M.R.O. 14–5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3282 — Press ~~Mis.~~

21.22

Dated 8 – 12 – 1866.

Not to be folded or roughly handled

Ref No 3282

No. 21. Read the following Proceedings of the Madras Government in the Public Department :—

Communicating papers relative to the application of certain rule to Staff Corps Probationers from Her Majesty's British Regiments performing a year's service in a Native Regiment when the employment proposed for them is of an entirely Civil character. } (Here enter 17th November 1866, No. 1,181.)

No. 22. ORDER THEREON, 3rd December 1866, No. 3,282.

Miscellaneous.

Communicated to the Board of Revenue, Director of Revenue Settlement, Superintendent of Revenue Survey, and Conservator of Forests.

(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

To the Board of Revenue,
,, the Director of Revenue Settlement,
,, the Superintendent of Revenue Survey,
,, the Conservator of Forests,
} With Proceedings Public Department, No. 1,181.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Public Department, 17*th November* 1866.

Read the following :—

No. 104. Letter from the Adjutant General, to the Secretary to the Government of India, Military Department ; dated Simla, 5th October 1866, No. 1087E.

Staff Corps.

With reference to Military Department docket, No. 139, 15th September 1866, and the occasional difficulty found in supplying the Offices of Administration under Government with competent Staff Corps Probationers from Her Majesty's British Regiments, the Commander-in-Chief requests to be informed whether the rule* is to be adhered to in future of such probationers performing a year's service in a Native Regiment, when the employment proposed for them is of an entirely Civil character. His Excellency has understood that, in such cases, it was not necessary to adhere to the abovementioned rule.

* Vide Clause 2 of the Home Department Notification, published in G. G. O., No. 845 of 1864.

From the Officiating Secretary to the Government of India, to the Adjutant General; dated Simla, 19th October 1866, No. 217.

I am directed to acknowledge your letter, No. 1087, dated 5th October 1866, and, in reply, to acquaint you, for the information of His Excellency the Commander-in-Chief, that the Right Honorable the Governor General in Council, in the Military Department, is of opinion that the rule should be adhered to in future.

2. The point is one which must finally rest with the Civil Department, by whom the rule was laid down, though the Governor General in Council considers it very desirable that all Officers of British Regiments required for employment in a Civil Department should be allowed to remain with a Native Regiment for the prescribed period of a year, and pass the Staff Corps tests therein, before their appointment to Civil situations. They would thus be admitted to the Staff Corps in a shorter time, whereby their Regiments would benefit, and, in the event of being unable to continue in Civil employment, would have proved their fitness to do Regimental duty in the Native Army.

No. 218.

Copy of the foregoing forwarded to the Secretary to the Government of India, Home Department, for information.

(By Order).
(Signed) H. K. BURNE, Lieut. Colonel,
Offg. Secy. to the Govt. of India.

No. 219, to the Foreign Department.
No. 220, to the Public Works Department.

No. 5982.

Copy forwarded to the Government of Fort Saint George.

(By Order).
(Signed) G. R. ELSMIE,
Offg. Under Secy. to the Govt. of India.

HOME DEPARTMENT, SIMLA,
31*st October* 1866.

Proceedings of the Madras Government, Public Department,
17th November 1866.

No. 105. ORDER THEREON, 17th November 1866, No. 1181.

Communicated to the Revenue, Military, and Judicial Departments.

(True Extract).

G. J. Cumberlege
Chief Secretary

To the Revenue Department.
" Judicial do.
" Military do.

Exd. J. H. Burns.

Rev: 1866. Despatch
Pro of Govt for December
No. 4232.

Proceedings in the
Public Department.

Noted 17th 3 hours
Received 26th 1866.
No. 1181

No. 3282. 3 December

Communicating
papers relative to the ap-
plication of certain rule
to Staff Corps Probationers
from H.M.'s British Re-
giments performing a year's
service in a Native Re-
giment when the employ-
ment proposed for them
is of an entirely Civil
character.—
With order L

No. 21422

No. 3282.

Communicated to the Board
of Revenue —

Dr. of Rev. Letter
Supt of Rev. Survey.
Comr of Accts.

3d December 66.

