Archives I 10,006—16-8 77.

(1) Number of pages 4.

(2) Date of repair 18.6.86.

(3) Initials of the Referencer Lows

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue. DEPARTMENT

G.O. No. / ~~B.P. No.~~	1581	Press. / Mis.
Dated	28.6.1878	~~197~~ .

G.P.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

15th June 1878, No. 1210.

Refunds.

Read the following papers:—

No. 57. *From Major S. W. B. SHERMAN, British Consular Agent, Pondicherry, to the Chief Secretary to Government, dated Pondicherry, 4th September* 1877, *No.* 105.

Mrs. Babick, a poor but respectable widow lady of Pondicherry, has addressed me the enclosed petition desiring me to forward the same direct to my Government for redress.

2. I have the honor to bring the matter forward in my Political position as British Consular Agent, and trust that you will kindly lay this petition before His Grace the Governor, as I consider that Mrs. Babick has been very harshly treated.

ENCLOSURE No. 1.

From Mrs. H. DE BABICK, a widow Lady of Pondicherry, to the British Consular Agent, Pondicherry, dated 1st September 1877.

On the 13th July last, I started with my daughter from Pondicherry to Madras to meet my son-in-law, Mr. Bullemore, and my daughter, Mrs. Bullemore. I took with me six dozen claret on which I paid at the Customs of Reddy Chavady Rupees 12 duty—a receipt was delivered to me, which, I am sorry to say, I have lost; but the Superintendent of Customs at Reddy Chavady can testify to the correctness of my statement.

2. I came back from Madras on the 12th of August, bringing back with me three dozen of this very same claret, upon which I had already paid duty; and not being aware that I ought to apply for a permit at Madras to enable me to bring the same back to Pondicherry, I put the cases with my luggages. On my arrival at Reddy Chavady the Police peons seized my three dozen of claret, stopped the bandy-man and his cart and my servant who was accompanying my luggages, and brought them before the Tahsildar of Cuddalore. On my being informed of what had happened, I wrote to the Tahsildar of Cuddalore, receiving no answer to my letter, I wrote to the Collector of Cuddalore, but I regret to state up to date even that Government official has never favored me with a reply. Sixteen days after I was informed by my servant that the Tahsildar demanded 10 Rupees so as to place at liberty the bandy-man, and I was at the same time informed by the said servant that the Tahsildar refused to deliver up my three dozen of claret.

3. Nevertheless I sent 10 Rupees asking a receipt for the same; the Tahsildar took the 10 Rupees and declined to give an acknowledgment. This I consider hard, and an act of gross incivility. I should therefore feel very much obliged to you, Sir, to bring this fact to the notice of your Government direct and to obtain justice for me, since I cannot obtain it either from the Tahsildar or the Collector, and as I am a poor widow lady unacquainted with the rules and regulations of your Government regarding the transport of wines into French territory, especially as I had already paid duty on the same when leaving Pondicherry; the wines were for my own use and not for sale.

4. Expressing my regret at troubling you.

No. 1697.

Transferred to the Revenue Department for disposal.

FORT ST. GEORGE,
6th September 1877.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

Referred to the Collector of South Arcot through the Board of Revenue for report.

FORT ST. GEORGE,
7th September 1877.

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

No. 58. *Proceedings of the Board of Revenue, dated 7th May 1878, No. 1211.*

Read the following letter from A. CRUICKSHANK, Esq., Acting Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 15th April 1878, No. 176:—

With reference to Board's Proceedings, No. 981, dated 8th instant, I have the honor to inform you that Mrs. Babick's servant was prosecuted under Section 22, Act III of 1864, for conveying liquor without a permit.

Submitted to Government with copy of Board's Proceedings, dated 8th April 1878, No. 981, with reference to the Chief Secretary's endorsement, dated 6th September 1877.

2. It will be observed that the decision in the Magisterial case was not appealed against, and that the only redress within the competence of the Revenue authorities has already been accorded.

