M.R.O. 1—32,400—28-11-30.

MADRAS RECORD OFFICE.

Government of Madras.

Marine **DEPARTMENT.**

G.O. No. 120	Press Mis.
Dated 1 4	1859

Not to be folded or roughly handled

Read again the following papers

From the Superintendent of Marine, dated 3rd January 1859, No. 8.

Official Memorandum, dated 25th January 1859, No. 26.

Extract Minutes of Consultation, dated 26th January 1859, No. 27.

Read also the following letters.

No. 12. From H. D. E. DALRYMPLE, Esq., Master Attendant, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 29th January 1859, No. 39.

SIR,

I have the honor to acknowledge receipt of your Official Memorandum, No. 26, under date 25th January 1859, containing four distinct questions quoted and numbered in the margin,* which I shall endeavour to answer consecutively and as briefly as possible.

* 1st. "*What is the nature and extent of the powers over the Madras Boatmen, which, in his view, should be vested in the Master Attendant?*"

2nd. "*In what manner his being appointed Superintendent of the Marine Police would operate to prevent the evils now complained of?*"

3rd. "*What power the Police now have over the Boatmen?*"

4th. "*How that could be better exercised if placed in his hands?*"

2. In reply to question 1st, I beg to refer you to para. 10 of my letter to the Superintendent of Marine, dated 29th November 1858, in which I distinctly state the extent of the powers over the Madras Boatmen which I consider should be vested in the Master Attendant. I therein stated that I considered I ought to have the power of ordering out boats on any service, and that on refusal of any Boatmen to work. I be authorized and enabled to proceed against them summarily in the Magistrate's Court.

3. In reply to question 2nd, I beg again to refer you to para. 8 of the same letter and to para. 3 of my letter, dated 14th December 1858, also addressed to the Superintendent of Marine, which must show that divided and delegated authority on the beach, is dilatory and inefficient. It is my opinion that an Officer on the beach, familiar with the habits and peculiarities of the Boatmen, and conversant with Naval matters, should be the Superintendent of the Marine Police, and that he should be considered solely responsible for the protection of life and property along the line of beach and in the roadstead. Since the Marine Police was established on the 1st of November 1858, the Boatmen of this Port have been in a more disorganized and unmanageable state than they have ever been since I first knew them in 1839, and this I attribute to the conflicting operation of the divided authorities on the beach. Notwithstanding my unceasing efforts to keep the Boatmen to their work, great loss have been entailed on Government and the Public, from their constant neglect and desertion of duty.

4. With reference to question No. 3, I regret that I have no means of ascertaining the extent of power exercised over the Boatmen by the Police. I can only state that the former appear to be more insubordinate since the new Act has been in force, and that the difficulties of meeting the requirements of Government have of late increased. On this question I would suggest a reference to the Commissioner of Police.

5. In reply to the last question, No. 4, I submit that, if the power which is now subdivided among many officials, of whom the principal has his office three miles distant, were vested in the hands of one on the beach, the probability is that it would be more promptly and efficiently exercised—in support of which view I may be permitted to draw your attention to a letter to Government from the Superintendent of Marine under date September 9th, 1858.

No. 13. From Colonel J. C. BOULDERSON, Commissioner of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 7th February 1859, No. 10.

SIR,

1. In accordance with the orders of Government under date 27th ultimo, I have the honor to submit for consideration the following remarks on the correspondence therewith forwarded for my observation.

2. That correspondence consists of two letters addressed by the Master Attendant to the Superintendent of Marine, and by the latter Officer forwarded to Government, together with one from himself advocating the views of the former on the subject of the difficulties experienced in managing the Madras Boatmen, and the best means to be adopted for the removal of the same.

3. The Marine Superintendent, Mr. Franklin, in his letter bearing date 3rd of January, attributes those difficulties chiefly to the fact that the Master Attendant has been entirely deprived by Act IV of 1842 of all powers over the class of men in question, who were previously subject to his summary jurisdiction, but who must now be taken before a Magistrate and convicted, prior to their suffering punishment for breaches of the Law which governs the fraternity of Boatmen. To remedy the evils arising from the deprivation caused by the Act of 1842, Mr. Franklin, accordingly, suggests that the hands of the Master Attendant should be strengthened, by the making over to him of the control of the Marine Police and by other measures stated.

4. Now that the present Boat Act has practically proved a complete failure is matter of sufficient notoriety, and that immediate steps for the correction of its defects are necessary, is what nobody will deny. But the question here arises, are those defects inherent in the Act itself, or might they have been obviated more or less, by its being carried out more thoroughly than it has been. A little enquiry will, I think, satisfy every one who enters impartially on the investigation, that the Act of 1842 has never had full justice done to it from the day of its coming into operation, down to the present time: and the reason why can be ascertained, I submit, by a perusal of the correspondence relative to the subject which has meanwhile taken place.

5. The coercive and punitive portions of the measure have never had fair play—partly because it is in itself wanting in the definitions of the duty of the Marine Officer, as Prosecutor under it, but mainly because the late Master Attendant, disheartened by the withdrawal of the large powers of control and punishment formerly possessed by him, abstained from duly exercising the smaller powers which he still continued to enjoy. It seems to me clear that the Act provides for the remedy of the most crying mischiefs complained of, and that its general tenor indicates the Master Attendant as the party who shall proceed against infractions of it, so as to give its penal sections proper force. But it does not lay that obligation specifically on him, as it should have done, and he has never accepted the obligation; and thus its requirements and threats have had little effectual efficacy, through backwardness of Public Officers to give effect to them in cases of transgression. Mr. Franklin says very truly, that they have proved inoperative, from their having no one to see that they are fully carried out. I contend, however, that the means of correction lie within the Master Attendant's own reach, and that had he all along done what was legally possible to him, matters would not have reached their present most unsatisfactory state. The Act ought doubtless to be replaced by a new one, since it has many grave deficiencies, and to work it stringently at the present day would be a difficult task, because the Law is not understood by those subject to it, and time and circumstances have introduced a necessity for its amendment. Still I hold that comparatively few alterations and additions are needed, if those who may be specifically entrusted with the working of the Act, perform their part with steadiness and determination. If certainty that punishment by sentence of a Magistrate will follow any breach of the rules laid down for the governance of Boatowners and Boatmen existed, I feel persuaded that such an effect on both would be produced, as would greatly tend to the required advantage of the Public, and to the keeping in check of the turbulent body who now give them serious offence. This is the general rule with reference to the strict exaction of obedience to the Laws of the land,

Fort Saint George, Marine Consultation, 1st April 1859.

and I know no reason why an exception should happen in this case. The powers exercised by supervisions under the Boat Act and the Marine Police Act are much the same, and so are the means by which they may respectively punish infractions of either; nor do I deem it advisable that any extraordinary power of coercion and chastisement should be delegated to the one or the other. The recourse to a Magistrate, when offences are committed, seems to me all that is necessary, if it is universally and peremptorily adopted, and offenders would soon be restrained by the knowledge of what they had to look for, as the price of their offending, while those who persisted in known offence would forfeit all title to sympathy even among their fellows.

6. The Master Attendant is an Officer high in authority, and he would quickly learn that the supervision legally allowed to him is ample for the control of subordinate men. The cause of his present powerlessness largely originates in his abstinence from the use of authority already vested in him. Had he exerted that authority the Boat owners would surely have had no occasion to make the representation quoted in Mr. Franklin's letter. The requisite superintendence and security might have been afforded to them, and their responsibility to the Public would have been discharged. The absence of that efficient superintendence, as Mr. Franklin well observed, enables those of their number who are disposed to avoid the fulfilment of their engagements, and the Boatmen generally to offend alike against their employers and the public. Both Owners and Crews may now pretty safely evade the conditions of the Licences under which they pursue their Traffic, but I maintain this need not be so to any thing like the current extent, if the existing Laws were carried out by the Marine Department.

6½. While treating on this subject, I may add, parenthetically, that considerable powers, additional to those conferred by Act IV of 1842 which are vested in the Master Attendant and his Deputy, by the unrepealed sections of the Marine Police Regulations of 1827, appear to have been altogether lost sight of. It seems to be on all hands taken for granted that the Law of 1842, is the only one under which the above named Officers can act in Marine matters; but it is an undoubted fact, notwithstanding, that the regulation in question, both gives very considerable Magisterial jurisdiction to the Master Attendant and his Deputy and other Justices of the Peace, which is now never exercised by them, and likewise imposes on them specific duties, which I believe are now never performed. Indeed I greatly doubt whether any of the present Marine Officers are acquainted with the regulations aforesaid. It is a curious circumstance that although mentioned in Act IV of 1842, as still partly operative, it should so entirely have escaped attention. I myself had never seen it until after I had commenced this letter, when I was desirous of referring to it for information, on the subject of the Master Attendant's powers, and I could with difficulty get sight of a copy—so rare has it become.

7. As regards what has been said in the 9th para. of Mr. Franklin's letter, concerning the supply, of Boats for Government service through the Master Attendant only, I beg leave to offer an opinion that such an arrangement is neither necessary nor expedient; each Department might, under a proper system of communication with the Boat owners, provide themselves with as many Boats as are at any time necessary, as intended by Government in their Minutes of Consultation of April 1842, provided that Bills were promptly paid after having been passed by the Superintendent of Marine, whose signature should of course be indispensable. The intervention of the Master Attendant appears to me altogether needless, because I am aware it leads to the practice of a virtual impressment of Boats and their Crews, extremely injurious and oppressive to the Native Boat owners and their Boatmen, although the Crews of European owners are not so molested.

8. The recommendation made in the last para. of Mr. Franklin's letter under consideration, namely, that the Master Attendant should be vested with the powers of a Chief Officer of Police, by having handed over to him the control of the Marine Police Force created by virtue of Act No. XXVIII of 1858, is one which demands serious deliberation before having effect given to it. It should be neither adopted nor rejected in a hurry—much may be said on both sides. For my part although such a transfer would relieve me of a duty, heavy when added to my other official charges, and involving grave responsibilities which I have no personal desire to retain, I am disposed to demur to Mr. Franklin's proposition. I do not perceive any substantial advantage

to be derived from compliance with it, which might not be gained on other and less objectionable ways, *if* those to whom the administration of the Boat Act should be entirely committed under the Magistracy, duly performed their functions, in conformity with the requisitions which are contained therein, or are now to be made. It is not I think desirable that the Master Attendant's subordinates should be vested with Police jurisdiction. Knowing as I do the extent to which his Officers are apt to coerce Native Boat owners and their Crews by means which the law does not recognize, I should be loath to concur in any suggestion for the bestowal on them of larger legal powers than are already in their keeping; the grant is I think unnecessary, and would be unadvisable. The Marine Department of the Police had better be still left under the control of the Officer accountable for the conduct of that branch of the Public Service within the whole Presidency, who will ever lend his heartiest assistance to the Marine Authorities, in the vindication of the law, whatever its provisions may be. As they now stand, Government are aware that the Marine Force have no manner of authority over the Boatmen, beyond the prevention and detection of breaches of the Act under which that Force is instituted. Their commission is purely a special one, and I take leave to add that they are executing it in a way which confessedly affords great satisfaction to those best able to judge of its merits—namely, the Mercantile Community and the Boat owners. It must, moreover, be obvious that as the body of Marine Police Officers is only large enough, when kept working constantly up to its full ability, for the discharge of the particular duties assigned to it, and that if its members are employed, as Mr. Franklin seems to contemplate, for the general purpose of physically coercing the Boatmen into obedience to the requirements of the Boat Act, their proper business must be proportionably neglected, and the object of their appointment by so much frustrated.

9. Having now made such observations as seems to me necessary, on the subject broached in Mr. Franklin's letter, I shall proceed to offer some remarks on the contents of the two letters of Mr. Dalrymple, respectively dated 27th November and 14th December 1858.

