension of the Police Force constituted under Act XIII of 1856; and to direct how and under what checks the tax is to be levied and accounted for, to indicate the manner in which the Force is to be employed, and to prescribe penalties for hindering Officers in the performance of their duties; also to prescribe penalties for breach of the rules regarding the levy of the tax and the returns to be made by the persons realizing it.

The tax proposed is three annas for every trip made by a boat carrying goods, to be paid by the person engaging the boat, in addition to the hire, to the owner of the boat, who is to account for his receipts to the Commissioner of Police; and every boat so employed is to carry in it an Officer of the Police.

It is stated that the Draft Act having been fully discussed at a Meeting of the Chamber of Commerce at which the Honorable Company's Solicitor attended, its several provisions met with the entire approval of the Meeting.

The last Section of the Bill provides that the Act shall take effect from the day on which it shall be notified in the *Official Gazette* that the Police Force has been increased for the purposes of the Act.

D. ELIOTT.

The 27th February 1858.

Extract from Minutes of Consultation, Madras Govt., No. 129, dated 31st March 1857.

READ the following Memorandum giving the precis of correspondence regarding the proposed Marine Police Force at the Presidency.

1. It appears from the foregoing Memorandum that, in August 1854, the Government forwarded for the report of the late Chief Magistrate a presentment of the Grand Jury submitted to them by the Puisne Judge of Her Majesty's Court, and a letter from the Chamber of Commerce, both complaining of the utter inefficiency of the existing Police Force in repressing the organized system of robbery prevalent among the boatmen in the Madras Roads.

2. The existence of the evil was admitted by the Chief Magistrate, who submitted a proposal, involving an expenditure of eleven hundred and fifty-three Rupees per mensem, for the maintenance of a distinct and separate body of men, to be called the "Marine Police," and to be distributed partly ashore and partly, from daylight to dusk, afloat.

3. This proposition was forwarded by this Government on the 8th February following for the orders of the Government of India, who were at the same time informed that the Chamber of Commerce had stated the readiness of the Merchants of the Port to contribute towards the expenses of the establishment, by paying the peons of the Force while engaged in guarding goods in course of importation and exportation.

4. In reply the Government of India called for some further information; in particular they asked for a statement of the amount the Chamber of Commerce was willing to subscribe, and they enquired what extent of responsibility would be thrown upon the Government in the event of their accepting such contribution.

5. No time was lost in furnishing the further information required, and in ascertaining the views of the Chamber on the reference made. Government, the Chamber was told, would pledge themselves to nothing; but that every means should be adopted to maintain the proposed Force in full discipline and efficiency.

6. The reply of that body was to the effect that there were no funds at their command to meet any portion of the expenses of the proposed Establishment, but that the Merchants composing the Chamber fully recognized the principle that the trade of the Port should bear a part of the burden. The existing charge for a watching peon was two annas a trip; this charge might be raised to three annas without undue pressure on any class connected with the Port. This, they estimated, would give a monthly revenue of one thousand Rupees, and they promised that the charge should be compulsory, and every boat employed in landing and shipping cargo, merchandize, or baggage, whether native or European, be obliged to carry a member of the Force.

7. The Government of India, on view of this correspondence, observed that the application of the Chamber was tantamount to a call upon Government to undertake a

duty which properly belongs to the Merchants themselves, and which after all Government cannot so well perform as the parties interested in the protection of their own property. They at the same time intimated that they would not object to sanction the organization of the Force on the understanding that the mercantile community should bear the whole expenses of it.

8. This Resolution being communicated to the Chamber, the Chairman replied that the mercantile community were confident that the measures proposed in his previous letter would yield an amount equivalent to the expenses of the Force required. It was not, however, in the power of the Chamber, as a mere representative body, to guarantee the same.

9. The whole question was, upon this, again referred to the Government of India, who, under date 20th November 1855, replied that, if the Madras Government should be satisfied on further enquiry that the tax proposed will raise one thousand Rupees a month, a Draft of an enactment authorizing such tax should be forwarded to the Legislative Council.

10. Further enquiries have now been made; and although, from the constitution of the Chamber of Commerce, the sum cannot be guaranteed by that body, yet the Government concur with the Members that the estimate they give at three annas the trip is one within the mark, and that it will suffice to meet all ordinary demands for the purpose of a Marine Police.

11. The foregoing paragraphs will be communicated to the Honorable Company's Solicitor, who will be requested to submit, with as little delay as possible, a Draft of the enactment proposed.

