

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	<i>959</i>	Press <u>Mis.</u>
Dated	<i>13-9-1965</i>	

P.S.O. NO. 92-93

Not to be folded or roughly handled

17/9/86
[Signature] *[Signature]*

*Proceedings of the Madras Government, Public Department,
13th September 1865.*

No. 92. Read the following letter from J. J. FRANKLIN, Esq., Protector of Emigrants, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 21st July 1865, No. 75.

I have the honor to forward, in original, the accompanying letter from the British Consular Agent at Pondicherry, with enclosure from the Governor of the French Settlements, from which it will be observed that His Excellency has directed that, in order to verify French subjects, they shall bear a pass or certificate from the Maniagar of their village. Little or no difficulty will now be experienced in distinguishing between French and British subjects embarked from Pondicherry.

2. Mr. Norfor further points out that he has no authority over British subjects who come in of their own accord for the purpose of emigration, and that the fee of 1 Rupee is consequently lost. These conclusions are not quite correct. Article 5 of the Convention, on which Act XLVI of 1860 is based, gives the Consular Agent the power of Protector in respect to British subjects. Section 5 of the Act certainly provides that such duty shall be performed under instructions from the Governor General, but as these have not been received, it seems to me that Mr. Norfor only has to conform to the Act which constitutes him Protector to subjects of Great Britain.

3. As regards the fee, there is no legal power to enforce it, although it is sous la surveillance duquel le Maniagar reste placé pour ce service. Ainsi appuyée cette pièce, vous sera communiquée aux fins énoncées dans votre lettre précitée.

Je pense que moyennant cette formalité, exactement remplie, vous aurez toutes les garanties authentiques désirables à la bonne tenue des vos enregistrements.

Agréez, Monsieur le Consul, l'assurance de ma haute considération.

Le Commissaire Général, Gouverneur,
(Signé) M. BONTEMPS.

No. 93. To His Excellency M. BONTEMPS, Governor of the French Settlements in India; dated Fort Saint George, 13th September 1865, No. 959.

With reference to the annexed copy of a letter* from the Protector of Emigrants, I have the honor to request that you will be good enough to inform me whether you have any objection to the

* Dated 21st July 1865, No. 75.

British Consular Agents levying, on account of British subjects recruited within French Territory, the fee of 1 Rupee, which is prescribed by law in the case of Emigrants recruited in British Territory. I think it right to observe that the expense to which Her Majesty's Government is put in maintaining the establishments of Consular Agents at the several French ports is not by any means met by the fees collected under the present system.

Accept Sir, &c.,
(Signed) W. T. DENISON.

Ed. J. H. Burns.

*Proceedings of the Madras Government, Public Department,
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except generally where it refers to Act XLVI of 1860, as in Section 33, where it says "this Act is not to apply except in certain Sections," and points to Section 6 as one that *is to apply*—and that Section gives me power to examine, and, as a necessary sequence, take the fee. This is the great point, for we have already lost 754 Rupees by not attending to the Act. The French Government having met my wishes regarding their subjects, there is only the point now under notice that offers room for discussion; on all others, the rules and regulations seem to be attended to, and there is not any disposition to evade the Law, beyond the little tricks on the part of the Recruiters, for which, if they are duly punished when detected, it is all we can do with such people.

Etablissements Français,

DANS L'INDE.

SERVICE

DE LA

DIRECTION DE L'INTERIEUR.

No. 36.

A Monsieur Norfor, Consul Anglais près l'Emigration, à Pondichéry.

MONSIEUR LE CONSUL,

J'ai l'honneur de vous informer que, par suite à la lettre que vous m'avez adressée le 27 Juin dernier, en ce qui concerne les émigrants sujets français, je viens de prescrire que, dans chaque village, il soit délivré à l'avénir par le Maniagar à tout émigrant de nationalité française un *certificat* *pears* but équitable that it should be paid. Act XIII of 1864 requires the fee to be paid on registration before a Magistrate up-country (Section 31), or before the Protector at Madras (Section 34). This has reference to the French as well as the British operations, but no provision is made for the levy of the fee in the case of British subjects recruited in the French Territories, and embarked at a French port. I have before shown that the Consular Agent at such port is, as far as concerns British subjects, the Protector appointed expressly to watch over their interests, and His Excellency the Governor of Pondicherry, having so liberally responded to the Consul's suggestion regarding the verification of nationality, will doubtless consent to the fee being levied on all such subjects whose fees have not been paid to a Magistrate in our own Territory. I would recommend, therefore, that M. Bontemps be applied to on the subject.

