

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. *61-63* Press
~~Mis.~~

Dated *3 . 2 .* 18 *58.*

Not to be folded or roughly handled

Fort Saint George, Marine Consultation, 9th February 1858.

No. 5. From the Honorable Company's Solicitor; to the Chief Secretary to Government, dated 21st January 1858, No. 40.

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 pre-sent 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 2 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.

COPY OPINION.

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, *viz.*, 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.

(True Copy.)

(Signed) J. R. BOYSON,

Honorable Company's Solicitor.

collections - But as the Port is about

Fort Saint George, Marine Consultation, 9th February 1858.

A BILL for extending the Jurisdiction of the Police Force, established by Act XIII of 1856, to the Port of Madras, as from time to time defined under the provisions of Act XXII of 1855, and for establishing and regulating a Marine Police Force for the Town and Port of Madras.

WHEREAS it is expedient to make further provision for the security of the Traffic between the shore and the shipping in the Madras Roads by the Establishment of a Marine Police Force.

And whereas it is just and expedient that the said Traffic should contribute towards the expenses and maintenance of the said Force.

I. There shall be a Marine Police Force for the Town of Madras which shall consist of such number of Officers and Men and shall be otherwise constituted in such manner as shall be from time to time ordered by the Governor in Council of Fort St. George.

II. The administration of the said Force shall be vested in the Commissioner of Police for the Town of Madras, and the appointment of the Members of the said Force shall rest with the said Commissioner of Police.

III. Every Member of the Marine Police Force, shall be deemed a Member of the Police Force established under the provisions of Act XIII of 1856, and shall be subject to all the provisions of the said last mentioned Act and shall have within the limits of the Town of Madras, as defined by the said last mentioned Act all the powers which are by such Act vested in Members of the Police Force established under its provisions within the limits of the Town of Madras and the said Commissioner of Police and all Members of the said Marine Police Force and the said Police Force established under the provision of Act XIII of 1856 shall have and possess and it shall be lawful for them to exercise within the limits of the Port and Harbour of Madras as from time to time defined under the provisions of Act XIII of 1855, all such powers as are by Act XIII of 1856 vested in the said Commissioner of Police and all Members of the Police Force established under the provisions of the said last mentioned Act within the limits of the Town of Madras.

IV. On and after the day on which this Act shall commence and take effect the sum now payable under the provisions of Act IV of 1842 for the hire of any Boat shall be increased by the sum of Three Annas for the purposes of this Act.

V. On and after the day on which this Act shall commence and take effect no Boat shall convey any Passenger or Cargo or Goods of any description to or from any Ship or Vessel in the Madras Roads unless accompanied by an Officer of the said Force.

VI. If any Boat shall on or after the day on which this Act shall commence and take effect convey any Passenger Cargo or Goods to or from any Ship or Vessel in the Madras Roads without having an Officer of the said 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 impede any Officer either from accompanying any such Boat or in the performance of his duty when in any such Boat shall on conviction before a Magistrate be liable as follows; every Boat owner for the first offence to a Penalty not exceeding Rupees 50, and for a second or any subsequent offence to a Penalty not exceeding Rupees 100, every Tindal for the first offence to corporal punishment not exceeding 25 stripes of a rattan and for a second or any subsequent offence to corporal punishment not exceeding 30 stripes of a rattan and every Boatman for the first offence to corporal punishment not exceeding 20 stripes of a rattan and for a second or any subsequent offence to corporal punishment not exceeding 25 stripes of a rattan and every such Tindal and Boatman shall also be liable at the discretion of the Magistrate and in addition to such corporal punishment as aforesaid to be committed to hard labour for a term not exceeding 3 Months.

VII. Every Boat owner shall on every Monday after the day on which this Act shall commence and take effect make to the said Commissioner of Police or to such other person as the said Commissioner of Police shall appoint to receive the same a return in writing signed by such Boat owner and verified by his oath if the said Commissioner of Police shall so require of the number of trips made by each of his Boats on each day during the preceding week.

VIII. Every Boat owner who shall neglect to make such return as in the next preceding Section specified shall on conviction before a Magistrate be liable for a first offence to a penalty not exceeding Rupees 100, and for a second or any subsequent offence to a penalty of not less than Rupees 100, and not exceeding Rupees 200, and every Boat owner who shall make a false return shall be liable to a penalty not exceeding 300 Rupees, and to the forfeiture of all Licenses which he may hold under the provisions of Act IV of 1842.

