

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 3283	Press
23.257	Mis
Dated 3 - 12 - 1866.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
3rd December 1866.*

Read the following papers :—

No. 23. From the Collector and Special Agent, South Arcot; to the Chief Secretary to Government, Fort Saint George, dated Cuddalore, 26th October 1866, No. 265.

1. In acknowledgment of the Order of Government, dated 17th instant, No. 1,638, recorded in 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 shew the Government that the complaint of Mr. Le Faucheur, backed by His Excellency, had my immediate attention, and, though at considerable inconvenience, I proceeded to 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 Superintendent of Police was also informed by me of the occurrence, and 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, I 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 quoted in his present letter, and I here desire the attention of Government to those Orders, as

* Dated 25th June 1862, No. 1,491.

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 all Customs duty; but to entitle them to such exemption, I submit that the seal and certificate therein required should be those of a British and not of a French authority, as supposed by the French. I explained this in my letter to His Excellency, and also 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. Bontemp's 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 and 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 moved further in the matter. His Excellency is in error in stating that 2,352 Passes had been issued since 1st January last, the numbers date consecutively from the year 1862, *i. e.*, from and after the issue of the Order to which I have adverted, and were given for merchandize of all kinds passing from Pondicherry to other French settlements, and

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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 officer's 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, when passing a Foreign Customs 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.

7. A case of the kind is to be regretted, because it is some little time before the matter is understood, and the real facts become known; meanwhile the irritation and excitement that arise in a small settlement like Pondicherry are very great, and it was for this reason that I went over at once, and 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 and confidence, I am happy in being able to inform Government that my presence, and 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 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 demeanor towards travellers.

8. Government will be aware that 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 and 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 own gain are sometimes over-zealous and energetic in the seizures they make, and considerable caution and watching are needed to prevent injustice, and to secure the public against a needless and wanton aggravation of the delay and annoyance inseparable from the mildest enforcement of all Customs laws.

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3rd December 1866.*

22
In reply to my letter marked D, announcing the final disposition of M. Le Faucheur's complaint, and which I had previously personally intimated to the

Governor of Pondicherry, I received a brief acknowledgment* from His Excel-

lency, 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, till 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 the several departments of his Government, so that I submit, with all deference, that nothing remains to be done.

10. In order to place the Executive administration of our Customs laws on a more satisfactory footing, and 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, and Tamil, in the local Gazette and "Pondicherry Moniteur," and 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, and I do not presume Government wish to be troubled further with a matter so 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 and 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.

Transferred to the Revenue Department.

(Signed) J. D. SIM,

Secretary to Government.

No. 24. From the Inspector General of Police, to the Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 8th November 1866, No. 1,858.

1. With reference to G. O. No. 1,638, dated 17th October 1866, I have the honor to submit a copy of Captain Swanston's letter to the Collector of South Arcot, dated 23rd October 1866, No. 665, with enclosures, also a copy of the Collector's letter to the Superintendent, dated 11th October 1866, No. 482.

2. The facts of the case are these:—A M. LeFaucheur arrived at the Mortanday Custom House about 11 P. M. on the 22nd September with six carts, and stated that he was on his way to Salem. He stated that he had no dutiable articles, except eight bottles of Claret, and produced a French pass, which was duly received and taken

to the Ameen. The Ameen ordered the preventive officers to search the carts. To this the passenger objected, and stated that he would return to Pondicherry. He became very excited. It is stated that the Police were threatened with a gun. Possibly something else was in the dark mistaken for a gun. The Preventive establishment considered it their duty to detain the carts until duly examined. One cart was searched that night and returned to Pondicherry. In this a lady was travelling. The next afternoon the rest were searched in the presence of the owner, when a much larger quantity of dutiable articles was found than had previously been declared by the passenger.

3. Mr. Reade went to Pondicherry and held a public enquiry into the complaint of M. Le Faucheur, as I believe, in the French Police Office, and summoned the Revenue and Police Preventive Establishments. He came to the conclusion that there was nothing to lay hold of against the Constables.

4. On the whole I fail to see that there was any irregularity on the part of the officers of Government. The Ameen ordered the carts to be searched. He had authority to do so. Without his order it could not be done. The Preventive Constables proceeded to do so, and were obstructed by the traveller in the execution of their duty in a manner the reverse of considerate or courteous.

5. The only point which may be open to remark is the detention of carts when the passenger expressed his wish to return to Pondicherry when he found he was to undergo search. It might have been expedient to have permitted this, and had an European Officer, with sufficient authority, been on the spot, he would probably have permitted it. But here too, I think, that the subordinates in the position of the Ameen and Preventive Constables were sufficiently in order with reference to the Frontier Customs practice of all countries. When a passenger presents himself and baggage at a frontier, and makes his declaration in respect to dutiable articles, he stands and falls thereby, and is not permitted to withdraw his baggage and retrace his journey at will, because he finds that his baggage is to be subjected to search.

