M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1763 Press ~~Mis.~~

365 . 366.

Dated 25. 9- 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 26th September 1864.

No. 365. Read the following Proceedings of the Board of Revenue, dated 13th August 1864, No. 5,208.

Read the following letter from J. FRASER, Esq., Officiating Collector of the Godavery District, dated Cocanada, 19th July 1864, No. 182 :—

1. I have the honor to bring to the notice of the Board that a great deal of ill-feeling towards the Police Constables who are posted on the Yanam frontier to prevent smuggling, exists on the part of the French gentry resident in Yanam.

2. I send (by Banghy) a Plan of Yanam in my Office, which will illustrate the remarks I am about to make.

3. It is affirmed, and I believe with truth, that much smuggling of Brandy from the Yanam territory into the limits of Nilapilly, along the line the small river running to Coringa takes place; and also that Brandy, Claret, and other exciseable articles, that have been landed from French Ships entered for Yanam, but anchored in the Cocanada roadstead and of course allowed to pass into Yanam up the river without let or hindrance, are brought out again, chiefly from the Cooly Depôt [marked ⊙ in red ink on the Plan] and taken down in boats down the river and so to Cocanada for sale. To prevent this last sort of smuggling the Police Constables have orders under Section 8, Act VI of 1844, to stop and search all boats passing down the small river that falls into the Coringa bay, and they generally do so, or attempt to do so, at the point marked thus (× ×) in red ink on the Plan, being the point where French territory on either side of the stream ends. If they fail in securing stoppage and search of the boats there, they try to accomplish this at Coringa itself, just beyond which town the river falls into the bay.

4. I am informed that with native boats there is no trouble whatever; that they always stop on being hailed, and permit the search for dutiable goods without offering any obstruction; but that boats belonging to French gentlemen residing in Yanam or Cocanada invariably refuse the search, or that if it be accomplished it is always so with difficulty.

5. Section 8, Act VI of 1844, declares that Chowki Officers shall have the power to detain for search *goods* passing into or out of foreign territory, but it evidently contemplates their being carried on land. In the case of Yanam, as there is no decent road communicating with Cocanada, goods going there are always taken down the small river that falls into the Coringa bay, and I wish to know whether the Board consider that a Constable, on the suspicion that any boat going down the river contains exciseable goods, though he may not be able to see them, is justified in insisting that the boat should stop, and in searching her for such goods. A case occurred the other day in which a boat going to Cocanada was hailed and ordered to stop at the frontier marked thus (× ×) in red ink, and refused to do so. The Constable followed her up to Coringa, and attempted to make the search there, but was forcibly prevented. The boat belonged to a French gentleman resident at Yanam, and himself on board at the time. I am in a position to know that she had nothing exciseable on board at the time search was demanded; still it ought to have been allowed I think. It may often happen that search may be demanded on similar future occasions; but seeing that several of the French gentlemen at Yanam do not scruple to smuggle on occasion, I do not see how this can be avoided, or how special exceptions can be made without causing much dissatisfaction.

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1. The Board cannot doubt that any preventive Officer having reasonable grounds for suspecting that a boat passing from Yanam in British waters contains dutiable goods uncovered by a pass, is competent to stop and search such boat, although, as would appear from the Map, the whole line of water carriage is included in British territory. As regards Spirits there would seem to be no room for doubt, as even in British territory any spirits in transit uncovered by a permit are liable to be seized under Regulation I of 1820.

2. The papers will however be referred to the Advocate General for his opinion.

Proceedings of the Madras Government, Revenue Department, 26th September 1864.

No. 366. ORDER THEREON, 26th September 1864, No. 1,763.

Separate Revenue, No. 123.
Customs.

Ordered to be recorded.

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 5,208.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th August 1864.

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5. Section 8, Act VI of 1844 declares that Chowki officers shall have the power to detain for search *goods* passing into or out of foreign territory, but it evidently contemplates their being carried on land. In the case of Yanam, as there is no decent road communicating with Cocanada, goods going there are always taken down the small river that falls into the Coringa bay, and I wish to know whether the Board consider that a Constable, on the suspicion that any boat going down the river contains exciseable goods, though he may not be able to see them, is justified in insisting that the boat should stop, and in searching her for such goods. A case occurred the other day in which a boat going to Cocanada was hailed and ordered to stop at the frontier marked thus (× ×) in red ink, and refused to do so. The Constable followed her up to Coringa, and attempted to make the search there, but was forcibly prevented. The boat belonged to a French gentleman resident at Yanam, and himself on board at the time. I am in a position to know that she had nothing exciseable on board at the time search was demanded; still it ought to have been allowed I think. It may often happen that search may be demanded on similar future occasions; but seeing that several of the French gentlemen at Yanam do not scruple to smuggle on occasion, I do not see how this can be avoided, or how special exceptions can be made without causing much dissatisfaction.

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2. The papers will however be referred to the Advocate General for his opinion.

(A true Copy and Extract.)

Secretary.

To Honorable J. B. Norton, Advocate General, with the Map,
through J. R. Boyson, Esq., Government Solicitor.

Copy to J. Fraser, Esq., Officiating Collector of the Godavery District.
„ to J. D. Sim, Esq., Secretary to Government, R. D., for information.

Exd. J. Wright.

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1763

New 1864. Department.
Rev. & Cust for Septr.

No. 2181.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 13th August 1864.

Dept of Rev
No 2181 of
From Govt Solicitor reading
letter of 8 Septr 64 C no: 2450
Rs. 1763.

No. 5,203.

RECORDED.

26th Septr 1864.

Referring for opinion the question whether any preventive officer having reasonable grounds for suspecting that a boat passing from Yanam in British waters contains dutiable goods uncovered by a pass, is competent to stop and search such boat.

Rt. Bd of Rev dy 27th March 65
No 877

No 365 & 366.

To Collrs & Bd of Cust Salt & Opm Lahore

C 13 Sept 1864 R 16