Fort Saint George, Marine Consultation, 9th February 1858.

IX. Every Boat owner shall on every Monday after the day on which this Act shall commence and take effect pay to the said Commissioner of Police or to such other person as the said Commissioner of Police may appoint to receive the same the said sum of Three Annas for every trip made by any Boat belonging to him according to the weekly return to be made by him as herein before directed and in default 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 warrant or warrants under the hand and seal of a Magistrate until the amount so due by such Boatowner and the expenses of sale &c. shall be realized and such amount when realized shall be forthwith paid to the said Commissioner of Police.

X. All monies paid to or received by the said Commissioner of Police under this Act shall be paid by him at least once a month, into the General Treasury of Fort St. George for the general purposes of the Government of the Presidency of Fort St. George.

XI. 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 proceed but the depositions taken or 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.

XII. 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 (and nothing else) to or from any Ship or Vessel in the Madras Roads.

XIII. This Act shall commence and take effect from the day of

No. 6.

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.		Trips.	
IMPORTS.			
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.

collections - But as the Port is about

Fort Saint George, Marine Consultation, 9th February 1858.

No. 7. ORDER THEREON, No. 61; dated 3rd February 1858.

Mr. Boyson here replies to so much of Extract Minutes of Consultation, No. 129, dated the 31st March last, as required him to submit, with as little delay as possible, a Draft of an Enactment for the establishment of a Marine Police Force at Madras.

2. Resolved to forward Mr. Boyson's letter and its enclosures to the Honorable the Legislative Member for this Presidency with a request that the same may receive his attention as early as possible.

3. In the Extract Minutes of Consultation, quoted in the 1st para: the Government determined,* that, in transmitting the Bill to the Supreme Government, it will be proper to bring to the notice of that Authority the fact that the disbursements for the convenience of the trade of the Port (excluding such portions as it is deemed the Government should justly bear) fall far short of the collections. But as the Port is about to be brought under the full provisions of the Harbour Act, whereby† no part of the dues levied will be carried hereafter to the credit of the State, this is no longer necessary.

No. 8. From T. PYCROFT, Esq., Chief Secretary to Government, of Fort Saint George; to the Secretary to the Government of India, Home Department, dated Fort Saint George, the 3rd February 1858, No. 62.

SIR,

* *A Bill for extending the Jurisdiction of the Police Force, established by Act XIII of 1856, to the Port of Madras as from time to time defined under Act XXII of 1855, and for establishing and regulating a Marine Police Force for the Town and Port of Madras.*

I am directed to forward copy of a Draft Bill* this day transmitted to the Honorable D. Elliott, Member for Madras of the Legislative Council.

8th February 1855, No. 26.

7th June 1855, No. 131.

24th July 1855, No. 918.

India intimated that there would be no objection to the organization of the proposed Force, provided the Mercantile Community bore the whole expense.

8th October 1855, No. 221.

levy of three (3) annas for each Cargo Boat per trip, a tax which they felt assured, taking the lowest estimate of the traffic of the Port, would yield at least Rupees 1,000 per mensem. The

Dated 20th November 1855.

on further enquiry, be satisfied that the proposed tax would realise the income estimated.

Year.	No. of trips. Cargo Boats.	Result at 3 annas per Trip.
1855.	38,612	Rupees. 7,239
1856.	51,887	9,728 $\frac{1}{2}$
1857.	40,987	7,685 $\frac{1}{16}$

N. B.—The above does not include trips to other than square rigged vessels, and is consequently considerably under the mark.

4. The Tabular Statement in the margin will show that there is no room for doubt on the subject, and the trade of the Port is greatly extending.

Fort Saint George, Marine Consultation, 9th February 1858.

5. The Governor in Council is of opinion that the public spirit of the Madras Merchants in the present matter is much to be commended. Far less numerous and less wealthy than the Mercantile communities of Calcutta and Bombay, they have collectively declared their willingness to meet an expenditure which, they cannot but be aware, is in the case of those two* places borne entirely by the State. The establishment of the new Force will not only secure the trade of the town, but will be productive of much benefit to the Community at large and to the public service in the protection of life and property and the suppression of crime.