6. In his letter to the Governor, His Excellency the Governor of French Settlements in India alludes to unrefined venal and low agents. He gives full credit to the excited declaration of M. Le Faucheur; and Mr. Reade writes some generalities in the same character. But the fact is that the matter has been fully enquired into (I need scarcely add that Mr. Reade properly and carefully looked to the French side of the occurrence), but nothing worthy of censure was established against any officer of Government, even under circumstances of provocation at the hand of the passenger. Indeed, I venture to assure the Government, as the result of much experience both in Europe and India, that the want of consideration and courtesy is quite as frequently to be found on the side of the passengers as on that of the officers of the State on whom an unpleasant duty devolves. Especially in this country a firm determination on the part of a Native to do an unpleasant duty is frequently mistaken by Europeans for insolence.

Transferred to the Revenue Department.

(Signed) J. D. SIM,
Secretary to Government.

No. 25. ORDER THEREON, 3rd December 1866, No. 3,283.

Separate Revenue, No. 2.
Customs.

1. Ordered that the foregoing letters be communicated to the Board of Revenue for their remarks, and for their early report on the system of "Passes" which appears to be in force in South Arcot, and generally on the method of collecting duties pursued on the Pondicherry frontier, as well as that followed at the Custom Houses on the frontiers of Karical and Mahé.

2. The "Passes" appear to the Government to have been extremely numerous.

3. The Board will, with their report, submit a Statement of the Customs duty levied on the Pondicherry frontier on Imports and Exports during the last five years, noting any material increase or decrease caused by changes in the rate of duty. They will also ascertain, if possible, the quantities of dutiable articles imported by sea into Pondicherry, and contrast them with the quantities imported into our territories from Pondicherry during the same period.

4. The Government must remark that, as Collector and Magistrate of the South Arcot District, Mr. Reade erred gravely in holding an official enquiry into the conduct of British Officers in Pondicherry, where he has no lawful authority. In his correspondence with His Excellency the Governor of the French Settlements, Mr. Reade has also discussed the administrative arrangements of Government in a manner not called for, and likely to cause embarrassment.

5. Mr. Reade will be informed that it is not competent to him to frame rules for the Customs Officers without the sanction of the Board of Revenue. The Board will call for the draft of the rules, and instruct him in future not to ignore their authority in this manner.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Reade

General depot
N^o 1867

Chief Office of the Insp^r: General of Police
Madras 10th November 1866.

Memo

The Inspector General of Police
begs to request the Secretary to Government
will be good enough to cause the following
correction to be made in his letter N^o 1858
dated 8th instant:-

Parab.

For "firm declaration" write "firm determination".

 Captain.

For Inspector General of Police.

To
The Secretary to Government
Fort St. George.

the carts to be searched. He had authority to do so. Without his order it could not be done. The Preventive Constables proceeded to do so and were obstructed by the traveller in the execution of their duty in a manner the reverse of considerate or courteous.

5. The only point which may be open to remark is the detention of carts when the passenger expressed his wish to return to Pondicherry when he found he was to undergo search. It might have been expedient to have permitted this and had an European Officer with sufficient authority been on the spot he would probably have permitted it. But here too I think that the subordinates in the position of the Ameen and Preventive Constables were sufficiently in order with reference to the Frontier Customs practice of all countries. When a passenger presents himself and baggage at a frontier and makes his declaration in respect to dutiable articles he stands and falls thereby and is not permitted to

1866 Sept 10

From Mr. General

of Police

To Mr. Secy to Govt

Madras

Dated 10 Nov 1866

No 1867

Respects to cause certain
collection to be made in
letter of 1868 dated 8 instant
from Mr. Secy to Govt
of Police.

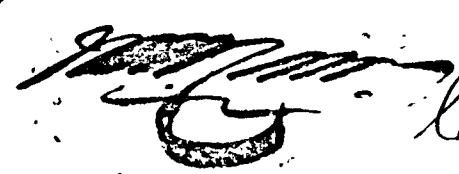
to withdraw his baggage and retrace his journey at will, because he finds that his baggage is to be subjected to search.

6. In his letter to Governor His Excellency the Governor of French Settlements in India alludes to unrefined venal and low agents. He gives full credit to the excited declaration of M. Lefancheur; and Mr. Reade writes some generalities in the same character. But the fact is that the matter has been fully enquired into (I need scarcely add that Mr. Reade properly and carefully looked to the French side of the occurrence) but nothing worthy of censure was established against any officer of Government even under circumstances of provocation at the hand of the passenger. —

Indeed, I venture to assure the Government, as the result of much experience both in Europe and India that the want of consideration and courtesy is quite as frequently to be found on the side of the passengers as

as on that of the Officers of the State on whom an unpleasant duty devolves. Especially in this country a firm declaration on the part of a Native to do an unpleasant duty is frequently mistaken by Europeans for insolence.