10. I do not suppose that His Lordship in Council or any Member of the Government, will expect me to enter into a general defence of the Marine Police Force, or of my own conduct in connection with it against the repeated charges of "inefficiency" brought by Mr. Dalrymple. No body of men whether Soldiers, Sailors, or Policemen and especially a newly raised Force like that in question, can be so well commanded, and so perfect in discipline, as that occasional instances of disobedience, disorderly behaviour, and other lapses, shall not happen among those officers and men. That such petty offences are not unknown in the Marine Police, is only a proof that they come within the common rule; but I confidently submit that the Force has been already brought into a state of good order and efficiency, which, considering its entirely novel and recent creation, reflects high credit on the activity and vigilance of my able superintendent, Mr. Ansell, to whom that success, in the carrying out of my instructions, is mainly owing. As a proof that my estimate of the services of the Marine Police Force even in its infancy, is not an exaggerated one, I may refer His Lordship in Council to the recognition of them by the Chamber of Commerce, whose members are better able, than any other Section of the Community, to say, whether or not the Force has failed to effect the objects of its institution. I take the liberty of making the following quotation from the Report of that body ending the 31st December last, when the then results of Act XXVIII of 1858, are spoken of.

"Since the organization of the Force, no complaints have been laid against the Boatmen, for plundering the goods entrusted to their charge."

11. Considering that the Force had not been three months in operation at that time, and looking back to the constant occurrences of grievous complaints of robbery which preceded its coming into play, I venture to think that Government will fail to perceive that evidence of the failure of its action on which Mr. Dalrymple so strongly insists, when he speaks of the defective working of the Police Acts, now in force on the Madras beach, and the general dissatisfaction which pervades the different Sections of the Community, principally concerned.

12. If the Marine Police Officers have well done that duty, which alone they were commissioned to do, they cannot fairly be blamed, because they have not performed other services quite out of their line.

13. With reference to the vexatious delay in the obtaining of justice when offences against the Boat Act have been committed, to which Mr. Dalrymple alludes in the 4th, 5th and 6th paras. of his first letter, I shall merely observe that I have had experience of the manner in which Marine cases are treated by the Magistrates of the Town Police Court, and that so far from finding any reason whatever to complain of unnecessary loss of time, or other impediments thrown in my way, when I put up offenders, I am bound and happy to acknowledge the readiness wherewith such cases are always disposed of by the Bench, and I feel satisfied that Mr. Dalrymple would have equal facilities afforded him, if he were to adopt the same course with respect to breaches of the Boat Act, that is followed by me, regarding those of the Marine Police Act; that, namely, of preferring charges himself, through the medium of his subordinate officials, instead of leaving them to be preferred by aggrieved private individuals, when complaints would of course be heard and dealt with according to the order in which they stand for trial. Act IV of 1842, places this course wholly within the Master Attendant's discretion, and I have no doubt that his general action as prosecutor, was contemplated by it.

14. I have now only to notice the several cases which that Officer has brought forward in support of his accusation, that the Public wrongs arising from the inefficiency of the Marine Police Department would never have been sustained, had the control of that Force been committed to himself, instead of being vested in me.

CASE I.

Para. 8 *of Mr. Dalrymple's letter of 29th November* 1858.

To show the advisability of a sole controlling power on the Beach instead of that being divided among various subordinates, I beg to relate an occurrence which took place a short time ago within 200 *yards of my office, the new Act being in full force. When engaged in my office a Ship Dubash requested an immediate audience, and reported that* 5 *Captains of Ships had engaged a Boat for the sum of* 7½ *Rupees to take them to their several Ships; that they had been for nearly half an hour seated in the Boat which had been moved to the water's edge by the Crew, who then demanded* 2 *Rupees in addition to the sum for which they had themselves offered the Boat for hire; I immediately sent for the Police Jemadar and ordered the whole Boats' Crew into custody. After this the Captains (five in number) came to me to lodge their complaints and corroborated the statement of the Dubash. Strange to say the offenders proved to be the Crew of one of the Police Boats under the orders of the Commissioner of Police. These men remained in custody till the following afternoon, when the Commissioner of Police, who is obliged to reside at a distance of three miles, and has already numerous onerous duties to engage his attention, was unable to come down to the beach to enquire into the case and punish by fine the offenders. This sample of the working of the present system requires no comment, but shows, I think, that a Marine Police cannot be an efficient and well-ordered body unless under the eye of an experienced Officer on the spot.*

No. XXVIII of 1858.

15. The facts are these.—On the 11th of November in consequence of the heavy surf and threatening state of the weather, only a few boats were floated; I cannot say at what hour they ceased to ply, but it must have been early in the afternoon. In the morning a detail of the Police boat crew was kept on the beach in readiness for duty, and a strong party of Police peons were likewise on duty there, in order that there might be a sufficient body of men present for service at any moment, should an emergency arise.

16. In the course of the evening as described by Mr. Dalrymple, several Commanders of Vessels in the Roadstead went to the beach, with the view of getting off to their respective ships, and it seems that they endeavoured to induce our Boatmen to take them afloat; the latter, were the only men of their class then on the beach, none of the licensed boat owners or their crews, who should have been in attendance according to Section 12 of Act IV of 1842, being seen, and that our men tried to find out how much the Commanders were willing to pay for the accommodation, appears beyond a doubt. For this breach of regulation, these Boatmen were brought to trial and punished by fine. It was not shewn, when the inquiry into their conduct took place, that they had receiv-

ed any money, nor was there any proof that the Tindal really meant to take off the Commanders, let them offer what they would. The risk of detection was so great, that he could scarcely have thought of doing so, for the Police boat going afloat, must have caught the eye of the Constable on duty, and an investigation would have followed. My own conclusion is, that the Police crew would have sent for a sufficient number of their comrades to do the needful, if the Commanders had waited long enough,and that the bargaining mentioned by Mr. Dalrymple was in view of that object.

17. I must add that, as these men did not hold a Licence from the Master Attendant, that Officer had no authority over them, and the senior Officer of Police on the beach very properly bade them return to their duty that evening. The charge preferred against them by Mr. Dalrymple was likewise erroneous: *viz.* that they had not plied their boats when called upon to do so. He seems to overlook the fact, that they would have been punished if they had complied with the requisition of the Commanders, without the permission of their superior Officer.

18. It is expedient that I should here observe that the Crews of the two Police Boats were some years since placed by my predecessor, under the control of the Master Attendant. In course of time, however, it became apparent that the special object for which these Crews were paid by Government, was to a great extent lost sight of, and that their services were otherwise made use of. It, therefore, became expedient to replace these Boats under the immediate orders of the Superintendent of Police, and I took advantage of the passing of the Foreigners' Act to effect this; they are now employed in boarding every Ship that arrives in the Roadstead, and a European Constable is constantly afloat in one of them for that purpose. We have had much difficulty in overcoming the irregular habits which these men had acquired, of seeking for work on their own private account, and they are only kept to their duty by the certainty that punishment will follow any detected disobedience of orders.

It was one of these that was concerned in the above narrated affair with the Ships' Commanders.

What happened was as follows:—

19. On the 31st of December last, several Boats were engaged in landing Government Stores from the Ship "Cleveland"—of these, one was Boat No. 31 (not 130 as stated in Mr. Dalrymple's letter,) which left the beach between 4 and 5 P. M. After she had laden and was returning to the shore, her Crew went alongside the Ship "Aberfoyle" despite the remonstrances of the Police Peon on board, and after some detention, five men from that vessel were brought ashore. What the Crew received for this prohibited service is not known to us.

CASE 2.

Para. 3 of Mr. Dalrymple's letter of 14th December 1858.

On the 1st Instant, the Crew of Boat No. 130 when in landing Government Stores infringed the Rules by calling alongside a Ship on their return, to bring some Mechanics on shore. On the 8th Instant, the Crew of the Boat were brought up by Summons before a Magistrate at the Town Police Court and sentenced to receive from 10 to 15 lashes each. I beg to call your attention to this fact, that this Boat's Crew had never left working their Boat during the intervening six days, and, with the exception of one man, had never been in custody up to the time they were punished. Surely this is a parody on the system of Police centralization. If the powers of Superintendent of Marine Police have been vested in the Master Attendant, this Boat's Crew would to a certainty have been in custody, and punishment inflicted, within 24 hours from the time the offence had been committed.

This case was an example of the illicit practice to which Madras Boatmen are so much addicted, and of which Boat owners so loudly complain; that of taking chance Passenger fare, which are so seldom accounted for to their employers. It was duly reported by the Peon to Mr. Ansell, and on the 8th of the same month, the Boatmen were put up for trial at the Town Police Court, charged with having obstructed the Peon in the discharge of his duty, and were convicted and punished. I must explain that the delay in this case arose from the uncertainty as to whether or not the act of the Boatmen, was really an offence under the Marine Police Law. It was the first of the kind that had happened, and the point required consideration; but as soon as it had been affirmatively decided, a summons was applied for.

CASE 3.

Para. 4 of Mr. Dalrymple's letter of 14th December.

An instance of obstruction and discouragement to the Boats' Crews employed on Public Service occurred on the 7th Instant. Through the activity and energy of the Boat Overseer, a sufficient number of Boats were procured and employed in landing Troops and their baggage from the Ship "Barham" under the orders of the Quarter Master General and the Master Attendant. Strange to say three of the Boats' Crews employed on this service were taken into custody by the Police for bringing the Regimental ammunition on shore along with the baggage, without having Police Peons in the Boats. As they were employed on Public Service, and acting under orders, I of course interfered,and demanded their release. They were consequently allowed to go at large on bail till late next day, when the Commissioner of Police (whose office is nearly three miles distant) decided on the case being dropped. This interference prevented the Boatmen from resuming their work for the greater part of two days, when they found they were not to be proceeded against at the Town Police Court. In this instance, if the Master Attendant had been Superintendent of Police, this public wrong would never have been committed.

20. It is stated that the Crews of three Boats engaged in landing Regimental ammunition on the afternoon of the 7th December 1858, were taken into custody by the Police "because they had no Peons along with them in their Boats, and were by this interference prevented from resuming their work for the greater part of two days." Mr. Dalrymple has been misinformed as to the facts of this case which I will explain.

21. On the afternoon of the day in question, the Tindal of *one Boat only* was brought before Mr. Ansell by the Duffadar of the beat, charged with bringing ammunition on shore from the Ship "Barham" without any Police Peon being in the Boat. Now on that day the landing of Troops from the "Barham" took place, and all the baggage Boats, &c., &c., save this one only, were furnished with a Military Guard. Boat No. 31, however, which beached about the same time as Boats Nos. 219, 28 and 10 had neither Guard nor Peon in her; it was, therefore, naturally supposed by the Duffadar to have infringed the Marine Police Act, but it took Mr. Ansell (who instantly went to the spot) only a few minutes to ascertain from the Conductor on duty, that the ammunition conveyed in Boat No. 31, as well as that which was in the other three Boats belonged to the Troops, on learning which he immediately directed the release of the Tindal, so that the Crew of No. 31 and the other three Boats also were kept from their duty only a few minutes after landing, while the Tindal was taken before Mr. Ansell who never entertained the intention of charging them with the commission of an offence under the Marine Police Act; when the Boats were discharged (it being evening) the men went to their homes.

22. The Boats employed on that day (the 7th) on duty aforesaid were Nos. 31, 219, 28 and 10. On the 8th (that is the following day) the Crew of No. 31 were put up before Major Wilson at the Town Police Court for trial for the offence stated in case No. 2—they were punished and did not return to their duty for two days.

The other three Boats made the cargo trips.

8th	December,	Boat	No.	219	six.
„	„	„	„	28	five.
„	„	„	„	10	four.
9th	„	„	„	219	one.
„	„	„	„	10	one.
„	„	„	„	28	none.