* BENGAL.

Calcutta River Police, Rs. 1,112 per mensem.

River Police, under the Magistrate of the 24

Purgunnahs, Rupees 1,269 per mensem.

BOMBAY.

Water Police, Rupees 1,129 per mensem.

No. 9. From T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George; to the Honorable D. ELIOTT, Esq., Member for Madras of the Legislative Council of India, Calcutta, dated Fort Saint George, the 3rd February 1858, No. 63.

SIR,

* *A Bill for extending the jurisdiction of the Police Force established by Act XIII of 1856, to the Port of Madras as from time to time defined under the provisions of Act XXII of 1855: and for establishing and regulating a Marine Police Force for the Town and Port of Madras.*

I have the honor to transmit draft of a Bill, as per margin,* and, by desire of the Right Honorable the Governor in Council, to request that you will take the necessary steps to have it passed into Law, as early as possible.

2. Copy of the letter of the Honorable Company's Solicitor, dated 21st Instant, No. 40, and its enclosure (an opinion of the Advocate General) accompany. A Memorandum giving the *Precis* of all the correspondence which has passed regarding the proposals embodied in the Bill is also furnished, together with paras: 1 to 13 inclusive of the Extract† Minutes of Consultation, of this Government in review of it. The

† No 129, dated 31st March 1857.

two papers last mentioned will be found, it is believed, to afford all requisite information. They embrace, it should however be mentioned, some points, such for instance as the proposed modification of the Boat Act, not immediately connected with the present Bill.

3. A Memorandum exhibiting the number of Boat trips to square rigged Vessels during 1856/57 is also forwarded. As trips to Dhonies are excluded, this return is far under the mark.

Exd. J. A. Wilson.

collections. But as the Port is

Marine Dept

No 61

Thurs 21st February 1858.

Read the following letter } here enter No 27
from the H. C. Director } 21st Jan 5/58.

Read also Memo. from the Coll. of S. Customs, Madras. — 27 Jan 1858. replied

Mr. Boyson has responded to do
much of C. M. G. No 129, of the
31st March last, as required
him to submit, with as little de-
lay as possible, a draft of an enact-
ment for the establishment of
a Marine Police Force at Madras.

2 - Resolved to forward Mr. Boy-
son's letter & its enclosures to be
sent to the Legislative Member for
his Presidency with a request that
he same may receive his attention
as early as possible.

3. In the C. M. G. quotation the 1st
para, he has determined, that, in
transmitting the Bill to the Supreme
Govt, it will be proper to bring to the
notice of that authority the fact that
the disbursements for the convenience
of the trade of the Port (excluding such
portions as it is deemed the Govt should
justly bear) falls far short of the
collections. But as the Port is about

A

16
6

W M

+ Para 14

x Sect XLIV. of
Act No XXII of 1855

to be brought under the full
provisions of the Harbour Act,
whereby no part of the dues
levied will be carried henceforward
to the credit of the State, this
is no longer necessary.

Ordered to despatch the following letters.

✓ To Govt of India

✓ To Honble. Secy. to Govt.

Legislative Council.

At C. Solicitor
Chamber of Commerce.

} Dated 8th

S.H.
23/1/58

Dated 11/5

A Bill

x for extending the juris-
diction of the Police Force es-
tablished by Act XLII. of 1856, to
the Port of Madras as from time
to time defined under Act LXXI.
of 1855, & for establish-
ing & regulating a Marine Police
Force for the town & Port of Madras.

8th Feb 55

No 26

7th June 55

No 131

24th July 55

No 918.

Marine Dept

No 12

From the Chief Secretary

to the Secy. Govt. of India

Home Dept

I am directed to forward copy of a Draft
Bill this day transmitted to the Honble. Secy. to Govt.
Member of the Madras Legislative Council
2. on my letter marginally

specified, the expediency of establish-

-ing an efficient Marine Police

force for the Harbour of Madras

was strongly urged by His Govt.

After a call for further information,

the Govt of India intimated that there

was no objection to the organiza-

-tion of the proposed Force, provided

the Mercantile Community bore the

whole expense of the same.