I have the honor to be,
Sir,

Your most obedient servant
 Captain
for Inspector General of Police

Dec: 17th 1866

Trans sent to
The No 2 Det
J. Blum

Revenue
No of Govt for Dec
~~1866~~ 1866 Report
From
The Inspector of Police
to
The Secretary to Government
Fort St. George
Dated 8th November 1866.
Dec: 28th -
No 2442
No 1858

Enclosure 2 Dec: 11. 63

Submits certain circumstan-
ces relative to the recent
search made on the dutiable
articles of certain passengers
from Pondicherry with his
remarks on the conduct of the
Police on the occasion.

C. A. No 3283-3 Dec:

24.

Rev. 4202/66

1866 Depart.

Enclosure No 2

In a letter from the
Insp. Genl of Police dated
Madras, 8th November
1866 No 1858.

From
The Supt of Police
South Arcot.

To
The Collector of
South Arcot.
Dated 23 October 1866.

No 665

Enclosures 2.

Reports on the recent search
made on dutiable articles
of M Lefaucheur.

In dubl. No 2442/66.

N: 2382

8th Judicial

From the Special Agent - Cuddalore -
426: October 1866

For Orders.

I do not understand on what grounds
Mr Beade held his inquiry at Pondi.
-chery when he had no jurisdic-
-tion or authority and whether
his proceedings could have any
validity. The French Govt might just
as well hold an inquiry at Cudda-
-lore. Mr Beade should have con-
-sulted the authorities in his
own district and Mr de Fanchen
should have come on then if he
had any previous or want
to press his charge against the Court.

~~Copy~~
I find that the London Convention
has been held at our Custom House
for less than 25 years & has
been founded in the year of 1862
beginning at the end of 1860 &
year - or more than one day - &
most part it is said our first
to come merchandise was in
double baggage - Very little mer-
chandise can pass between the French
with much. I don't think it
system is sanctioned by our
Customs etc and it is clearly
on which should be closed

watched -
I have understood that until
last year has under the British
management been much im-
proved and largely of practice
at the Port of London & the Custom
House and that the revenue has
increased in consequence. No
longer I believe the aid of
the Police was called in much
under the Robinson's super-
-vision matters were put on a
better footing.

I would suggest that this
correspondence to Lord Elphinstone
Governor of India & the
Hon. Mr. Pender to direct to be sent

The order which he is desiring to the
Board for this sanction & export to
port -

It is desired no doubt that the
law of this frontier duties be so con-
-sidered out as not to cause any
-inconvenience to a fair dealer
(and in my time I have heard of
any complaints) but it is better
for me that our revenue should be
protected and smuggling kept
within its narrow bounds

E. J.

Ind. Dep. 2382 of 66.

I quite agree in the mode of disposing of
this matter. Mr. J. Lyndell has proposed.

The way to Mr. Reade, not clearly had no right
to transport his property into Mr. La Fouchère's
complaint; to French territory. If Mr. Reade's
larger territorial justice was worth having, it ought
to have been worth seeking. Any sentence
by the magistrates at Pondichery, would, I
think, have been a nullity & must have been
reversed on an appeal being made; or the Sepoy
law reversing the law.

Mr. Reade writes of this "happ" system concerning
goods in transit to other French settlements &
having "long been recognized". There seems no
warrant for such a system in the revenue
code, & though perhaps the spirit of the
code of 25 June 1862 may be, with some
participation, he applied to the personal baggage
& supplies of French officers (going from one
French settlement to another by land, & cer-
tainly has been properly restrained in being
extended applicable to goods so passing

It is not, however, clear from Mr. Reader's
letter that the system dates from the G.O.
of June 1852. I would then for particular
reference please inform on the point and
call on Mr. Reader to show where he finds
in the existing Regulations any support
for what he has "long" allowed to be done.
Certainly, the system was not in force
at Kaniak when I was in Launceston
1857 & 1858 both years included, and
therefore it is open to many grave objections.