* * * * *

13. In forwarding the above to the Government of India, it will be pointed out to that authority that, although the establishment of a Marine Police Force is required partly to secure the trade of the Town, yet that it would, in the protection of life and property and the suppression of crime, at the same time produce such public benefit as comes more particularly within the duty of Government to provide. In Bengal, it is observed, there exist two distinct forces, maintained respectively at a monthly cost of one thousand and ten Rupees, and twelve hundred and sixty-nine Rupees. The one is established at Calcutta itself, under the superintendence of the Chief Magistrate; the other has the patrol of the River to Saugor, and is worked by the Magistrate of the 24-Pergunnahs. In Bombay, also, there is a Water-Police for the security of life and property in the Harbour, and the monthly expenditure

From Secretary to Government of Bengal, September 1st and 5th 1856.

From Government of Bombay, 13th August 1856.

for it is eleven hundred and twenty-nine Rupees. In none of these instances is any portion of the expense borne by the mercantile communities of Calcutta or Bombay; while the Merchants of Madras, far less numerous and less wealthy, have here, through the Chamber of Commerce, collectively declared their willingness to meet what will certainly be a very large proportion, and possibly the whole of the expenditure, by the payment of a fee to be levied on every boat-load of traffic.

(True Extract.)

T. PYCROFT,

Chief Secy. to Govt. of Fort St. George.

From the Honorable Company's Solicitor, to the Chief Secretary to Government, No. 40, dated 21st January 1858.

SIR,

I HAVE the honor to forward herewith, for the consideration of the Right Honorable the Governor in Council, a Draft Act for establishing and controlling a Marine Police Force for the Town and Port of Madras.

This Draft was prepared and has been finally settled by the Advocate General.

I have had much communication on this subject, since I first received orders from Government regarding it, with the Secretary to the Marine Board, the Commissioner of Police, the Chamber of Commerce, and other persons from whom I thought it probable I could obtain useful information; and the result of these communications I have from time to time made known to the Advocate General.

After the Draft Act was settled by the Advocate General, I forwarded a copy of it to the Chamber of Commerce. I subsequently attended a Meeting of the Chamber when its provisions were fully discussed; and in a letter since received from the Chamber, it is said—"As you were present at the special Meeting of the Chamber held yesterday for the purpose of considering the said Bill, I need only state in returning the Draft that its several provisions met with the entire approval of the Meeting."

Government will perceive that the proposed Draft Act remedies an omission in Act XIII of 1856 (the Police Act), which does not give either the Commissioner of Police or the Police Force established under its provisions, any jurisdiction beyond low-water mark. Act XIII of 1856 limits the jurisdiction of the Police Force, to the "Town of Madras," and Section II of that Act provides that "the word 'Town' shall include all places within the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay." The Supreme Court at Madras has no jurisdiction beyond low-water mark.

(Signed) J. R. BOYSON,

Honorable Company's Solicitor.

OPINION OF THE ADVOCATE GENERAL AT MADRAS.

I have carefully considered the various suggestions made respectively by the Honorable Company's Solicitor, the Commissioner of Police, and the Secretary to the Marine Board, upon the Original Draft which I circulated to them for that purpose, and I now forward a revised Draft to the Honorable Company's Solicitor for transmission to the Government.

I have purposely used only brief and general terms respecting the embodiment or regulation of the proposed Marine Police, because it appears to me that any detailed legislation on the subject would be needless, inasmuch as the Governor has ample powers already under the Police Code, Act XIII of 1856, to which I have referred.

I have also omitted to embody a provision recommended by the Commissioner of Police and, I believe, by another Magistrate, namely, that every Police Officer accompanying a boat should have a ticket, on which should be marked the number of the boat he was to accompany, the hour of his departure, and that of his return. I am satisfied on reflection that such a Clause would not work, and would occasion so much inconvenience and delay to the public that it is undesirable to attempt to make it compulsory on them. The Commissioner of Police can make such regulations for his own Police Officers as he, with the sanction of Government, may think desirable and practicable.

(Signed) THOMAS SYDNEY SMYTH.

Advocate General.

OFFICIAL MEMORANDUM.

The Collector of Sea-Customs has the honor to forward to the Chief Secretary to Government the Statement of trips made by Cargo Boats to square-rigged Vessels, called for in the Deputy Secretary's Memo: of the 23rd Instant.

SEA-CUSTOM-HOUSE, MADRAS, }
27th January 1858.

(Signed) W. E. UNDERWOOD,
Collector, Sea-Customs.

Number of Trips of Boats to square-rigged Vessels in the years 1856 and 1857.