23. As to this, I have to remark that on the 9th December Mr. Dalrymple himself informed Mr. Ansell of its having been represented to him, that certain Catamaran men, calling themselves Police Officers, had gone on board the Ship "Colinsburg," and there remained for several hours. Mr. Dalrymple requested to know from the Superintendent, whether he had given

CASE 4.

Para. 5 of Mr. Dalrymple's letter of 14th December.

"I will give another instance of the inefficiency of the Marine Police as at present constituted. A few days ago, I gave notice that the crew of a Police Cattamaran, instead of moving among the Shipping according to orders, every day spent some hours on board a Ship in the roads, without permission either from the Captain of the Ship or from the Commissioner of Police. This, I submit, shows that there must be something radically wrong in the constitution of a Marine Police, when the Master Attendant knows more of that which is going on, than the Officer in charge of the Force.

instructions to any of his men to do so. None such had of course been given, and Mr. Ansell proposed to the Master Attendant an arrangement by which the parties might be secured on board the Vessel, should the same thing happen again. He likewise offered to parade his men for inspection, in order that the alleged offenders might be detected, but this was not required of him.

24. Mr. Dalrymple represents that the Catamaran men "every day spent some hours on board a Ship in the roads, without permission either from the Commander of the Ship, or the Commissioner of Police." If he was rightly informed on that point, and if the offenders really did belong to the Marine Police Force, it is passing strange that their absence from their boat, should never have been noticed by the Marine Police Officers on shore. Enquiry into this affair took place, but no evidence whatever has turned up to show that the offenders truly were Police men. They may have been so, but under the circumstances, it seems to me extremely improbable.

25. To guard against similar misconduct or suspicion of it on the part of the Police boat and Catamaran men hereafter, I have directed that our Catamarans shall be painted white, and that the men shall all wear distinguishing colors and badges, the detention of offenders will, therefore, be certain.

26. In conclusion, although at present I do not feel called upon to make any general observations relative to the changes which may be found necessary in the existing Boat Acts, I may perhaps be permitted to observe that I apprehend it may prove requisite to equalize the rates of Cargo and Passenger boat hire now established by the law, and to modify and alter the present Act, so as to adapt it to the present wants of the Port.

No. 14. From Major W. J. WILSON, Magistrate of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 7th February 1859, No. 10.

SIR,

I have the honor to acknowledge the receipt of an Extract from the Minutes of Consultation under date the 26th January 1859, containing copies of a correspondence from the Superintendent of Marine and Master Attendant, and calling upon me for any observations I may have to offer thereon. The Master Attendant brings to notice the general misconduct of the Madras Boatmen, and mentions the great inconvenience to which the Mercantile Community is subjected in the process of Shipping and landing Cargo in the Port of Madras. He ascribes this state of matters to the absence of any efficient control over the Boatmen, and in order to supply this want, he proposes that he should be appointed Superintendent of Marine Police with full powers to control the Boatmen and to order out Boats for any service.

2. The Superintendent of Marine supports the views of the Master Attendant, and states that the Penal Clauses of Act IV of 1842 are inoperative owing to the reluctance which parties have to prosecute. He concludes by proposing that the present Boat Overseer be appointed Supervisor in order to examine the Boats and keep the Crews to their duty. I also infer from para. 7 of his letter, that it is intended that the Supervisor should act as Public prosecutor.

3. If the parties interested in the well being of the Port were to give the Act in question a fair trial, one would be in a better position to give an opinion as to its efficiency; but it appears in many instances to have been allowed to become a dead letter, and the evils complained of have increased owing to long continued impunity.

4. A careful examination of the Act will shew that it guards against almost every possible offence that can be committed by owners or Boatmen in their capacity as such, and that the

penalties are for the most part sufficiently severe. Much stress is laid on the difficulty of finding a prosecutor, but it appears to me that the Master Attendant himself or his immediate subordinates, are the proper persons to prosecute most offences under the Boat Act. The majority of the offences therein specified consist of breaches of the licenses signed and granted by the Master Attendant himself. Others again consist in disobeying, or neglecting to fulfil certain orders given by that Officer. I am therefore of opinion that it is his duty to institute Prosecutions in all such cases, and that no new powers are requisite to enable him to do so.

5. As respects the offences specified in Section XV, it is the duty of the owners to prosecute. The law has provided them with a remedy, and if they neglect to avail themselves of it, they indirectly promote the evils complained of, and ought to be held responsible. The Act gives the Master Attendant ample power to control the owners in this respect, as they are *Section XII.* required to be present at the Boat Office daily from 5 A. M. until 6 P. M., either in person or by their Agents whenever their Boats are not actually employed. Moreover, the Master Attendant is authorized to parade any Boat and Crew at any time he thinks fit, and to suspend, and ultimately withdraw, the Licence in event of his *Section IX.* considering the Boat unseaworthy or the Crew inefficient. Almost every offence specified in the Act may be classed under one or other of the heads above-mentioned; that is to say, offences against the Master Attendant's orders and regulations, and breaches of Licence; and offences against the owners. As regards the few others that remain, the Government and the Public might fairly look to the Master Attendant as the principal Executive Officer of Marine, to see that the Law is duly vindicated. There is no reason to suppose that his acting as prosecutor would be illegal in any instance.

6. Take the case of a Captain from whom extra hire had been demanded. The Master Attendant or one of his subordinates would prove the Licence and, also that defendant was only entitled to demand a certain rate of hire as laid down in the Schedule. The Captain himself would then be called to prove the fact of the demand; for I cannot understand how his attendance could possibly be dispensed with, unless it is proposed to alter the Law of Evidence and course of Procedure in Boat cases for the behalf of one section of the Community.

7. I have been led to make this remark owing to the nature of a proposition respecting the bill for amending the present Act, and which will be found in a letter to the Government Law Officer from Mr. Agnew, Chairman of the Chamber of Commerce, printed in page 123 of the Proceedings of the said Chamber for 1858. I here subjoin a copy of the para. in question;—

"Second. Penalty for overloading boats.—The Chamber object to Masters and Chief "Officers of Vessels being subjected to such a penalty, as it would lead to great incon- "venience. The Boatmen will invariably throw the blame on the Ships' Officers, and the "latter will consequently have to leave their Ships in order to defend themselves at the "Police Court against such charges. It will be quite sufficient if the Boat owners and "the Boatmen are made responsible for any infraction of this clause."

That is to say that even if the defence of the owner and Boatmen should be true, (which there is reason to believe it occasionally would be,) they are to be punished; while those who are the cause of the offence escape without trial, because it may be inconvenient for them to leave their Ships! This appears to me a strange specimen of one-sided legislation, but would probably fail in ensuring its object, as no independent Magistrate could avoid issuing Subpœnas to Masters and others, in event of such a plea being set up by the defendants.

8. Mr. Dalrymple in para. 4 of his letter calls especial attention to Sections XIII and XIV of the Act, and in para. 5 he draws a picture of the delays and annoyances which Captains endure when conducting prosecutions at the Town Police Court. In para. 6 he states that the picture is not overcharged.

With respect to this, I must presume that these observations were intended to apply to a state of things long gone by, for after an attentive personal examination of the Records for the last seven years from 1852 to 1858 inclusive, and during which I have been a Magistrate, I have not been able to find one single instance of a charge having been tried at the Town Police Court, under the provisions of the Sections quoted above, and in which the Captain of a Ship was the prosecutor. I can also safely assert that no complaint of the kind was ever made to me by a Captain or Mate. During the seven years in question only two charges of demanding extra hire were tried at this Court. One of these was decided by Mr. Dalrymple and one by me. The defendants were acquitted in both cases.

9. In the year 1857 twelve Boat owners were brought before the Magistrate in one day, under the provisions of Section XII, but they were all acquitted as the Deputy Master Attendant withdrew the charge, but the Record does not shew for what reason. In the same year, and much about the same time, nine owners were prosecuted by the Boat Overseer also in one day, under the provisions of Section XVI, but the prosecution failed because the Clause respecting the keeping of the Roster in the Master Attendant's Office, had not been duly complied with. Both of these cases were decided by Mr. Dalrymple, and no others of the same kind are to be found in the Records of the seven years above specified.

On looking at the features of the two cases in question, it may be fairly inferred that something unusual had occurred, which induced the then Master Attendant to institute these solitary and fruitless prosecutions.

10. It is stated by the Superintendent of Marine in para. 3 of his letter, that Merchants and others prefer to pay more than the regulated rate of hire rather than prosecute, and that the Boat-owners also decline to prosecute because they would thereby lose the labor of their men. I think that it has been conclusively shewn that the reluctance exhibited by owners to prosecute, cannot justly be attributed to any want of stringency in the existing law, but that the cause must be sought for elsewhere.

Vide Section XV.

11. The regulated hire of a Cargo Boat, for an ordinary trip, amounts to Rupees 1-8-0, which is usually divided in the following manner, *viz.* eight Annas to the owner, one Anna or eight Pice to the Boat Conocopoly, and the balance to the Crew, which generally consists of ten men and a boy. The question here naturally arises whether this rate of remuneration is sufficient, and taking into consideration the great rise in the price of the necessaries of life, which has taken place since 1842, and other circumstances, it may fairly be conceded that it is not. Possibly the consciousness of this fact may not be wholly without its weight in deterring parties from prosecuting, as such prosecutions would most probably lead to desertions to a considerable extent. If common report is to be believed, this practice of paying extra hire has been aggravated by the conduct of the employees of the Mercantile Community, who, owing to the great demand for Boats, bid against each other, and spontaneously offer increased rates, in order to secure a preference. The ordinary hire is occasionally paid to the Boatmen, but generally to the Conocopoly, who accounts with the Crews at the close of the day's work; but it does not clearly appear what

Fort Saint George, Marine Consultation, 1st April 1859.

becomes of the large extra hire said to be given. It is more than probable that a part of this goes to the Conocopolies in every case; and not improbable that a portion reaches the hands of the Boat owners in some instances.

Let the present rates of hire be revised by competent persons, and a fair scale fixed, and should the Law still be deemed insufficient, let extra payment, or the offer of such, be also made an offence, as a means of more effectually controlling the middle men of various denominations who are now employed between the Merchants and the Boatmen, and who I believe to be at the bottom of all the mischief.

12. Para. 10 of Mr. Dalrymple's letter contains the following passage—"I propose that full "powers be given to the Master Attendant to order out Boats for any service, and that on the "refusal of any Boatmen to go to work when so ordered, immediate punishment may be awarded "by a Magistrate."

If this is to be understood literally, it means that nothing beyond the bare facts of the order and refusal are required to warrant a conviction. This mode of proceeding would certainly simplify matters very much as far as the Master Attendant and the Magistrate are concerned, but it may be doubted whether it is in accordance with the spirit of the present day.

13. It now remains to consider the question from another point of view. If it is to be apprehended that Prosecutions at the Town Police Court are likely to be attended with delay, and that unfortunate Captains run the risk of being obliged to sail without redress, why should the Master Attendant not afford it by disposing of all the boat cases himself? It does not appear that any new Law is required to enable him to do this, sufficient authority being apparently contained in Section XXIV of the Act under review. If Government approves of this measure, and considers that the Boatmen would thus be more speedily and effectually dealt with than they could be under the present system if fairly worked under the cordial co-operation of the Master Attendant and Commissioner of Police; the Superintendent of Marine Police might be directed to prosecute before the Master Attendant instead of before the Magistrate. In short, look at the existing Law in any way you will, it seems amply sufficient, unless it is asserted that the Boatmen cannot be managed without the aid of something much more severe than an ordinary Enactment. If such is really the case, an attempt might be made to raise a Corps of Boatmen which should be under something like Military discipline; but I apprehend that there would be considerable difficulty in inducing men to enlist on such terms, even on a high rate of pay. Whichever way we turn we seem to be driven back to the one and only remedy, namely, to make the work of a boatman sufficiently remunerative.