2 to the Board of Rev.
1 Dr. of Revenue
1 Dr. Supt of Rev. Survey
1 Dr. Commissioner of Accts

with Copy of No 1181 Dec 4th

13

No. 265

From

C. W. Reade Esqre
Collector & Special agent &c

To

The Honorable A. J. Dalrymple
Chief Secretary to Government &c
Fort St. George.

Sir,

In acknowledgment of the order of Government dated 17th Instant No. 1638 recorded on their Proceedings of the same date Judicial Department, I have the honor to state that the complaint of His Excellency the Governor of Pondicherry, a translation of which stands at the head of those Proceedings, has already received personal investigation and final adjudication at my hands, as will be seen by the enclosures.

2. The accompanying copy of correspondence between M. Bontemps, and myself will show the Government that the complaint of Mr. Le Fanchenr backed by His Excellency, had my immediate attention, and though at considerable inconvenience I proceeded to

Pondicherry

Pondicherry, after summoning the parties concerned, and to render my proceedings as public as possible, I held the enquiry in a building, very courteously placed at my disposal for the purpose by the French authorities. Before leaving for Pondicherry, the Superintendant of Police was also informed by me of the occurrence, & of my intention personally to investigate it.—

3. I would beg the attention of Government to my final decision and to my letters to His Excellency the French Governor, as these sufficiently explain the whole matter and render a recapitulation of it unnecessary.—

4. I had an interview with M. Bontemps after the enquiry when I verbally informed him of the result, & further explained the misinterpretation by His Excellency's Government of the orders of the Government of Madras in the year 1862, which His Excellency has given as the reason for his order and I here desire the attention of Government to those orders as quoted in the margin.— I take their spirit to be that all goods of a French officer passing from one French Settlement to another, whether by land or by sea, shall throughout be exempted from

+ Dated 25th June 1862, P. 1401.—

from all Customs duty, but to entitle them to such exemption, I submit that the Seal & Certificate therein required should be those of a British and not of a French Authority as imposed by the French. I explained this in my letter to His Excellency and testified at our personal interview. No other construction has ever been put upon the order in question, either in my office or by the Customs agents, and the French Passes spoken of in M. Bontemps letter have only been conditionally protective, subject to subsequent proof that the goods they covered had duly reached the French settlement to which they were destined, on the production of which the duty levied and retained in deposit has always been immediately returned. The respect & recognition of these French Passes has, necessarily been nothing more.—

5. The Governor appeared quite satisfied with my explanation after perusing the correspondence which had led to the order and as he acquiesced in my view of it, and did not press for any reference on the point, I have not pursued further in the matter. His Excellency is in error in stating that 2352 Passes had been issued since 1st January last, the Numbers date consecutively from the year

year 1862, i.e from and after the issue of the order to which I have adverted and were given for Merchandise of all kinds passing from Pondicherry to other French Settlements, and few if any have been for personal Baggage or goods of an officer, the cases of which are very rare, but in all whether Merchandize or officers property, the same course is observed and the goods or articles so covered by a French Pass are merely subject to conditional duty which is returned as already explained on the production of the required endorsement.

6. The proper and usual course which has hitherto obtained in cases like that of M. Le Faucheur is to apply to the Collector when a free pass for all personal baggage and effects is at once granted and which of course is a perfect release to the holder from all the vexation and detention to which otherwise every Traveller must of necessity be subject in passing through the Custom House. M. Le Faucheur's non observance of this course exposed him to the annoyances of which he complained, but he relied on the French pass with which he had furnished himself as a sufficient protection and was of course disappointed. His family and his property were not however delayed beyond a few days, and they subsequently passed through the Frontier Customs Stations under a Certificate from me, without further hindrance.