8th October 55

No 221

3. In reply the G. in C. forwarded a

letter from the Chamber of Commerce,

advocating the passing of an Act

legalising the levy of three (3) annas

for each cargo boat per trip, a tax

which being felt assured, taking the

lowest estimate of the traffic of the

Port, would yield at least Rs 1,000

per mensem. The Supreme Govt. directed

that a draft of such an enactment should

be submitted to the Legislative Council,

20th Nov 55
No

Year	No of trips Cargo boats	Results at 3rd exam trip
1855	38,612	7,239
1856	51,887	9728 ¹³ / ₁₆
1857	40,987	7685 ¹ / ₁₆

N.B. - The above does not include
trips to other than square rigged
vessels, it is consequently consid-
erably under the mark.

Bengal.

Calcutta River Police

Rs 1,112 per annum.

River Police under the
Magt of the 24 Pargannas

Rs 1,269 per annum.

Bombay.

Water Police

Rs 1,129 per annum.

It will be productive of
much benefit to the
community at large &
to the public service
to the public service
to the public service

Forth St George
3rd February 1858.

C29 Jang
28 Feb

be satisfied that the proposed
tax would realise the income
estimated.

4. The tabular statement in the
margin will show that there is no
room for doubt on the subject,
and the trade of the Port is greatly
extending.

5. The G. in C. is of opinion that
the public spirit of the ^{Madras} Merchants
in the present matter is much to be
commended. Far less numerous &
less wealthy than the Mercantile
Communities of Calcutta & Hong

Kong, they have collectively declared
their willingness to meet an expen-
diture which, they cannot but be
aware, is in the case of Hong
Kong, two places ^{borne} ~~discharged~~ entirely
by the State. The establishment of the

new Force will not only secure the
trade of the town, but in the protec-
tion of life & property & the sup-
pression of crime at the same time pro-
vide such public benefit as comes
more particularly within the duty
of Govt to provide.

D.T.C. 23/1-58

Despatch No 116

* A Bill
for extending the limita-
tion of the Police Force
established by act ~~XXII~~ of 1856,
to the Port of Madras as
from time to time
defined under the
provisions of act ~~XXII~~
of 1856: & for establish-
ing & regulating a
Marine Police Force for
the Town & Port of
Madras.

Handwritten signature/initials

Handwritten signature/initials

* No 129 - dated 31 March 1857.

3. - A Memo: exhib-
-iting the number of
Boat Trips to Lyons
rigged vessels during
56/57 is also forwarded.
As trips to Shornie are
excluded, this return
is far under the mark.

Forth St George
3rd February 1858.

Marine Dept

No 116

From Chief Secy

to Honble D. Elliott Esq
Member for Madras, of the Legislative
Council of India - Calcutta.

Sir -

I have the honor to transmit

draft of a Bill, as per margin,
& by desire of the R. H. the G. in C.
to request that you will take the
necessary steps to have it passed into
law, as early as possible.

2. Copy of the letter of the Hon. C. to Secy.
- for 3/21/57 with ⁴⁰ No 27 and its encl-
-sure (an opinion of the Advocate
General) accompanying. A Memo.
-andum giving a Precis of all the
correspondence which has passed
regarding the proposals embodied
in the Bill is also furnished, to-
gether with Paras 1-13 inclusive
of the Ex. M. C. of his Govt re-
-viewing ^{of it} ~~the same~~. The two papers
last mentioned will be found, it is
believed, to afford every ^{all requisite} information
~~that could be desired~~. They embrace,
it should however be mentioned,
some points, such for instance as the
proposed modification of the Boat
Act, not immediately connected

with the present Bill.

D.T.C. 23/1-58

Cons 9 Feb 1858

En Dy to Cons 9 Feb 1858

Marine 1858 Depart

Marine Letter to Cons 26 July 1858

Para 13

Nb1

Ex. Mins. Cons.

Dated 3rd Feby 1858

Cons 19th March 58
Cons 10th August 58

Resolved to forward
to the Legislative Member
for this Presidency the
Draft of an Enactment
for the Establishment
of Marine Police Force
at Madras and request
Mr. Elliott that the same
may receive his attention
as early as possible

5 to 9

29 Jan
R/Lab