1856.		
IMPORTS.		Trips.
English and Foreign Vessels from Foreign Ports...	22,843	} 26,005
Do. Home Ports.	3,162	
EXPORTS.		
English and Foreign Vessels to Foreign Ports. ...	22,812	} 25,882
Do. Home Ports.	3,070	
1857.		— 51,887
IMPORTS.		
English and Foreign Vessels from Foreign Ports..	11,690	} 13,402
Do. Home Ports.	1,712	
EXPORTS.		
English and Foreign Vessels to Foreign Ports	23,810	} 27,585
Do. Home Ports.	3,775	
		— 40,987
		Total 92,874
Average of 2 years, at 3 Annas per Trip, Rupees 8,706 per Annum.		

SEA-CUSTOM-HOUSE, MADRAS, }
27th January 1858.

(Signed) W. E. UNDERWOOD,
Collector, Sea-Customs.

Legislative Council of India.

Annexure

TO

Bill for the maintenance of a Police Force for the Port of Madras.

	Page.
1. Statement of objects and reasons,.....	1
2. Extract Minutes of Consultation, Madras Government, dated 31st March 1857,...	2
3. From Honorable Company's Solicitor, dated 21st January 1858.....	5
4. Opinion of the Advocate General at Madras	6
5. Statement of trips made by cargo-boats during the years 1856 and 1857.....	7

19/3/82
1/4/1854

Price 4 Annas.

19th March No 7

Minute

The letter of the Honorable Company's Solicitor forwarded with the Chief Secretary's letter of the 3rd February, points out that the proposed Draft Act remedies an omission in Act XIII of 1856 (the Police Act) which does not give either the Commissioner of Police or the Police established under its provisions any jurisdiction beyond low water mark. The Draft Act, it appears, was prepared and finally settled by the Advocate General - it is to be presumed, therefore, that the above is the opinion entertained by that Officer as well as by the Solicitor. But Act XIII of 1856, Section XXVI, expressly gives jurisdiction to the Police Magistrates in respect of all offences mentioned in the Act, which are committed within the limits of the Port of Madras, and the Commissioner of Police may be vested with the jurisdiction of a Magistrate of Police, and at Madras, I believe, is actually vested with that jurisdiction, and if he is not vested with such jurisdiction, is at any rate "to act as a Justice of the Peace so far as may

U. G. except

may be necessary for the preservation of the Peace,
the prevention of crimes, and the detection, apprehen-
sion, and detention of offenders in order to their
being brought before a Magistrate of Police. Advert-
ing to these provisions, I cannot understand how
the Advocate General and the Honorable Company's
Solicitor have been led to think that the Commissioner
of Police has no jurisdiction beyond low water-mark.
It appears to me that he has already all the powers
within the limits of the Port, which Section III of
the Draft Act proposes to give him.

Again, with respect to the Police
Force, although it matters the Police Force of the Town
of Madras, and the word "Town" is defined to "include all
places within the local limits of the jurisdiction of
the Supreme Court," the definition does not exclude
places not within those limits, to which the jurisdiction
of the Police Magistrates and the powers of the Com-
missioner of Police are extended by any provisions
of the Act. On the contrary, it is ordered by the Act
that all process in any criminal proceeding by the
Commissioner of Police or any Magistrate of Police shall
be served and executed by an Officer of the Police Force, and
by none other; and though in Section XXIV the words

"within the said Town" are introduced, there are no such
words in Section XXIII, by which the Commissioner
of Police is required to take care that a sufficient num-
ber of Officers shall be in attendance upon every Magis-
trate of Police sitting at any Police Court, for the pur-
pose of executing all such orders and process as may
be directed or delivered to them. I read this as meaning
all such orders as the Magistrate ^{may} have occasion to
give in the exercise of any jurisdiction or power given
to him by the Act in the exercise of his jurisdiction
in respect of offences committed within the limits of
the Port, as well as of his jurisdiction in respect
of offences committed on shore; also for example, in
the exercise of the special power given to him to
order a foreign deserter to be conveyed on board the
vessel to which he belongs, by a warrant which
apparently must be directed to an Officer of the Police
Force. The Officers of the so-called Police Force are
the instruments of the Commissioner of Police
for the performance of all his duties, and charged
as he is generally with the duty of detecting,
apprehending, and detaining offenders in order to
their being brought before a Magistrate of Police
in all cases within the jurisdiction of such
Magistrate, that duty must be held to
extend to offences cognizable by the Magistrate
equally when committed within the limits of the

the Port as on shore, and consequently the Officers of the Police Force may be employed by him equally in either case. It may be remarked that the power of the Commissioners of Police as well as of a Magistrate is declared to extend to the issuing of a Special warrant directed to any Police Officer for the search of any ship or vessel for stolen goods. Further, it should be noted that Officers of the Police Force are empowered in certain cases to act without a warrant in respect of offences against the Act, which power is not limited to offences committed on shore or above "low water-mark."

