

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	329	Press
		Mis—
(Back nos 16-17, dt 25.5.1858)		
Dated	22-5-	1858.

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 25th May 1858.

No. 16. From W. ROBINSON, Esq., Acting Collector of Malabar; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated Calicut 6th July 1857, No. 87.

SIR,

With reference to the Extract from the Minutes of Consultation, dated 29th Ultimo, No. 413 A, I have the honor to submit a copy of my letter to the Board of Revenue on the same subject.
Dated 3rd Ultimo, No. 85.

2. Since it was written, the Joint Magistrate of Cochin has reported that he must defer further criminal proceedings in the Riot case pending instructions, and the Resident has kindly replied to my letter, dated 30th January. I forward herewith a copy of his letter.

3. I must express great regret that the Resident should attribute the affray at Tangacherry to "peculiar opinions held by the Collector and Magistrate of Malabar," instancing apparently my letter of 30th January as an exemplification.
Dated 6th Ultimo, No. 1002.
The causes out of which that correspondence arose took place before I came to the District.

4. The matter at issue is the maintenance and enforcement, by strong and penal measures, of the abolished Tobacco Monopoly within the British Towns of Anjengo and Tangacherry, and it resolves itself into a mere question of law. My views were clearly stated in my letter, dated 30th January, to which the Resident has only now replied. In that opinion every Officer of Malabar, whom I have consulted, seems to concur. Regulation II of 1811 established the Tobacco Monopoly within Malabar and Canara Districts; to the former of which provinces Tangacherry, Anjengo, &c., belong. Its repeal,* without reservation, restored to all inhabitants of British Territory the right of unrestricted trade, and of unfettered consumption as regards that Article. At all events the repeal deprives the Authorities of the legal power of enforcing restrictions by the strong and penal measures asked by the Travancore Authorities. It is likewise obvious that its import by Sea to British Ports cannot legally be prevented.
* *By Act IV of 1853.*

5. Tangacherry and Anjengo, &c., are portions of the Company's Territory, and cannot be deprived of any of their legal privileges and rights in this respect. Neither the terminable leases by which the collection of the Revenues of these petty outlying portions of Malabar, has been temporarily made over to the Travancore State, nor the consideration urged that a small Stipend has been paid to the Police Ameen at Anjengo for the protection of the Monopoly and Sale of Travancore Tobacco, while the Tobacco Monopoly existed, can be legally construed as constituting "Treaties" between two powers or establishing conditions as regards Malabar subjects, such as can supersede the law of the land.

6. I must add that I am satisfied† that any attempt to prosecute criminally, the so called smuggling of Tobacco or any offence arising out of an attempt on our part to force the Tobacco Monopoly, or restrictions of any kind on their inhabitants, would fail as signally as would any attempt to justify repressive steps on the part of the Police or Revenue Authority, were they brought under the cognizance of the Civil Courts by action for damages. To the latter, I believe, I should be at once subjected, were I to issue the orders sought by the Dewan of Travancore in his letter of the 12th January. I therefore see no alternative but that noticed in the closing Para: of my letter to the Board of Revenue.

7. I fail to understand the 3rd Para: of General Cullen's letter, dated 6th June, unless it refers to the unquestioned right on the part of the Travancore State of throwing a preventive cordon around these British Ports, such as was maintained by us around the French Settlement of Mahé during the period that the Monopoly was in force in Malabar. This the Travancore State does and is at liberty to do. However I fear that some grave misapprehension on this point has been the cause which induced Mr. D'Albedyhll somewhat rashly to send a body of Travancore Peons

† *As regards the Criminal and Civil Tribunals of Malabar to which alone the inhabitants of Tangacherry and Anjengo are amenable.*

Fort Saint George, Political Consultation, 25th May 1858.

and Kavilkars (watchers) (it is likewise alleged armed Sepoys) into Tangacherry, to coerce the people engaged in the trade on the occasion which has become the subject of this correspondence : a step which has now brought matters to an issue, of which I must seek the solution at the hands of Government.

8. It will be obvious that vigorous measures alone will repress the trade now even should it be found that the Law is on the side of the Travancore State. The people are exasperated, the stake as regards their trading interest is very large, and the temptation is irresistible, natural and strenuous endeavors to evade the prohibition and escape the vexatious impost prevail on both sides of the border, and resistance of the inhabitants to what they well know to be an attempt to enforce a restriction of most doubtful legality has become open, and it is instigated by most influential parties of the Travancore State, even as Mr. Crawford* justly remarks, among the officials of that State. I anticipate in consequence increasing resistance and recourse to the Law Courts, should further restraint be attempted. I shall therefore take no evercive measures pending the early decision of Government.

* N. B.—His letter brings to light another instance of the lawless state of matters outbursts of which are becoming of more and more frequent recurrence and more serious in their aspect.

Anjengo. Tangacherry.