14. As regards the proposal to constitute the Master Attendant Superintendent of the Marine Police, I think it better to leave that question to be discussed by the Commissioner of Police, to whom this correspondence has also been referred. It is quite evident that the appointment of an energetic man with long experience in Nautical matters to the Superintendence of the Marine Police, would be a good measure in the abstract, and tend to the effectual carrying out of the Law; but it will be for Government to say whether the present Executive is so inefficient as to render the proposed change expedient. It is certainly desirable that the Executive Officer on the beach, whoever he may be, should have the power of acting without being obliged to refer to an Officer residing at such a distance as the Commissioner of Police, and from

what I know of the present Acting Superintendent, I believe he may be safely trusted with the responsibility. Primâ facie the Establishment of such an "Imperium in Imperio" *Para.* 11. as that recommended by the Superintendent of Marine, is objectionable.

If the Master Attendant is to be Superintendent of the Marine Police, he ought to have the entire control thereof, and to be held responsible for its efficiency.

No. 15. From Major W. J. WILSON, Magistrate of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 10th February 1859, No. 11.

SIR,

In my letter of the 7th Instant, No. 10, to your address, I endeavoured to shew that Act IV of 1842, was in itself well adapted to secure the ends for which it had been enacted; but it now occurs to me that in continuation of my said letter I may not inappropriately offer a suggestion as to an amendment of the Act which would in my opinion be of considerable advantage to the Public.

2. The Superintendent of the Marine Police has his office on the beach, and no Cargo boat can go off without his knowledge, and without being supplied by him with a Police Officer to watch the goods. This brings him into constant communication with the Boat owners and managing Conocopolies. In fact he can scarcely be said to have any other duty except to watch the Boatmen, and to see that his subordinates do their work. I would, therefore, propose that the Boats and Crews should henceforth be registered in the Office of the said Superintendent, who should be instructed to prosecute generally, leaving the Master Attendant to do so in those cases which are more particularly within his province.

3. By this arrangement the chief control would be vested in one Department and those difficulties which are inseparable from a divided authority would be avoided.

4. I fear that under the present system, and considering the manner in which it has hitherto worked, that it would be too much to expect that cordial co-operation between the Departments of the Master Attendant and the Police, which is essentially necessary to the efficiency of the Act. On the other hand, in the appointment of the Master Attendant as a Superintendent of the Marine Police, there would be a union of functions of a different nature not very compatible with each other. Moreover, the ordinary duties of the Master Attendant are supposed to be sufficiently onerous and responsible of themselves. For these reasons I propose that in event of its being practically found expedient to make some change, the Boat Establishment be transferred from the Office of the Master Attendant to that of the Superintendent of Marine Police, and that the Act be amended accordingly.

5. It is probable that in event of this being done, some increase to the Marine Police Force would be found necessary; but it is to be presumed that a portion of the Fund mentioned by Mr. Franklin in para. 11 of his letter, No. 8, might be applied to this purpose as being for the benefit of the Port.

No. 16. ORDER THEREON, No. 120; dated 1st April 1859.

1. With his letter of the 3rd January last, the Superintendent of Marine submitted two communications from the Master Attendant relative to the disorderly state of the Madras Boatmen.

2. In his first letter Mr. Dalrymple adverted to the state of things before the passing of Act IV—1842. All the Boat and Catamaran men of the Port of Madras were under the control of the Master Attendant, who was held responsible, not only by Government, but by the Community at large, for the efficiency and good behaviour of the Boatmen. He was the Executive Officer on the beach, having full power to supply Boats at any hour of the day or night, either on the public service, or to individuals.

3. The Boat Act contains provisions rendering the Boatmen liable to punishment for extortion, or for refusing to go afloat, but from the great difficulty in proving any case of the sort, and the great loss of time in endeavouring to do so, the aggrieved parties are generally averse to prosecute, and the culprits escape. The Captain is obliged to go to the Town Police Court, and there wait till Summonses are ordered to be issued. Another great cause of the obstruction of Trade is, the common practice among the Boatmen of absenting themselves from their duties *en masse*, taking advantage of a shower of rain or some other trifling excuse, for leaving their Boats unmanned, thus acting in contravention of Section XV of the Act. The Merchants, Captains of Ships, and others bring their complaints to the Master Attendant, but he has no recognized authority, has no Police under his orders, and is obliged to refer them to the Superintendent of Police, or the Magistrates. A whole day is consequently lost in trying to obtain the interposition of authority. Mr. Dalrymple suggested certain changes which, if carried into effect, would, he firmly believed, tend to remedy the existing evils of the present system, so universally complained of by all concerned. He proposed that full powers be given to the Master Attendant to order out Boats for any service, and that on the refusal of any Boatmen to go to work, when so ordered, immediate punishment should be awarded by a Magistrate, that the Master Attendant be appointed Superintendent of the Marine Police, but not to sit on the Bench as a Magistrate. If these powers were conferred on the Master Attendant, he was of opinion that when the Boatmen were aware of it, much less punishment would be necessary than under the present Act, and that all business connected with the Shipping, would go on much more smoothly and regularly, than it had done for the last 16 years. All he asked for in his responsible Office, was to have restored to him a proper power of control over the Boatmen of this Port, and he considered that from his long experience as a Magistrate and Superintendent of Police, the work of remodelling and superintending the watching, controlling, and detective departments on the Beach, might safely be confided to him. In a second letter 14th December 1858, Mr. Dalrymple gave further instances, which, he thought, would corroborate his testimony against the present system, and that the rule of centralization which obtains in the Police Department, was futile and absurd.

4. The Superintendent of Marine in forwarding the above letters, stated that the great want was the immediate supervision of some one high in authority to keep the Boatmen to their duties. The Act, as now in force, No. IV of 1842, and in its proposed amended state, imposed a penalty on Boatmen for being absent from their Boats without sufficient cause; but this provision became a dead letter, from there being no one to see that it was fully carried out. It likewise imposed fines for demanding hire in excess of that laid down, which, for a similar reason, was inoperative. The Merchants, through their Dubashes, when unable to engage Boats at the regulated hire, pay more: passengers do the same: and this has been so long the practice, that the Boatmen have come to consider that they have a prescriptive right to charge whatever they can get, which is of course only regulated by the demand—and to such extent has this proceeded, that unless these increased demands are complied with, the Boatmen refuse to work there being no one to enforce obedience, neither the Merchants nor others caring to waste time in proceeding against them in a Magistrate's Court, and the Boatowners declining to do so, as they would thereby lose the labor of the men they have so much difficulty in keeping to their engagements. The late Marine Board strongly advised that greater supervision should be exercised over the Boatmen, and in a

communication of the 6th June 1857, No. 2225, they recommended the appointment of a Supervisor on 150 Rupees a month, with 2 Peons at 7 Rupees each, whose duty it should be to examine the Boats and keep the Crews to their duty. They, at the same time, indicated the present Boat Overseer, Veerasawmy Naick, as the fittest person for the appointment. The Boat Owners, in a letter signed by the Owners of 77 Boats, strongly advocated a similar measure. To give full effect to the Supervisor's efforts, he should have substantial assistance from the Master Attendant, his immediate superior, who could at present afford but little, unless he usurped authority which did not of right belong to him. For these reasons Mr. Franklin recommended that the Beach Police should be placed under the immediate orders of the Master Attendant, without interfering with the general control exercised by the Commissioner of Police, and that Veerasawmy Naick should be appointed Supervisor of Boats at a salary of Rupees 150 a month, with 2 Peons at 7 Rupees a month to assist him. The additional expense might fairly be borne by the Port Fund, which was expressly set aside for the benefit of the Port, and which realized far more than the expenditure.

5. By an Official Memorandum, dated 25th January, the Master Attendant was requested to explain,—

1st. What was the nature and extent of the powers over the Madras Boatmen, which, in his view, should be vested in the Master Attendant?

2nd. In what manner his being appointed Superintendent of the Marine Police, would operate to prevent the evils now complained of?

3rd. What power the Police now have over the Boatmen?

4th. How that could be better exercised if placed in his hands?

6. In reply (29th January) he stated as to the 1st query, that he ought to have the power of ordering out Boats on any service, and that on refusal of any Boatmen to work, he should be authorized, and enabled, to proceed against them summarily in the Magistrate's Court. For the 2nd, it was his opinion that an Officer on the Beach, familiar with the habits and peculiarities of the Boatmen, and conversant with naval matters, should be the Superintendent of the Marine Police; and that he should be considered solely responsible for the protection of life and property along the line of Beach, and in the Roadstead. The 3rd query he could not answer, but suggested that on this question a reference should be made to the Commissioner of Police. In answer to the last question, he submitted that if the power which was now subdivided among many Officials, of whom the principal has his Office 3 miles distant, were vested in the hands of one on the Beach, the probability is that it would be more promptly and efficiently exercised.

7. The letter from the Superintendent of Marine and its enclosure were referred to the Commissioner of Police, and to the Magistrates of the Town District for their observations.

8. Colonel Boulderson admits that the present Boat Act has practically proved a complete failure—but he maintains that it has never had full justice done it, from the day of its coming into operation to the present time. The punitive and coercive portions of the measure have never had fair play. Partly, because it is in itself wanting in the definitions of the duty of the Marine Officer, as Prosecutor under it, but mainly because the late Master Attendant, disheartened by the withdrawal of the large powers of control and punishment formerly possessed by him, abstained from duly exercising the smaller powers which he still continued to enjoy. It seems to him, Colonel Boulderson, clear that the Act provides for the remedy of the most crying mischiefs complained of, and that its general tenor indicates the Master Attendant as the party who shall proceed against infractions of it, so as to give its penal Sections proper force. The Act is, doubtless, imperfect and requires amendment. Still comparatively few alterations and additions are needed, if those who may be specifically entrusted with the working of the Act, perform their part. If certainty that punishment by sentence of a Magistrate will follow any breach of the Rules, laid down for the governance of Boat Owners and Boatmen, existed, the Commissioner feels persuaded that such an effect on both would be produced, as would greatly tend to the required advantage of the public, and to the keeping in check of the turbulent body, who now give them serious offence. The recourse to a Magistrate, when offences are committed, seems to him all that is necessary, if it is universally and peremptorily adopted, and offenders would soon be restrained by the knowledge of what they

7th February 1859.

had to look for, as the price of their offending, while those who persisted in known offence would forfeit all title to sympathy even among their fellows.

9. The Commissioner of Police points out that considerable powers, additional to those conferred by Act IV of 1842, are vested in the Master Attendant and his Deputy, by the unrepealed Section of the Marine Police Regulations of 1827. The Regulation in question, both gives very considerable magisterial jurisdiction to the Master Attendant and his Deputy and other Justices of the Peace, which is now never exercised by them, and likewise imposes on them specific duties which, he believes, are now never performed. Colonel Boulderson demurs to Mr. Franklin's proposal that the Master Attendant be vested with the powers of a Chief Officer of Police and with control of the Marine Police Force created by Act XXVIII—1858. He does not perceive any substantial advantage to be derived from compliance with it, which might not be gained on other and less objectionable ways, *if* those, to whom the administration of the Boat Act should be entirely committed under the Magistracy, duly performed their functions, in conformity with the requisitions which are contained therein, or are now to be made. It is not, he thinks, desirable that the Master Attendant's Subordinates should be vested with police jurisdiction. The Marine Department of the Police had better be still left under the control of the Officer, accountable for the conduct of that branch of the public service within the whole Presidency. The Marine Force as they now stand have no manner of authority over the Boatmen, beyond the prevention and detection of breaches of the Act under which that Force is instituted. The body is only large enough, when kept working constantly up to its full ability, for the discharge of the particular duties assigned to it, and if its Members are employed, as Mr. Franklin seems to contemplate, for the general purpose of physically coercing the Boatmen into obedience to the requirements of the Boat Act, their proper business must be proportionably neglected, and the object of their appointment by so much frustrated. The Commissioner defends the new Marine Police from the charge of inefficiency brought against them by Mr. Dalrymple. With respect of that Gentleman's complaint of vexatious delay in obtaining justice for offences committed against the Boat Act, he observes that having had experience of the manner in which Marine Cases are treated by the Magistrates of the Town Police Court, so far from finding any reason whatever to complain of unnecessary loss of time, or other impediments thrown in his way, when he puts up offenders, he is bound and happy to acknowledge the readiness wherewith such Cases are always disposed of by the Bench. Mr. Dalrymple would have equal facilities afforded him, if he were to adopt the same course with respect to breaches of the Boat Act, that is followed by him, regarding those of the Marine Police Act, that namely of preferring charges himself, through the medium of his subordinate Officials, instead of leaving them to be preferred by aggrieved private individuals, when complaints would of course be heard and dealt with according to the order in which they stand for trial. Act IV of 1842 places this course wholly within the Master Attendant's discretion, and the Commissioner has no doubt that his general action, as Prosecutor, was contemplated by it. The remainder of Colonel Boulderson's letter is occupied in affording explanation relative to the Cases adduced by Mr. Dalrymple as illustrative of the deficiencies of the present system. In conclusion, he observes, that, in amending the present Boat Act, it may prove requisite to equalize the rates of Cargo and Passenger Boat hire now established by the law, and to modify and alter the present Act so as to adapt it to the present wants of the Port.