From B. T. NORFOR, Esq., British Consular Agent, Pondicherry, to the Protector of Emigrants, Madras; dated Pondicherry, 15th July 1865, No. 357.

I have the honor to forward you an original letter received from the Governor of this place, a copy of which has been entered on my file.

2. You will observe that the French Government have passed orders in regard to my letter of the 26th, copy of which I sent you. "All French subjects are in future to produce passes from the Puttahmonigar of their village," and in giving this order they have, as far as they can, given me the support I called for. The only difficulty that remains is with British subjects who choose to come in of their own accord and desire to emigrate. I have just now no power over them at all; if I cannot pass them, I also cannot prevent their going, and so in all such cases we lose our fee. It seems to me that there is no legal objection to my resuming the power given me in Government Order of 9th June 1863, No. 639, which order sanctions my examining in certain cases, and also taking the fee. The Act XIII of 1864 makes no provision for such cases,

Etablissements Français

Dans l'Inde.

SERVICE

DE LA

Direction de l'Intérieur.

No. 36.

Monsieur le Consul

J'ai l'honneur de vous informer que, par suite à la lettre que vous m'avez adressée le 27 Juin dernier, en ce qui concerne les émigrants sujets français, je viens de prescrire que, dans chaque village, il soit délivré à l'avénir par le Maniagar à tout émigrant de nationalité française un certificat constatant cette qualité. Ce certificat sera vu et visé par le Commissaire de l'émigration sous la surveillance duquel le Maniagar se trouve placé pour ce service. Ainsi appuyé, ce certificat sera communiqué aux gens émigrants sans autre formalité.

Je pense que moyennant cette formalité, rapidement remplie, vous aurez toutes les garanties authentiques désirables à la bonne tenue de vos emplacements.

A Monsieur Norfor, consul anglais près l'émigration, à Pondicherry

Je vous prie de m'adresser
à ma haute considération.

J. Commissaire Général,
au Département,
Paris.

Memorandum.

Letter from the Protector of Emigrants, dated 21st July 1865. N^o 75.

It seems that Mr. Franklin's proposition might be carried out. We are not by law entitled to demand a fee from a British Subject recruited in French territory but if, as there seems little doubt will be the case, the French Authorities consent to our doing so - there is no reason why the Consular Agent should not, on the strength of the consent of M. Bontemps, demand a fee for every recruit not a French Subject for whom such fee is not shown to have been paid in the district to which he belongs.

Letter to
the
Protector
of
Emigrants
21st July 1865

It must however be clearly understood that this is not a levy which the law sanctions and that tho' equitable, its payment could not be enforced.

Mr. Franklin's argument as to the similarity of the Consular Agent to the Protector, though fully borne out by the Convention, fails when Act XIII of 1864 comes into question, since Section 34 refers expressly to the levy of fees in Madras, Calcutta, and Bombay, before the Protector there.

This levy can only become legal by a legislative enactment.

2/6/65

CW.

Recd 14/9/65

Public Dept

No 653

His Excellency M. Boudemps,
Governor of the French Settlements in
India.

* 21st Aug 1865. No 15.

With reference to the
annexed copy of a letter
from the Protector of
Emigrants, I have the
honor to request that you
will be good enough to
inform me whether you
have any objection to the
British Consular Agents
levying on account of
British subjects recruited
within French territory,
the fee of one rupee which
is prescribed by law in
the case of emigrants re-
cruited in British ter-
ritory. I think it right
to observe that the expense

W

to which Her Majesty's Govt
is put in maintaining
the establishments of
Consular Agents at the
several French ports
is not by any means
met by the fees collected
under the present system.

I accept Sir, Yrs.

Wm A. George
13 September 1843

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Public 1865 Department C

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The Governor of French
Settlement in India.

Consideration

Dated 13 September 1865.

F No 1231.

Regarding the in-
formed whether he
has any objection to
the British Consular
agents leaving on re-
turn of British subjects
recruited within French
Territory, the foregoing
Rules which is herewith
by law in the case of him
: grants recruits in British
Territory