A case of this kind is to be regretted, because it is some little time before the matter is understood & the real facts become known, meanwhile the irritation & excitement that arise in a small settlement like Pondicherry are very great, and it was for this reason, that I went over at once, & as I am well acquainted with most of the officials and both His Excellency and those in authority under him have always evinced towards me the greatest courtesy & confidence, and I am happy in being able to inform Government that my presence & the enquiry publicly held by me quite allayed all angry feelings and the facts were eventually fully understood, although it may not have been satisfactory to the parties immediately concerned, that the Customs Police officers escaped actual punishment for their alleged overbearing and offensive conduct, but there was nothing really proved against any individual of them when the case came to be sifted and all I could do was strictly to warn the

customs

customs officers of their duty and of their certain dismissal from employ if in the execution of their legitimate functions, they were guilty of any insulting or offensive demeanour towards travellers.-

In the Land Customs as well as in the Salt Department, there are two branches of administration and that the Police, form the preventive Establishment in both and although ostensibly working with one aim and end, the functions and interests of each Department are dissimilar giving occasion at times for the display of ill feeling & jealousy, and this has no doubt a tendency to prevent that unity of action on the part of the executive which however of value in the interests of the Customs Revenue, is productive at times of annoyance to Travellers- But I am happy to say, that the instances of collision are very rare and hitherto the two Departments have on the whole worked very amicably, but in the exercise of their Responsible functions, the Revenue Customs Officers have frequently to thwart the interests of the Police Executive- The latter share in the proceeds of all confiscated goods, and naturally stimulated by a desire for their

their own gain are sometimes overzealous and energetic in the Seizures they make, and considerable caution & watching are needed to prevent injustice & to secure the public against a needless and vexatious [illegible] annoyance inseparable from the mildest enforcement of all Customs Laws.-

9. In Reply to my letter marked D- announcing the final disposition of Mr. Le Vaucheur's Complaint and which I had previously personally intimated to the Governor of Pondicherry, I received a brief acknowledgment from His Excellency accepting my solution of the matter, and offering no sort of objection, and I am aware that M. Bontemps merely seeks for some guarantee that in future, Officers of his Government shall not be subject to similar indignities and annoyances, as have been alleged in the present case, and this guarantee I have now given, provided the course be adopted as pointed out, and which, if this recent occurrence had been invariably followed, and the Government will observe that M. Bontemps is quite satisfied with this settlement of the matter and has already made it known

to

to the Several Departments of his Govern=
=ment, so that I shall submit with all defer=
=ence that nothing remains to be done.=

10. In order to place the executive administration of our Customs Laws on a more satisfactory footing & to bring into greater harmony of action the two branches of the Department, I have now drawn up certain Rules for the general guidance of all Customs Officers, Revenue and Police, the strict observance of which, will, I think, obviate all future complaints; and I propose to publish these Rules in English, French & Tamil in the local Gazette and Pondicherry Moniteur & they will be pasted up on a large Board, at each of the principal Sayer Stations, and a few Copies will be printed in Pamphlet form for circulation to the public.—

11. I am now in communication with the Inspector General of Police on the subject, and I have sought his comments and remarks on my proposed Rules, before they are finally sent to the Press; as I do not presume Government wish to be troubled further with a matter entirely within the competency of the local Executive to deal, but I desire to assure His Lordship in Council, that it has hitherto been my anxiety, and no effort shall in future be wanting on my part, to render our Customs Laws as little obnoxious & irritating as possible to our French Neighbours, and I am sanguine, that the Measures I have now taken, will effectually have removed all real cause for hereafter complaint.—

These must be observed Mr. [illegible] Head of Revenue Dept are by law the "Chief Customs authority."

I have the honor to be
Sir,
Your most Obedient Servant

Arthur Leach
Collector & Special agent

Special agents Office,
Cuddalore
26th October 1866

Rec'd October 1866 No 17-20
Rec'd 25th June 1862 No 3876 39

Transferred to
the Ned Dept
L. D'Leur

No 23

C.S. Nov/66

Rec'd
Letter of Govt 1866 for Depts
No 4201.
From
The Special Agent
Cuddalore
To
The Chief Secretary
to Government
Madras.
Dated 26 October 1866
Rec'd 29th Nov.
No 265
Enclosures 2 Draft Os
No 2382

Reporting the
result of his enquiry into
the Complaint made by a
French Gentleman of Pondichery
Mr Le Fanchem against
certain officials at the Tayen
Kalcoil of Mortandy and
forwarding copies of Cor-
respondence between him-
self and His Excellency the
Governor of Pondicherry on the
subject.

F.D. No 3283. 3d Dec.

F W Orme