10. Major Wilson, Magistrate of the Town Police Office, observes that if the parties interested in the well-being of the Port, were to give the Act in question a fair trial, one would be in a better position to give an opinion as to its efficiency, but it appears in many instances to have been allowed to become a dead letter, and the evils complained of have increased owing to long continued impunity.

11. A careful examination of the Act will show that it guards against almost every possible offence that can be committed by the Owners or Boatmen in their capacity as such, and that the penalties are for the most part sufficiently severe. Much stress is laid on the difficulty of finding a Prosecutor, but it appears to him that the Master Attendant himself, or his immediate Subordinates, are the proper persons to prosecute most offences under the Boat Act. The majority of the offences therein specified, consist of breaches of Licenses, signed and granted by the Master Attendant himself. Others again, consist in disobeying, or neglecting to fulfil certain orders

given by that Officer. He is therefore of opinion that it is the Master Attendant's duty to institute prosecutions in all such cases, and that no new powers are requisite to enable him to do so.

12. As respects the offences specified in Section XV, it is the duty of the Owners to prosecute. The law has provided them with a remedy, and if they neglect to avail themselves of it, they indirectly promote the evils complained of, and ought to be held responsible. The Act gives the Master Attendant ample power to control the Owners in this respect, as they *Section XII.* are required to be present at the Boat Office daily from 5 A. M. until 6 P. M., either in person, or by their Agents, whenever their Boats are not actually employed. Moreover the Master Attendant is authorized to parade any Boat and Crew at any time he thinks fit, and to suspend, and ultimately withdraw, the License in event of *Section IX.* his considering the Boat unseaworthy or the Crew inefficient. Almost every offence specified in the Act may be classed under one or other of the Heads above mentioned; that is to say, offences against the Master Attendant's orders and Regulations, and breaches of License; and offences against tho Owners. As regards the few others that remain, the Government and the public might fairly look to the Master Attendant as the Principal Executive Officer of Marine to see that the law is duly vindicated. There is no reason to suppose that his acting as prosecutor would be illegal in any instance.

13. With regard to Mr. Dalrymple's representations as to the delays and annoyances endured by Captains when conducting prosecutions at the Town Police Court, Major Wilson must presume that these observations were intended to apply to a state of things long gone by, for after an attentive personal examination of the records for the last seven years, from 1852 to 1858, inclusive, and during which he has been a Magistrate, he has not been able to find one single instance of a charge having been tried at the Town Police Court, under the provisions of the Sections quoted above, and in which the Captain of a Ship was the prosecutor.

14. The Magistrate doubts, whether the scale of Boat hire be sufficiently high, and thinks that the fact of its not being so, may be one reason why it is not enforced.

15. In a subsequent letter (10th February) Major Wilson affords a further suggestion, *viz.*, that in amending Act IV—1842, opportunity be taken to provide for the Boats and Crews being registered in the Office of the Superintendent of the Marine Police, who should be instructed to prosecute generally breaches against the Act, the Master Attendant being left to do so in cases more particularly within his province. In the appointment of the Master Attendant as a Superintendent of the Marine Police, there would be a union of functions of a different nature not very compatible with each other. For this reason in the event of its being found expedient to make some change, the Boat Establishment might be transferred from the Office of the Master Attendant, to that of the Superintendent of Marine Police, and the Act be amended accordingly.

16. If it be necessary in consequence, to make any addition to the Establishment of the Marine Police, this might be done from the Port Fund which, as shewn by Mr. Franklin, has at present a large surplus.

17. In the preceding paras: has been given a full summary of all that has been urged by the Superintendent of Marine—the Master Attendant—the Commissioner of Police—and the Beach Magistrate on the subject of the Madras Boatmen. An attentive consideration of all that has been advanced by those several Officers has led the Government to the conclusion that although Act IV—1842 may not be without its defects, it would, however, go far to remedy the existing evils, if it were fully brought into operation, which hitherto does not seem to have been the case. With respect to the functionary by whom the Act should be worked, it seems to the Government that this duty may most properly devolve on the Master Attendant, and on his Subordinates acting under his orders. The Master Attendant may, however, find it difficult to carry out this duty with his present Establishment. The Government therefore have resolved to act upon the suggestion made by the Marine Board in their letter of 6th June 1857, No. 2225, and by the Boat Owners in a Memorial previously submitted, and recurred to in the last letter of the 3rd January 1859 from the Superintendent of Marine. They accordingly authorize the appointment of a Supervisor of Boats on a salary of Rupees 150 per mensem, with two Peons at Rupees 7 each, to be paid from the Port Fund, which, it seems from Mr. Franklin's letter, is well able to bear the charge.

Fort Saint George, Marine Consultation, 1st April 1859.

It will be the duty of this Officer, acting under the orders of the Master Attendant, to whose Establishment he will be attached, to be constantly on the beach, to examine the Boats, and bring before the Magistrate's Court, all cases of exaction or misconduct punishable under the Act, acting in such cases by direction of the Master Attendant as Prosecutor. It must however be clearly understood that the Supervisor is vested with no police authority whatsoever; his power being limited to that of proceeding against the offenders by Summons from the Magistrate's Office in the usual way. The Supervisor will be appointed by the Master Attendant, and there would appear good reasons for nominating Veerasawmy Naick as the first incumbent, as recommended by the Superintendent of Marine. The Right Honorable the Governor in Council feels convinced that if the provisions of the Act be fully made use of, and the Boatmen prosecuted before the Magistrate on every occasion on which they may offend, an improvement will soon become apparent. Unless this be so, the matter must be regarded as desperate, for it is not probable that any law will pass the Legislative Council differing in principle from the present Act. It will always be indispensable to obtain redress by resort to the Magistrate's Court, and unless recourse be had to that tribunal the evil must continue. Further, under any circumstances, it is not to be expected that an Enactment on a more stringent principle than the present would be passed, until a full and complete trial had been given to the existing Act.

18. At the same time it is very desirable that the present rates of Boat hire should be revised and the Tariff placed upon its proper footing. This will be done in the draft Boat Act, which has long been under preparation and is now believed to be nearly ready. A discretionary authority should also be given to Government under the Act to revise the rates from time to time as might be found expedient.

19. As respects Mr. Dalrymple's proposal that he be placed in charge of the Marine Police, this could only be accomplished by making him a Deputy Commissioner under Section IV, Act XIII—1856. He could not be put in independent charge, as there could not be two Heads of Police in one Town. Neither does it appear in what way his being placed in charge of the Marine Police, whether in subordination to the Commissioner of Police, or independently of him, could avail the Master Attendant. Such an arrangement would give him no summary power for coercing the Boatmen by means of the Police. He would still have to proceed against them by Summons in the Magistrate's Office as it will be his duty to do now.

20. The Government do not concur with Major Wilson's proposal to put the Boats under the Commissioner of Police. The Marine Police has by law been constituted for an especial purpose, that of protecting Cargo from plunder. If it is to be applied to other uses, its strength must be increased, and even then it does not, as already pointed out, appear how it is to act. The Commissioner must still have recourse to the Magistrate's Office and proceed against the Boatmen there, not off hand by means of his own Peons. The Master Attendant is by office and profession the proper functionary to look after Boats and Boatmen, and there seems no reason for relieving him of that duty.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Memorandum

Official Memo. 25th Jany 1859.
Ex. Mar. Cons: 26th — " — " —
From the Master Attendant } 29th — " — " —
From Commrs. of Police } 7th Febry — " —
From Major Wilson. 7th " — " —
From — do — 10th " — " —

29th Novr 1858.

The Superintendt of Marine submits two letters from the Master Attendant relative to the disorderly state of the Madras Boatmen

2. Mr Dalrymple adverts to the state of things before the passing of Act IV 1842. All the Boat and Catamaran men of the Port of Madras were under the control of the Master Attendant, ~~that he~~ who was held responsible, not only by Govt, but by the Community at large, for the efficiency and good behaviour of the Boatmen, ~~and that he~~ was the Executive Officer on the Beach, having full power to supply Boats at any

but this did not prevent this

any hour of the day or night, either on the public service, or to individuals

5 The Boat Act contains provisions rendering the Boatmen liable to punishment for extortion, or for refusing to go aflock, but from the great difficulty in proving any case of the sort, and the great loss of time in endeavouring to do so, the aggrieved parties are generally averse to prosecute and the culprits escape. The Captain is obliged to go to the Town Police Court, and there wait till Summonses are ordered to be issued. Another great cause of the obstruction of trade is, the common practice among the Boatmen

Boatmen of absenting themselves from their duties en masse taking advantage of a shower of rain or some other trifling pretense, for leaving their Boats unmanned, thus acting in contravention of Sec: XV of the Act

The Merchants, Captains of Ships, and others bring their complaints to the Master Attendant, but he has no recognized authority, has no Police under his orders, and is obliged to refer them to the Supt. of Police, or the Magistrates. A whole day is consequently lost in trying to obtain the interposition of authority

Mr. Dalrymple suggests certain changes which, if carried into effect, will he firmly believes, tend to remedy the existing evils

of

of the present system, so universally complained of by all concerned. He proposes that full powers be given to the Master Attendant to order out Boats for any service, and that on the refusal of any Boatman to go to work when so ordered, immediate punishment may be awarded by a Magistrate. That the Master Attendant be appointed Supt. of the Marine Police, but not to sit on the Bench as a Magistrate. If these powers be conferred on the Master Attendant, he is of opinion that when the Boatmen are aware of it, much less punishment will be necessary than under the present Act, and that all business connected with the Shipping will go on much

much more smoothly, and regularly, than it has done for the last 16 years. All he asks for in his responsible office, is to have restored to him a proper power of control, over the Boatmen of this Port, and he considers that from his long experience as a Magistrate, and Supt. of Police, the work of remodelling and superintending the watching, controlling and detective departments on the Beach, might safely be confided to him. In a second letter 11th Dec. 1858 Mr. Dalrymple gives further instances, which he thinks, will corroborate his testimony against the present system, and that the rule of centralization which obtains in the Police Department, is futile and absurd. The