Mr. Reader's letter to the Gov. of Pondy
of the 24 Sept. should not have been written.
It opens ^{discusses} the whole question, although, on
Le Fouquier's complaint, Mr. R., as Major,
was about to make a formal enquiry
into that complaint. He had only the complaint
before him.
It was most irregular on Mr. Reader's part,
that, before commencing the enquiry, he should
have sent Mr. Warre to father particulars
from the complainant.!!! -
I would further ^{prohibit} direct to the Secretary
Mr. Warre, of the authority to present

11
New
papers covering Officer's food & baggage when
going to a peace settlement out of Pondichy.
This duty, as it seems to me, belongs to the
Rev. department, and, in Mr. Reader's absence
from Madras, it will be impossible
for him to be present for his own
... ^{... & ...}, should be performed
by an Assistant Collector.

I do not understand how the authorities
complicated system of protecting the
frontier revenue of persons of two States,
has grown up, and shall be glad to see
any order of Govt. sanctioning this practice,
when these papers have been despatched
to the Secretariat.

4. 1858 to 6

W.D.

+ then ^{early} estimates and
for their report

generally on the system
for the collection of front
duties pursuant to the
Ponicherry Frontier - as
well as that followed at
the frontier customhouse
on the Calcutta-Matin
frontier

I don't see anything
about passes in their
papers. 90 25 June 62
applies to WV certificate
understand that on food
and for WV front to an
English WV front
landed with the latter and
and by land the rest of
the way to another, and
the latter - e.g. for Pondicherry
there is a collection of Calcutta
and on food passing all the way
by land.

The deposit, alluded to in
H's Proc. 21 Oct 65 is on food
imported into Pondicherry
British India

ordered that the
foregoing letters
be communicated
to the WV of Mad. for
report on the system
of "passes" which
appear to be in force
in S. Arcat - and
The "Passes" of
appear to the WV to be
extremely numerous
and to be passed
in cases beyond the
scope of their orders.

The WV will, with
their report, submit
a statement of
the Customs Duty, levied
on the Pondicherry
frontier in districts
Leapt during the
last 5 years - Explain

any material in
create or decrease
caused by changes
in the rate of duty.
They will also as-
certain if possible
the quantities of chief
dutiable articles
imported during the
same period into
Ponicherry and
compare them with
the quantities im-
ported into our
territories from Pon-
icherry.

The post must
be made of the South-west District,
namely that, Mr.
Neade, ^{acting} in hold-
ing his official en-
gaging into the Co.
British
Customs

Turner and the post
may have occasion to refer
to this part of the subject
hereafter.

I suppose say the same
and Mr. Neade is con-
sidering the impeding of
Ponicherry this 14th of
corresponding with the
first post on this as on
other occasions showing
to be in the way for the
Port of Special Agent to
foreign little much
request. I have had a
doubt of Mr. Neade's
power until he has
shown about them
nothing about them
power until he has
shown about them.

Officers, in Ponicherry
where he has no au-
thority. In his cor-
respondence with
H.E. the post of the
French settlements,
Mr. Neade has also
discussed admini-
strative arrange-
ments of post in a

Warren not called
for and likely to
be a ^{disadvantage} ~~inconvenience~~
cause ~~inconvenience~~

Mr. Neade with
be ~~informed~~ that
he cannot delay to
the power of granting
"passes" to Mr. Neade
who is not a re-
sident officer. It
that it is not
competent to him
to frame rules for
the Customs officers
without the sanction

of the Bd. of Rev.
 The Bd. will call
 for the draft of the
 rules ~~and~~ and
 in structing him in
 future with to you
 their are thirty six
 them manner in
 in the Bd. of Rev.
 Mr. R. S. Smith and Mr.
 Smith the French put
 having that he is con-
 tent with the Bd. has
 been done in this case.
 to be in the case. I think
 therefore that any
 further can be had
 he then he referred
 the put finally settle
 the Pass question.

at all
 12/1/66
 C. M. S.

very well. but what has
 been done with the letter of
 Monsieur Bouteiller states he
 ascribed to the Government
 papers on the 3rd October.
 Suppose it is a communication
 a part of the one add to
 in heads? W.D.

We have answered that
 promising a communication
 in the case.
 as this is a
 communication

Revenue Department
 No. 3283.

Proceedings of the Madras Government
 Under date the 3rd November 1866.

Ordered that the
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 nicated to the Board of
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the South Arcot District, Mr.
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Excellency the Governor of the
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of Government in a manner not
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rules for the Customs officers
without the sanction of
the Board of Revenue. The
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draft of the rules, and
instruct him in future
not to ignore their
authority

authority in this manner.

No. 23 @ 25

14 copies of the report with 5 envelopes sent to
General Supt.

Having made, with
reference to the complaint
of Mr. S. S. Jackson, on the
conduct of Station agents
etc., and requesting the
of Remond to report on the
system of Agents.

9.2.17
7-11-12

Revenue 1866 Report
Project for December
No 3283

Pro of the Madras Govt
of 30 December 1866

No. 12 17-20 8 2.10.66.

387-389 8 25.6.62.