9. But it must at once be admitted that the anxiety of the Dewan and Resident on the subject is not unreasonable. The question of opening these outlying ports indirectly involves more or less the whole question of the maintenance of the present vicious commercial and fiscal system of the Travancore State, 150 to 160 per cwt. of whose revenues is realised from oppressive and vexatious Monopolies, which do not exist in the neighbouring British territory.

10. Where Tobacco is imported and stored, Pepper will as certainly be received in store and exported and, if when their undoubted legal right of exporting unchallenged any quantity of pepper brought to the Custom Houses, and importing any quantity of tobacco they please, are conceded to the Sea Port towns of Tangacherry and Anjengo, and these places are put on the same footing (I believe they are so in the eye of the Law,) with the harbour of Cochin, the difficulty will be greatly increased which is now experienced in maintaining a system already tottering, amidst a population eager for the change, and a public service demoralized by the nature of its duties and temptation to which it is exposed.

From Cochin		
	Export of Pepper.	Import of Tobacco.
	Cwt.	Cwt.
1853-54:	14,525	11,918
1854-55:	7,695	11,769
1855-56:	20,810	12,712
1856-57:	9,924	18,348

||About one fourth of the export only is taken thither from our Ports.

and the Resident does not support them. It cannot be worth while maintaining the Monopolies in the State of Cochin.

12. The testimony of the Commercial Agent to the Travancore State is as correct as it is condemnatory of the present fiscal system of Travancore. It amounts to this, that so long as the Coast is open, and the export trade possible, the people smuggle away every pepper corn that they can (a trade most lucrative to the hardwinking public officials) and only when the South West Monsoon renders the coast inaccessible does the Travancore State collect (in July and August) such quantity as an unwilling people have been unable to get off their hands clandestinely. In the mean time the entire pepper crops of the sister province of Malabar has left the ports of the District, and such Travancore and Cochin Pepper as has been allowed to pass to Cochin, is al-

Fort Saint George, Political Consultation, 25th May 1858.

ready in the hands of the European consumers in fresh and good condition and the profits of the grower have been realized and are already being invested in the further cultivation of the article over the province.

13. The letter of the Dewan, dated 12th May, invites comparison, and perhaps it cannot be

Year.	Gross Revenue.	Taxation repealed or reduced.		Taxation imposed.	
		Nature.	Amount.	Nature.	Amount.
	Rupees.		Annual.		
1840-41	31,91,180				
41-42	31,51,580				
42-43	31,98,021				
43-44	31,00,490	{ Land Customs.	1,02,524		
44-45	30,22,392	{ Sea Customs.	66,951		
45-46	29,49,633				
46-47	29,76,168	Frontier Duty.	4,599		
47-48	29,72,681	{ Sea Customs.	92,094		
48-49	28,49,952	{ Petty Moturpha tax.	93	Nil.	
49-50	28,15,443	Petty Moturpha tax.	321		
50-51	28,05,009	do.	23		
51-52	28,43,131	Petty house tax.	5,002		
52-53	25,75,004	{ Tobacco Monopoly.	5,66,112		
53-54	22,97,715	{ Hill produce.	117		
54-55	23,00,961	do.	803		
55-56	24,50,075	do.	1,814		
		Ferry Farm.	37,394		
		Total Annual relief...	8,77,847		

from 1840 to 1856 are shewn in the margin, together with the relief from taxation granted during that period to the province. While therefore under a progressively liberal policy, taxation has been relieved to the extent of lacs, the gross revenues are steadily recovering and all permanent sources of Revenue have greatly improved ; a similar result from the like policy in regard to Canara might easily be traced, and might safely be anticipated from the introduction of a liberal tariff in Cochin and Travancore.

Average of 5 years.		
		Cwt.
From 1841-42 to 1845-46	72,781	
1846-47 to 1850-51	77,109	
1851-52 to 1855-56	99,289	

From W. ROBINSON, Esq., Acting Magistrate of Malabar ; to J. D. Sim, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated 3rd June 1857, No. 85.

SIR,
I have the honor to submit the following somewhat voluminous correspondence, on the subject of the Tobacco Monopoly in the two Company's towns of Tangacherry and Anjengo, surrounded by the Travancore territory, and both now leased to the Travancore State for a period of 12 years.

From Resident T. & C. dated 17th January 1857.
To ditto. " 30th do. "
From ditto. " 9th May "
To the Joint Magistrate, Cochin, 14th do. "
To Resident " 19th do. "
From the Jt. Magistrate, Cochin, 21st do. "
do. do. 25th do. "
To the Resident " 26th do. "
Tangasherry ending 12th July 1858.
Anjengo dated 1st April 1859.

2. Both these leases were made during the existence of the Tobacco Monopoly, abolished by Act No. IV of 1853. For¶ Tangasherry a sum of Rupees 2,507, and for § Anjengo Rupees 1,450 per annum is paid by the Travancore State. On the strength of these leases the

¶ The item of Tobacco is rated at Rupees 1,840.
§ The item of Tobacco is not distinctly specified.