Superintendent

their engagements - The late Marine Board strongly advised that greater supervision should be exercised over the Boatmen, and in a communication of the 16th June 1857, No 2225, they recommended the appointment of a Supervisor on 150 Rupees a Month, with 2 Peons at 7 Rupees each, whose duty it should be to examine the Boats and keep the Crews to their duty. They at the same time indicated the present Boat Overseer, Veerasawmy Naik, as the fittest person for the appointment. The Boatowners in a letter signed by the owners of 77 Boats strongly advocated a similar measure. To give full effect to the supervisors efforts, he should have substantial assistance from the Master Attendant, his immediate Superior, who could at present afford but little, unless he assumes authority which does not of right belong to him - For these reasons Mr. Franklin recommends that the Beach Police should be placed under the immediate orders of the Master Attendant, without interfering with the general control exercised by the Commissioner of Police, and that Veerasawmy Naik be appointed Supervisor of Boats at a Salary of Rs 150 a month, with 2 Peons at 7 Rupees a month to assist him - The additional Expense might fairly be borne by the Port Fund, which is expressly set aside for the benefit of the Port, and which realizes far more than the Expenditure

P 5 - By an official Memo: dated

P. 4. The Supt Dt of Marine, in for=
=warding the above letters
states, that the great
want is the immediate
supervision of some one
high in authority to keep
the Boatmen to their
duties. The Act as now
in force, No IV of 1842, and
in its proposed amended
state, imposes a penalty
on Boatmen for being
absent from their Boats
without sufficient cause;
but this provision becomes
a dead letter from there
being no one to see that
it is fully carried out. It
likewise imposes fines
for demanding hire in
excess of that laid down,
which for a similar
reason is inoperative.
The Merchants thro' their
Dubashes, when unable
to engage Boats at the
regulated

regulated hire, pay more;
passengers do the same:
and this has been so long
the practice, that the
Boatmen have come to
consider that they have
a prescriptive right to
charge whatever they can
get, which is of course only
regulated by the demand:
and to such extent has
this proceeded, that unless
these increased demands
are complied with, the
Boatmen refuse to work;
there being no one to enforce
obedience, neither the
Merchants or others caring
to waste time in pro=
=ceeding against them in
a Magistrate's Court, and
the Boatowners declining
to do so as they would there=
=by lose the labor of the
men they have so much
difficulty in keeping to
their

dated 25th January the Master Attendant was requested to explain 1st. What was the nature and extent of the powers over the Madras Boatmen, which, in his view, should be vested in the Master Attendant? 2d. In what manner his being appointed Supt. of the Marine Police, would operate to prevent the evils now complained of? 3d. What power the Police now have over the Boatmen? 4th. How that could be better exercised if placed in his hands? P.C. In reply (29th Jany) he states as to the 1st query, that he ought to have the power of ordering out Boats on any service, and that on refusal of any Boatmen to work, he be authorized, and enabled, to proceed against them summarily

(may not [illegible] power exist in some one now)

summarily in the Magistrate's Court. For the 2d, it is his opinion that an Officer on the Beach, familiar with the habits and peculiarities of the Boatmen, and conversant with Naval matters, should be the Supt. of the Marine Police, and that he should be considered solely responsible for the protection of life and property along the line of Beach, and in the roadstead. The 3d query he cannot answer but suggests that on this question a reference should be made to the Commissr. of Police. In answer to the last question, he submits that if the power which is now subdivided among many officials, of whom the Principal has his office 3 miles distant

were

were vested in the hands of one on the Beach, the probability is that it would be more promptly and efficiently exercised.

P 6 The letter from the Supt. of Marine and its enclosure were referred to the Commissioner of Police and to the Magistrates of the Town District for their observations.

7 8 Colonel Sanderson admits that the present Boat Act has practically proved a complete failure but he maintains that it has never had full justice done it, from the day of its coming into operation to the present time. The punitive and coercive portions of the measure have never had fair play. Partly, because it is in itself wanting

7 Feb 59

Exp'd LG

wanting, in the definitions of the duty of the Marine Officer, as Prosecutor under it; but mainly because the late Master Attendant, disheartened by the withdrawal of the large powers of control and punishment formerly possessed by him, abstained from duly exercising the smaller powers which he still continued to enjoy. It seems to him Col B clear, that the Act provides for the remedy of the most crying mischiefs complained of, and that its general tenor indicates the Master Attendant as the party who shall proceed against infractions of it, so as to give its penal Sections proper force. But it does not lay that obligation specifically on him, as it should have done, and he has never accepted the obligation, and thus

thus its requirements and threats have had little effectual efficacy, thro' backwardness of Public Officers to give effect to them in cases of transgression. Colonel Bonderson contends that the means of correction lie within the Master Attendants own reach, and that had he all along done, what was legally possible to him, matters would not have reached their present most unsatisfactory state. The Act is, doubtless, imperfect and requires amendment. Still comparatively few alterations and additions are needed, if those who may be specifically entrusted with the working of the Act, perform their part with steadiness and determination.

[17]

-mination. If certainly that punishment by sentence of a Magistrate will follow any breach of the rules laid down for the governance of Boat owners and Boatmen existed, he feels persuaded that such an effect on both would be produced, as would greatly tend to the required advantage of the public, and to the keeping in check of the turbulent body, who now give them serious offence. The recourse to a Magistrate when offences are committed seems to him all that is necessary, if it is universally and peremptorily adopted, and offenders would soon be restrained by the knowledge of what they had to look for, as the price of their offending, while those who persisted in renown offence would

forfeit

forfeit all title to sympathy even among their fellows.

8 q The Master Attendant is an officer high in authority, and he would quickly learn that the supervision legally allowed him is ample for the control of subordinate men. The cause of his present powerlessness largely originated in his abstinence from the use of authority already vested in him. The Commissioner of Police points out that considerable powers, additional to those conferred by Act IV of 1842, which are vested in the Master Attendant and his Deputy, by the unrepealed Sections of the Marine Police Regulations of 1827, appear to have been altogether lost sight of. The Regulation in question, both gives very considerable Magisterial jurisdiction

These sections are put up. They do not seem to me to help much in the matter. They do not provide means of punishing extortion and refusal to work which are the crying sins of the Dunbar boatmen.

jurisdiction, to the Master Attendant and his Deputy and other Justices of the Peace, which is now never exercised by them, and likewise imposes on them specific duties, which he believes are now never performed. Col. Sanderson demurs to Mr. Franklin's proposal that the Master Attendant be vested with the powers of a Chief Officer of Police and with control of the Marine Police Force created by Act XXVIII - 1858. He does not perceive any substantial advantage to be derived from compliance with it, which might not be gained on other and less objectionable ways, if those, to whom the administration of the Boat Act should be entirely committed under

the

the Magistracy, duly per=
=formed their functions,
in conformity with the
requisitions which are
contained therein, or are
now to be made. It is not
he thinks desirable that
the Master Attendants
subordinates should be
vested with Police jurisdic=
=tion knowing as he does
the extent to which his
officers are apt to coerce
Native Boat Owners and
their Crews, by means which
the law does not recognize.
The Marine Department
of the Police had better be
still left under the control
of the Officer accountable
for the conduct of that
branch of the Public Service
within the whole Presi=
=dency. The Marine Force
as they now stand have no
manner of authority over
the Boatmen, beyond the

prevention and detection
of breaches of the Act under
which that Force is
instituted. The body is
only large enough, when
kept working constantly
up to its full ability, for
the discharge of the par=
=ticular duties assigned to
it, and if its members
are employed as Mr Franklin
seems to contemplate, for
the general purpose of
physically coercing the
Boatmen into obedience to
the requirements of the
Boat Act, their proper
business must be propor=
=tionably neglected, and the
object of their appointment
by so much frustrated.
The Commissioner defends
the New Marine Police
from the charge of inefficiency
brought against them by
Mr. Dalrymple. With
respect

respect of that Gentleman's complaint of vexatious delay in obtaining justice for offences committed against the Boat Act, he observes that having had Experience of the manner in which Marine cases are treated by the Magistrates of the Town Police Court, ~~[illegible]~~ so far from finding any reason whatever to complain of unnecessary loss of time, or other impediments thrown in his way, when he puts up offenders, he is bound and happy to acknowledge the readiness wherewith such cases are always despatched of by the Bench. Mr. Dalrymple wants to have equal facilities afforded him, if he were to adopt the same course

course with respect to breaches of the Boat Act, that is followed by him regarding those of the Marine Police Act; that namely of preferring charges himself, thro' the medium of his subordinate officials, instead of leaving them to be preferred by aggrieved private individuals, when complaints would of course be heard and dealt with according to the order in which they stood for trial. Act No 42 places this course wholly within the Master Attendants discretion, and the Commissioner has no doubt that his general action as Prosecutor, was contemplated by it. The remainder of Colonel Boulderson's letter is occupied in affording explanation relative to the cases adduced by Mr. Dalrymple as illustrative

of

of the deficiencies of the present system. In conclusion he observes, that, in amending the present Boat Act, it may prove requisite to equalize the rates of Cargo and Passenger Boat hire now established by the law, and to modify and alter the present Act, so as to adapt it to the present wants of the Port.

9 & 10 Major Wilson, of the Town Police office observes that if the parties interested in the well being of the Port were to give the Act in question a fair trial, one would be in a better position to give an opinion as to its efficiency, but it appears in many instances to have been allowed to become a dead letter, and the evils complained of have increased owing to long continued impunity.

A

10 A careful examination of the Act will shew that it guards against almost every possible offence that can be committed by the owners or Boatmen in their capacity as such, and that the penalties are for the most part sufficiently severe. Much stress is laid on the difficulty of finding a Prosecutor, but it appears to him that the Master Attendant himself, or his immediate subordinates, are the proper persons to prosecute most offences under the Boat Act. The majority of the offences therein specified, consist of Breaches of the Regulations, signed and granted by the Master Attendant himself.

Others

Others again, consist in disobeying, or neglecting to fulfil certain orders given by that Officer - He is therefore of opinion that it is his duty, to institute prosecutions in all such cases, and that no new powers are requisite to enable him to do so -

Section XII

11 As respects the offences specified in Sec: XV, it is the duty of the owners to prosecute - The law has provided them with a remedy, and if they neglect to avail themselves of it, they indirectly promote the evils complained of, and ought to be held responsible - The Act gives the Master Attendant ample power to control the Owners in this respect, as they are required to be present at the Boat Office daily from

from 5 A.M. until 6 P.M. either in person or by their Agents whenever their Boats are not actually employed - Moreover the Master Attendant is

Section IX

authorized to parade any Boat and Crew at any time he thinks fit, and to suspend, and ultimately withdraw, the License in event of his considering the Boat unseaworthy or the crew inefficient - Almost every offence specified in the Act may be classed under one or other of the Heads above mentioned; that is to say, offences against the Master Attendants Orders and Regulations, and Breaches of License; and offences against the Owners - As regards the few others that remain, the Govt: and the Public might

might fairly look to the Master Attendant as the Principal Executive officer of Marine to see that the law is daily vindicated. There is no reason to suppose that his acting as Prosecutor would be illegal in any instance.

12 13 With regard to Mr. Dalrymple's pape= =sentations as to the delays and annoyances endured by Captains when con= =ducting prosecutions at the Town Police Court, Major Wilson must presume that these ob= =servations were intended to apply to a state of things long gone by, for after an attentive person= =al Examination of the records for the last seven years, from 1852 to 1858 inclusive, and during

which he has been a Magistrate, he has not been able to find one single instance of a charge having been tried at the Town Police Court, under the provisions of the sections quoted above, and in which the Captain of a ship was the Prosecutor.

13 14 The Magistrate doubts, whether the Scale of Boat hire be suffici= =ently high, and thinks that the fact of its not being so may be one reason why it is not enforced. Major Wilson enquires why Mr. Dalrym= =ple should not himself try cases under the Boat Act. He is a Justice of the Peace and therefore qualified under its provisions.