It seems to me, therefore, altogether unnecessary to introduce into the Bill the provisions contained in Section III of the Draft which, in my opinion, would give to the Commissioners of Police and the Members of the Police Force no powers beyond what they already possess within the limits of the Port by Act XLII of 1856. Under Section VIII of this Act, the Governor in Council, with the sanction of the Governor General in Council, may increase the Police Force to such extent as may be deemed necessary in order that it may be of a strength sufficient for the performance of the additional duties to be imposed upon it. Under

Section

Section VIII the Commissioners of Police with the approbation of the Government may assign these additional duties to the new Members of the Force as their "particular service," or may make such other arrangement as he may deem expedient.

I have therefore omitted in the Bill I have prepared the first three Sections of the Draft and have made some alterations in other parts. I have confined the application of the Act to cargo boats, because I do not find passenger boats mentioned in the previous papers, throughout which only boats employed in landing and shipping cargo are contemplated and the protection of goods and merchandise is the special object intended.

I have thought it proper to reduce the amount of corporal punishment proposed, and to omit the provisions in Section VI for imprisonment with hard labor in addition to corporal punishment.

D. A.

Member of the Legislative Council

Para 13

Inf 501 D.
In no. 104

19th March N^o 7

My dear Mr. Russell

Whatever may be the
Daniel Ollivier's merits in
other respects, he is certainly
no lawyer. I never read
a more complete expose of
a man's utter ignorance
of a subject with which he
professes to deal 'en maitre'

Maurice Letter to Eng. d/26th July 1853 of
Para 13

the Calcutta Judges, for
their opinion ^{on this point} before this
Act is passed.

Believe me
Yours very truly
W. H. Stirling
March 1858

J. P. W. H. Stirling
Chief Secretary

Two copies of the Bill have been sent
to me - but I have the one sent to the
Bishop

M/58/2.

See No. 1044.

19th March

No 112 A

MR

G. M. C. 16 March 1858.

From Honble D. Elliot Esq 13 March 1858

He

W. H.

W. H.

Resolved that copy of
the above letter and
minutes be furnished
to the Chairman of Com.
-mission and the Law
Officers of Fort for their
information and
that immediate
application be made
to the Govt of Bombay
for their information
referred to in the
last para of Mr Hobble
in Elliot's letter -

On its receipt
the subject of that

Letter will be further
considered -

Chamber of Commerce }
Re Solicitor — } Sept 20th J.P.

Ordered that the following
letter be despatched

To port of Bombay

Attention

Marine Dept
No 113.

Know be Chief Sect.

For George

To be Secy. to Govt.

Bombay.

Sir. The G. in C. has been informed by the
Members of the Legislative Council for his
Residency, that, on the 11th for the
"maintenance of a Police Force for the
"Port of Madras" being read a second
time on the 8th inst. "some observations
"were made by the Members for Bombay,
"expressing doubts as to the efficacious
"working of the provisions in the Bill
"for the protection of goods in transit
"between the shore & the shipping in the
"Madras roads by means of Police Boats,
"accompanying the goods in the boats, on
"the ground that the Boats were likely to
"combine into the Boatmen, & that a system
"of spoliation wd. probably arise such as
"was detected some years ago at Bombay.

2- The official report of the proceedings
of the Council has not yet been recd.
but the circumstances referred to by
the Honble Mr. de Grey are doubtless
matters of notoriety at Bombay. I am
directed to request that all papers rela-
ting hereto may be copied & so furnished
to his Excy. as early as possible.

& we will contain a full
statement of the re-
marks made on the
occasion,

Solicit that this fact
may, as early as
convenient, be favour-
ably detailed
in the papers
in question.

What was the system
under which the
S. S. 15/3/58

Sept 17/58

Marine Dept
No 113

For George

To be Secy. to Govt.
Bombay.

Further from Hon. Comptrolr. Solicitor of 23 March 1858
to the Chamber of Commerce of 27 March 1858

Communicate to
the Chamber of Com-
merce and the Law
Officers of Government
on the subject of the
Marine Police Force.

16 March 1858.

Enclosed

1858

are perpetrated - what
means have been adopted
to prevent their recurrence
and with what success

Fort George
16 March 1858

Jp

humble

[Faint, illegible handwritten notes or a list in the right margin]

Marine Letters to Congress July 15-23, 1855
June 13

284-72-11

Sub V. 13
Marine - 1858

18113

To
The Secretary to the
Board of
War

18113

Referring to
18113

With reference to the
letter from the members
of the Legislature
Council and the Marine
Police Force will be
advised that the Govt
may be favored with
detailed information
as to the "Bunker" frauds.

18113

18113