Fort Saint George, Political Consultation, 25th May 1858.

Travancore State claims the right to maintain the Tobacco Monopoly in both these British dependencies.

3. Extract Minutes of Consultation, dated 19th June 1855, decided that this was to be permitted till the leases fell in, attempts, have been made to enforce this resolution, but with little success. In his letter, dated 17th January 1857, General Cullen requested me to enforce stringent measures through the Police, but I more than doubt my power to do so in the present state of the Law. He has not replied to my letter, dated 30th January 1857, stating my views on the subject and from which letter it will be observed as well as from the letters of the Joint Magistrate, dated 21st and 25th Ultimo, that the local authorities are unanimous that in the present state of the Law it is impossible to repress the importation or Traffic in Tobacco within towns subject to the East India Company's Government; and it seems to me that no fiscal arrangement can be allowed to contravene the Law.

4. The matter has now been brought to an issue by an indiscretion on both sides, Mr. D'Albedyhill, the Customs Master, has adopted the plan of sending Travancore Cavilcars, (Watchmen,) if not likewise Peons and armed Sepoys of that State into Anjengo, and these measures have been resisted by the people of the town. A serious riot has been the consequence, which is now the subject of enquiry, but, the issue be what it may, under the present State of the law, is not likely to be favorable to the aggressors.

5. Mr. Cullin proposes to move the Legislative Council for a special Act. This is obviously out of the question and I beg to express an opinion that a fair remission from the amount of the lease should be at once granted to the Travancore Government, and the equivocal state of matters put an end to, by allowing the people undisturbed enjoyment of their legal right. With this view I would beg to propose that I be permitted to put myself in communication with the Resident. Should the Government think that the restriction may be maintained without infringing the Law, I must request definite instructions as to how the Joint Magistrate is to proceed.

From Lieutenant General W. CULLEN, Resident, Travancore and Cochin; to W. ROBINSON, Esq., Acting Collector of Malabar, dated Trevandrum, 6th June 1857, No. 1002.

SIR,

I have the honor to acknowledge the receipt of your letters, Nos. 260 and 1549 of the 30th January and 19th May respectively.

The Act IV of 1853 applies to Coimbatore, Malabar and Canara, but there is no mention of Tangacherry or Anjengo, and although the said Act rescinded certain Fiscal Regulations of the Madras Government in regard to Tobacco in the Company's Provinces, it could hardly have been intended to apply to the agreements entered into and maintained with a Foreign State for the last fifty years, the Company's Police Ameens even of each of these stations having always received and still continuing to receive, with the concurrence of the Collector, from the Travancore Government, a monthly stipend for the express protection of, and sale of the Monopoly secured to the Travancore Government by Treaty, for the Agreement appears to me to be in all respects tantamount to a Treaty.

The Travancore Government, were it not in alliance with the British, would of course have been justified in establishing Regulations sufficiently stringent to have at once put a stop to all smuggling, and the alliance or protection now afforded to the Travancore State, should not deprive it of its guaranteed Revenue.

No. 17. ORDER THEREON, No. 329; dated 22nd May 1858.

Ordered to be recorded, with reference to Extract Minutes of Consultation in the Judicial Department, No. 18 of the 6th January last, and Extract Minutes of Consultation in the Political Department, No. 286 of the 28th April.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

dit

No. 329

*Ordered to be recorded,
with reference to Extract Minutes
of Consultation in the Judicial
Department No. 18 of the 6th January
last, and Extract Minutes of
Consultation in the Political Depart-
ment No. 286 of the 28th April.*

*Fort St. George
22^d May 1858.*

J.P.

Recd: June 15/57. 1:10 PM
Returned with 1/6/58.

re 24 of Ord. 25 June 57
Philips 1857
Department

From The Acting Collector
of Malabar
To The Acting Secretary
to Government
Fort St George
Dated - 6 July
Received. 11

N. 84.
Incls. 2.
~~P. 604~~
Reports with
reference to Ex. Min. of
Const. 2/74. With reference
to the subject of the
Tobacco Monopoly as
Tanjavur & Vizianagaram

16717.

11/1/57
With an Order

been intended to apply to the agreements entered into and main-
the last fifty years, the Company's Police Ameens even of each
received and still continuing to receive, with the concurrence of
core Government, a monthly stipend for the express protection
cured to the Travancore Government by Treaty, for the Agree-
ments tantamount to a Treaty.

The Travancore Government, were it not in alliance with it
been justified in establishing Regulations sufficiently stringent to
smuggling, and the alliance or protection now afforded to the T
prive it of its guaranteed Revenue.

No. 17. ORDER THEREON, No. 329; dated 22nd

Ordered to be recorded, with reference to Extract Minute
Department, No. 18 of the 6th January last, and Extract Minute
Department, No. 286 of the 28th April.

(S)

Exd. J. A. Wilson.