In

14 In a subsequent letter 10th February Major Wilson suggests that in amending Act IV-1842 an opportunity be taken to provide for the Boats and Crews being registered in the Office of the Supt.t of the Marine Police, who should be instructed to prosecute generally breaches against the Act, the Master Attendant being left to do so in cases more particularly within his province-

15 It seems hopeless to expect cordial cooperation between the Departments of the Master Attendant and the Police. On the other hand, in the appointment of the Master Attendant as a Supt.t of the Marine Police, there would be a Union of functions of a different

different nature not very compatible with each other- For these reasons in the event of its being found expedient to make some change, the Boat Establishment might be transferred from the Office of the Master Attendant, to that of the Superintendent of Marine Police, and the Act be amended accordingly-

16 If it be necessary in consequence, to make any addition to the Estabt.t of the Marine Police- this might be done from the Port Fund which, as shewn by Mr. Franklin, has at present a large surplus-

17 Mr. Nelson has favored me with a copy of the letter addressed by the Chamber of Commerce

Commerce to the Govt: Solicitor on the subject of the prevision of 5 & 6 Vict. IV. 1842 - It refers chiefly to a prevision of the rates of hire, and does not touch on the Police part of the question, which Mr. Nelson tells me in a note, the Chamber considered to be the province of Government - "It matters not" (i.e. to the Chamber) "by whom the Act is worked, so that it is worked" -

18. The above is a full summary of all that has been said on this vexed question, by the Supt^dt. of Harriers Master Attendant, Commissioner of Police, and Beach Magistrate. It appears to me, that the two latter officers have

For draft 2

2

have by far the best of the argument - It seems clear that altho' Act IV 1842 may not be perfect, it would go far to remedy the present ills, if it were properly worked, which has never yet been the case - I submit too that the functionary to work it should be the Master Attendant &c, in person or thro' his Deputy or the Boat overseer, should prosecute Boatmen for misconduct, in all cases in which Govt: are concerned, that is in all connected with the landing and shipment of Stores Troops &c and should assist and advise all private individuals in prosecuting their cases at the Police Office, if indeed

indeed he should not on many occasions also conduct those prosecutions himself. The Mercantile Community on their part should invariably prosecute the Boatmen for extortion instead of giving in to the clamor, bidding against each other and crying out to Govt. to do every thing for them. The rates of Boat hire may need and if so should be revised. revision; but if the above course were inflexibly followed a speedy reformation would result.

19. As for Mr. Dalrymple's proposal that he be put in charge of the Marine Police, this could only be done by making him a Deputy Commissioner under Sec. IV Act XIII. 1856, for

for which the sanction of the Governor General in Council would be requisite. It is not probable that Mr. Dalrymple would be content to be (which as Deputy Commissr. he must be) subordinate to Colonel Balderston. There could not be two heads of Police in one Town. Neither, if Mr. Dalrymple were put in charge of the Marine Police, does it appear, how it would avail him. He would still have to proceed against the Boatmen by Summons in the Magistrates Office, as he has now. He could not coerce them summarily by means of the Police; although the desire to do this, lies, I suspect at the root of the matter.

20 As for Major Wilson's proposal to put the Boats under

under the Commissioner of Police. The Marine Police has by law been constituted for an especial purpose, that of protecting Cargo from plunder. If it is to be applied to other uses its strength must be increased - and even then it does not, as already pointed out, appear how it is to act. The Commissioner must still have recourse to the Magistrates Office and proceed against the Boatmen there - not off hand by means of his own Boats. The Master Attendant is by place and profession the proper man to look after Boats and Boatmen, and it does not appear why he should be relieved of this duty because the present incumbent, like his predecessor has hitherto not made adequately performed it - or because he is not likely to pull well with the Commissioner of Police.

J.

I entirely agree with these remarks. I think the Master Attendant ought to be strongly impressed on him.

Mr. Chase. That he may do a great deal under the present Act. I ought to be enabled to impose the duty devolving on him.

The Act however ought to be revised - as soon as possible - & not ought to have a discretionary power of framing the tariff.

H

I quite agree

L

Act 11 Geo. 4 has certainly been a complete failure and I doubt very much if it can be worked to good matters. Mr. Clerk Attd. was to good a Gentleman to appear that I cannot say he wilfully failed to do all that lay in his power to enforce subordination. At the same time there is force in Capt. Wilson's observations and we are to be found better that the provisions of the existing law have been exhausted before asking for new powers.

If Owners will not prosecute their Crews, their license should be withdrawn.

There is evidently considerable jealousy between the Commissioners Police & the Mr Attd. & their respective statements must be received with caution.

J.O.

To set the matter at rest & to let the Board fully comprehend what the differences which the complaints of one able & nearly able bodied absent by his own neglect & omissions — I would send the accounts shewn pages 8 & 9 of result (it would be a waste of time copying them) to the Supt of Marine & request him to let me have his explanation on the matter to date in what they differed from Gentlemen to me.

I would not send any more personal letter.

C. 2 Mard
1210

Marine Depart.

No. 120

Extract from the Minutes of Consultation

Dated 1st April 1859.

Present

Read the following Papers

From the Supt. of Marine Mercantile 3rd Jan. 1859 Nos 8
Official Memorandum — " — 25th Jan. 1859 " 26
Extract Min: of Consultation — " — 26th — " — " —
From the Master Attendant — " — 29th — " — " —
From Commr. of Police — " — 7th Feb. — " —
From Major Wilson — " — 7th — " — " —
From — Do. — " — 10th — " — " —

Read also the following letters.

4

29th Nov. 1858

1. With his letter of the 3rd Jan. last the Superintendent of Marine submitted two communications from the Master Attendant relative to the disorderly state of the Madras Boatmen.

2. In his first letter Mr. Dalrymple adverted to the state of things before the passing of Act IV - 1842 - All the Boat and

and Catamaran men of the Port of Madras were under the control of the Master Attendant, who was held responsible, not only by Govt., but by the Community at large, for the efficiency and good behaviour of the Boatmen. He was the executive officer on the beach, having full power to supply Boats at any hours of the day or night, either on the public Service, or to individuals.—

3.— The Boat Act contains provisions rendering the Boatmen liable to punishment for extortion, or for refusing to go afloat, but from the great difficulty in proving any case of the sort, and the great loss of time in endeavouring to

to do so, the aggrieved parties are generally averse to prosecute, and the culprits escape. The Captain is obliged to go to the Town Police Court, and there wait till summonses are ordered to be issued. Another great cause of the obstruction of trade is, the common practice among the Boatmen of absenting themselves from their duties en masse, taking advantage of a shower of rain, or some other trifling excuse, for leaving their Boats unmanned, thus acting in contravention of Section XV of the Act. The Merchants, Captains of Ships, and others bring their complaints to the Master Attendant, but he has no recognized

authority

authority, has no Police under his orders, and is obliged to refer them to the Superintendent of Police, or the Magistrates. A whole day is consequently lost in trying to obtain the interposition of authority. Mr. Dalrymple suggested certain changes which, if carried into effect, would he firmly believed, tend to remedy the existing evils of the present system, so universally complained of by all concerned. He proposed that full powers be given to the Master Attendant to order out Boats for any service, and that on the refusal of any Boatmen to go to work when so ordered, immediate punishment should be awarded by

by a Magistrate. That the Master Attendant be appointed Superintendent of the Marine Police, but not to sit on the Bench as a Magistrate. If these powers were conferred on the Master Attendant, he was of opinion that when the Boatmen were aware of it, much less punishment would be necessary than under the present Act, and that all business connected with the shipping would go on much more smoothly, and regularly, than it had done for the last 16 years. All he asked for in his responsible office, was to have restored to him a proper power of control, over the Boatmen of this Port, and he

considered

considered that from his long experience as a Magistrate, and Superintendent of Police, the work of remodelling and superintending the watching, controlling and detective Departments on the Beach, might safely be confided to him. In a second letter 14th Dec.r 1858 Mr. Dalrymple gave further instances, which, he thought would corroborate his testimony against the present system, and that the rule of centralization which obtains in the Police Department, was futile and absurd.—

4.— The Supt.t of Police in forwarding the above letters stated, that

that the great want was the immediate supervision of some one high in authority to keep the Boatmen to their duties. The Act as now in force, No. IV of 1842, and in its proposed amended state, imposed a penalty on Boatmen for being absent from their boats without sufficient cause, but this provision became a dead letter from there being no one to see that it was fully carried out. It likewise imposed fines for demanding hire in excess of that laid down, which for a similar reason was inoperative. The Merchants then & their Dubashes when unable to engage Boats at the regulated hire

hire, pay more: passengers do the same: and this has been so long the practice, that the Boatmen have come to consider that they have a previnitive right to charge whatever they can get, which is of course only regulated by the demand, and to such extent has this proceeded, that unless these increased demands are complied with, the Boatmen refuse to work; there being no one to enforce obedience, neither the Merchants nor others caring to waste time in proceeding against them in a Magistrate's Court, and the Boatowners declining to do so as they would thereby lose the labor of the men they have so much difficulty in keeping to their engagements. The late Marine

Marine Board strongly advised that greater supervision should be exercised over the Boatmen, and in a communication of the 6th June 1859 No. 2225, they recommended the appointment of a supervisor on 150 Rupees a month, with 2 Peons at 7 Rupees each, whose duty it should be to examine the Boats and keep the Crews to their duty. They at the same time indicated the present Boat Overseer, Veerasawmy Naick, as the fittest person for the appointment. The Boatowners in a letter signed by the Owners of 297 Boats, strongly advocated a similar measure. To give full effect to the supervisor's efforts, he should have substantial

assistance

assistance from the Master Attendant, his immediate superior, who could at present afford but little, unless he usurped authority which did not of right belong to him. For these reasons Mr. Franklin recommended that the Beach Police should be placed under the immediate orders of the Master Attendant, without interfering with the general control exercised by the Commissioner of Police, and that Veerasawmy Mudaly should be appointed Superviser of Boats at a salary of Rs. 150- a month, with 2 Peons at 7 Rs. a month to assist him. The additional expense might fairly be borne by the Port Fund, which was

expressly set aside for the benefit of the Port, and which realized far more than the expenditure

5.— By an official Memo. dated 25th Jan.y the Master Attendant was requested to explain 1st. What was the nature and extent of the powers over the Madras Boatmen, which, in his opinion, should be vested in the Master Attendant?

2nd. In what manner his being appointed Superintendent of the Marine Police, would operate to prevent the evils now complained of?

3rd. What power the Police now have over the Boatmen?

4th. How that could be better exercised if placed in his hands?—

6.— In reply (29th Jan.y) he stated as to the 1st. query that he ought to have the

the power of ordering out Boats on any service, and that on refusal of any Boatmen to work, he should be authorized, and enabled, to proceed against them summarily in the Magistrate's Court. For the 2nd, it was his opinion that an officer on the Beach, familiar with the habits and peculiarities of the Boatmen, and conversant with Naval matters, should be the Insp.t of the Marine Police; and that he should be considered solely responsible for the protection of life and property along the line of Beach, and in the roadstead. The 3rd query he could not answer, but suggested that on this question a reference

reference should be made to the Commissioner of Police. In answer to the last question, he submitted that if the power which was now subdivided among many officials, of whom the Principal has his office 3 miles distant were vested in the hands of one on the Beach, the probability is that it would be more promptly and efficiently exercised.—

7.— The letter from the Superintendent of Marine and its enclosure were referred to the Commissioner of Police, and to the Magistrates of the Town District for their observations.—

8.— Colonel Balderson admits that the present

4th Feb.y 59.

Boat

Boat Act has practically proved a complete failure but he maintains that it has never had full justice done it, from the day of its coming into operation to the present time. The punitive and coercive portions of the measure have never had fair play. Partly, because it is in itself wanting in the definitions of the duty of the Marine Officer, as Prosecutor under it, but mainly because the late Master Attendant, disheartened by the withdrawal of the large powers of control and punishment formerly possessed by him, abstained from duly exercising the smaller powers which he still continued to enjoy. It seems to him, Col. Baddeley,

clear

clear, that the Act provides for the remedy of the most crying mischiefs complained of, and that its general tenor indicates the Master Attendant, as the party who shall proceed against infractions of it, so as to give its penal Sections proper force. The Act is, doubtless, imperfect and requires amendment. Still comparatively few alterations and additions are needed, if those who may be specifically entrusted with the working of the Act, perform their part. If certainty that punishment by sentence of a Magistrate will follow any breach of the rules laid down for the governance of Boat owners, and Boatmen

existed

existed, the Commissioner feels persuaded that such an effect on both would be produced, as would greatly tend to the required advantage of the public, and to the keeping in check of the turbulent body, who now give them serious offence. The recourse to a Magistrate, when offences are committed, seems to him all that is necessary, if it is universally and peremptorily adopted, and offenders would soon be restrained by the knowledge of what they had to look for, as the price of their offending, while those who persisted in known offence would forfeit all title to sympathy even among their fellows. —

The

9. — The Commissioner of Police points out that considerable powers, additional to those conferred by Act IX of 1842, are vested in the Master Attendant and his Deputy, by the unrepealed sections of the Marine Police Regulations of 1827. The Regulation in question, both gives very considerable Magisterial jurisdiction to the Master Attendant and his Deputy and other Justices of the Peace, which is now never exercised by them, and likewise imposes on them specific duties, which he believes are now never performed. Col. Boulderson demurs to Mr. Franklin's proposal that the Master Attendant

lee

be vested with the powers of a Chief Officer of Police and with control of the Marine Police Force created by Act XXVIII - 1858 - He does not perceive any substantial advantage to be derived from compliance with it, which might not be secured on other and less objectionable ways, if there, to whom the administration of the Boat Act should be entirely committed under the Magistracy, duly performed their functions, in conformity with the requisitions which are contained therein, or are now to be made - It is not he thinks desirable that the Master Attendants subordinates should be vested with Police

jurisdiction

jurisdiction. The Marine Department of the Police had better be still left under the control of the Officer accountable for the conduct of that branch of the Public Service, within the whole Presidency - The Marine Force as they now stand have no manner of authority over the Boat-men, beyond the prevention and detection of breaches of the Act under which that Force is instituted. The body is only large enough, when kept working constantly up to its full ability, for the discharge of the particular duties assigned to it, and if its members are employed as Mr. Franklin seems

seems to contemplate, for the general purpose of Physically coercing the Boatmen into obedience to the requirements of the Boat Act, their proper business must be proportionably neglected, and the object of their appointment by so much frustrated. The Commissioner defends the new Marine Police from the charge of inefficiency brought against them by Mr. Dalrymple. With respect of that Gentlemans complaint of vexatious delay in obtaining justice for offences committed against the Boat Act, he observes that having had experience of the manner in which

Marine

Cases are treated by the Magistrates of the Town Police Court, so far from finding any reason whatever to complain of unnecessary loss of time, or other impediments thrown in his way, when he puts up offenders, he is bound and happy to acknowledge the readiness, where with such cases are always disposed of by the Bench. Mr. Dalrymple would have equal facilities afforded him, if he were to adopt the same course with respect to Breaches of the Boat Act, that is followed by him, regarding those of the Marine Police Act, that namely of

of preferring charges himself, thro' the medium of his subordinate officials, instead of leaving them to be preferred by aggrieved private individuals, when complaints would of course be heard and dealt with according to the order in which they stand for trial. Act IV of 1842 places this course wholly within the Master Attendants discretion, and the Contr. has no doubt that his general action as Prosecutor, was contemplated by it. The remainder of Col. Baddersons letter is occupied in affording explanation relative to the cases adduced by Mr. Dalrymple as illustrative of the deficiencies of the present system

system. In conclusion he observes, that, in amending the present Boat Act, it may prove requisite to equalize the rates of Cargo and Passenger Boat hire now established by the law, and to modify and alter the present Act, so as to adapt it to the present wants of the Port.

10. Major Wilson, Magistrate of the Town Police Office observes that if the parties interested in the welfare of the Port, were to give the Act in question a fair trial, one would be in a better position to give an opinion as to its efficiency, but it appears in many instances to have been allowed

allowed to become a dead letter, and the evils complained of have increased owing to long continued impunity -

11. — A careful examination of the Act will show that it guards against almost every possible offence that can be committed by the Owners or Boatmen in their capacity as such, and that the penalties are for the most part sufficiently severe - much stress is laid on the difficulty of finding a Prosecutor, but it appears to him that the Master Attendant himself, or his immediate subordinates, are the proper persons to prosecute most

most offences under the Boat Act - The majority of the offences therein specified, consist of Breaches of the Licences, signed and granted by the Master Attendant himself - Others again, consist in disobeying or neglecting to fulfil certain orders given by that Officer - He is therefore of opinion that it is the duty to institute prosecutions in all such cases, and that no new powers are requisite to enable him to do so. -

12. — As respects the offences specified in Sec: XV, it is the duty of the Owners to prosecute - The law has provided them with a remedy, and if they neglect to avail themselves of

of it, they indirectly promote the evils complained of, and ought to be held responsible. The Act gives the Master Attendant ample power to control the owners in this respect, as they are required to be present at the Boat Office daily from 5 A.M. until 6 P.M. either in person or by their Agents whenever their Boats are not actually employed. Moreover the Master Attendant is

Section XII.

Section IX.

authorized to parade any Boat and Crew at any time he thinks fit, and to suspend, and ultimately withdraw, the License in event of his considering the Boat unseaworthy or the Crew inefficient. Almost every offence specified in the Act

act may be classed under one or other of the Heads above mentioned; that is to say, offences against the Master Attendants orders and Regulations, and Breaches of License; and offences against the owners. As regards the few others that remain, the Govt. and the Public might fairly look to the Master Attendant as the Principal Executive Officer of Marine to see that the law is duly vindicated. There is no reason to suppose that his acting as Prosecutor would be illegal in any instance. —

13. — With regard to Mr. Dalrymple's representations as to the delays and annoyances endured by Captains when conducting prosecutions at the Town Police Court, Major Wilson must

must presume that these observations were intended to apply to a state of things long gone by, for after an attentive personal examination of the records for the last seven years, from 1852 to 1858 inclusive, and during which he has been a Magistrate, he has not been able to find one single instance of a charge having been tried at the Town Police Court, under the provisions of the Sections quoted above, and in which the Captain of a ship was the Prosecutor. —

14. — The Magistrate doubts whether the scale of Boat hire be sufficiently high, and thinks that the fact of its not being so, may be one reason why it is not enforced. —

15. — In a subsequent letter 10th Feby Major Wilson offers a further

suggestion viz: that in amending Act IV 1842, opportunity be taken to provide for the Boats and Crews being registered in the Office of the Supt of the Marine Police, who should be instructed to prosecute generally breaches against the Act, the Master Attendant being left to do so in cases more particularly within his province — In the appointment of the Master Attendant as a Supt of the Marine Police, there would be a union of functions of a different nature not very compatible with each other — For this reason in the event of its being found expedient to make some change, the Boat

Establishment

establishment might be transferred from the Office of the Master Attendant, to that of the Superintendent of Marine Police, and the Act be amended accordingly.—

16.— If it be necessary in consequence, to make any addition to the establishment of the Marine Police, this might be done from the Port Fund, which as shewn by Mr. Franklin, has at present a large surplus.

17. In the preceding paras. has been given a full summary of all that has been urged by the Supt. of Marine — the Master Attendant — the Commissioners of Police and the Beach Magistrate on the subject of the Madras Boatmen. On attentive consideration of all that has been advanced

advanced by those several Officers has led the Government to the conclusion that altho' Act IV. 1842 may not be without its defects, it would, however, go far to remedy the existing evils, if it were fully brought into operation, which hitherto does not seem to have been the case. With respect to the functionary by whom the Act should be worked, it seems to the Government that this duty may most properly devolve on the Master Attendant, and on his Subordinates acting under his orders. The Master Attendant may however find it difficult to carry out this duty with his present establishment. The Govt. therefore have resolved to act upon

upon the suggestion made by the Marine Board in their letter of 6th June 1857 No 2225, and by the boat owners in a memorial previously submitted and recurred to in the last letter of the 3rd Jany 1859 from the Superintendent of Marine. They accordingly authorize the appointment of a Supervisor of Boats on a salary of Rupees 150 per mensem, with two Peons at Rs 7 each to be paid from the Port Fund, which, it seems from Mr Franklin's letter, is well able to bear the charge. It will be the duty of this Officer, acting under the orders of the Master Attendant, to whose establishment he will be attached, to be constantly on the beach, to examine the boats, and bring before the Magistrate's Court, all cases of exaction or misconduct punishable under the Act, acting in such cases by direction of the Master Attendant as Prosecutor. It must however be clearly understood that the Supervisor is vested with no Police authority whatsoever; his power being limited to that of proceeding against the offenders by summons from the Magistrate's office in the usual way. The Supervisor will be appointed by the Master Attendant, and there would appear good reasons for nominating Veerasawmy Naick as the first incumbent, as recommended by the Superintendent of Marine.

The

The R: H: the Governor in
Council feels convinced
that if the provisions of
the Act be fully made use
of, and the boatmen pros-
-ecuted before the Magis-
-trate on every occasion
on which they may offend,
an improvement will soon
become apparent. Unless
this be so, the matter must
be regarded as desperate,
for it is not probable that
any law will pass the Le-
-gislative Council differing
in principle from the pre-
-sent Act. It will always
be indispensable to obtain
redress by resort to the
Magistrate's Court, and
unless recourse be had to
that tribunal the evil
must continue. Further,
under any circumstances, it
is not to be expected
that

that an enactment on a
more stringent principle
than the present would
be passed, until a full
and complete trial had
been given to the existing
Act.—

18 & At the same time
it is very desirable
that the present rates of
boat hire should be re-
-vised and the Tariff
placed upon its proper
footing. This will be done
in the draft boat Act
which has long been under
preparation and is now
believed to be nearly ready.
A discretionary authority
should also be given to
Govt. under the Act to
revise the rates from time
to time as might be
found expedient.—

19- 19. As respects Mr.
Dalrymple's proposal
that he be placed in
charge of the Marine
Police,

Police, this could only be accomplished by making him a Deputy Commissioner under Sec. IV. Act XIII. 1856. He could not be put in independent charge, as there could not be two Heads of Police in one Town. Neither does it appear in what way his being placed in charge of the Marine Police, whether in subordination to the Comrs. of Police, or independently of him, could avail the Master Attendant. Such an arrangement would give him no summary ~~means of~~ power for securing the Boatmen by means of the Police. He would still have to proceed against them by summons in the Magistrate's Office as it will be his

his duty to do now.—

20. The Govt. do not concur with Major Wilson's proposal to put the Boats under the Commissioner of Police. The Marine Police has by law been constituted for an especial purpose, that of protecting Cargo from plunder.—If it is to be applied to other uses, its strength must be increased—and even then it does not, as already pointed out, appear how it is to act. The Courts must still have recourse to the Magistrates Office and proceed against the boatmen there; not off hand by means of Chuprassy Peons. The Master Attendant is by office and profession the proper

proper functionary to look after boats and boat-men, and there seems no reason for relieving him of that duty.—

Superintendent of Marine — } Dep.t 1st

Commissioner of Police } Dep.t 2d

Head Magistrate of Police 1st District } Dep.t 2d

Editor Index —

Government Solicitor } Dep.t 2d

Asst Auditor } Dep.t 2d

Asst General —

W. Maxwell

T. C. Doll

In Cons of 1 April 1859.

Marine 1859 Dept.

No. 120.

Extract Mins: of Cons.

Ft. St. 324 ff 162 -
" 359 " 182

1st April 59.

Reviewing the correspondence from the Superintendent of Marine and other officers respecting the nature & extent of the powers that should be exercised by the Master Attendant over the Madras Boatmen &c. & the defect of the Boat Act -

12016