(A true Copy and Extract.)

(Signed) J. STURROCK,
Acting Sub-Secretary.

ENCLOSURE No. 1.

Proceedings of the Board of Revenue, dated 8th April 1878, No. 981.

Read the following letter from F. R. H. SHARP, Esq., Acting Collector of South Arcot, to the Acting Secretary to the Board of Revenue, dated Cuddalore, 9th March 1878, No. 110.

I have the honor to submit the report called for in Board's Proceedings, dated 15th September 1877, Miscellaneous No. 12,755, on the petition* presented by a Mrs. Babick complaining that some liquor belonging to her was irregularly seized by the Police.

* No. 105 of the 4th September 1877.

The facts of the case are as follow.

2. On the 13th July 1877, petitioner left Pondicherry for Madras with six dozen of claret for which she paid the prescribed Sayer duty and received a permit which it would appear she mislaid. On her return from Madras she brought back by rail three dozen out of the six dozen to Cuddalore, where the liquor was put into a cart *en route* to Pondicherry. Mrs. Babick proceeded in advance, leaving the cart behind. The Police seized the liquor together with the conveyance before it passed into the French frontier, and charged her servant, who accompanied it, before the 3rd-Class Magistrate of Cuddalore (Taluq Sheristadar) on the 13th August 1877.

3. On the 25th idem, the Magistrate disposed of the case by fining the servant Rupees 10, and reported the matter to the Collector for orders as to the confiscation of the liquor. The accused simply pleaded that the liquor belonged to his mistress, but cited no witnesses; but he explained about the claret having been taken from Pondicherry to Madras.

4. Before the close of the inquiry, however, Mrs. Babick sent a petition from Pondicherry to the address of the Tahsildar, in which she said that she had paid Sayer duty on the liquor when it was taken from Pondicherry to Madras, and that she brought it down from Madras without a permit, not being aware that a permit was again necessary, that she was prepared to pay any fine that might be inflicted on her servant for the release of the liquor; but the Magistrate took no action on the petition as it was not presented to him by her in person or by a duly authorized agent.

5. The fine inflicted magisterially was duly paid into the Magistrate's Court, and a receipt for it was demanded by the accused; but none was given as it is not usual to grant receipts for the payment of such fines.

6. Against this conviction the accused preferred no appeal, and while the question of confiscation was pending in my office, the Board's Proceedings under reply was received.

7. Immediately after its receipt the Sayer Superintendent of the station, where Mrs. Babick alleged having paid duty on the liquor when it was first taken to Madras, was called upon to report on the allegation, and his reply having confirmed it a day (17th October 1877) was fixed by Mr. Pearse to hear petitioner's statement. After hearing the arguments put forward by her vakil on that day, Mr. Pearse directed the release of the articles seized with the following remarks: "I think this fine ample punishment in a case where there is no fraudulent intention proved, and I make no doubt Mrs. de Babick has, as she says, herself paid the fine. I might perhaps be inclined to say it is too much, but it has not been appealed against. Order will at once be sent to the Taluq Sheristadar to return the bullock and cart and wine."

The Collector will report in detail the nature of the criminal prosecution which led to the imposition of a fine of Rupees 10.

(A true Copy and Extract.)

(Signed) J. STURROCK,
Acting Sub-Secretary.

Transferred to the Judicial Department with the notes of the Members of Government.

OOTACAMUND,
13th June 1878.

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

No. 59. ORDER THEREON, 15th June 1878, No. 1210.

His Grace the Governor in Council directs the refund of the fine* in full.

* Rupees 10.

2. The levy was opposed to all practice. No duty was, in any case, leviable on the wine on export from British into Foreign territory; and, in the opinion of Government, not warranted by the terms of Section 22, Act III of 1864, Madras, which excepts such quantities of English or Foreign wines, &c., as may be required for private consumption.

3. The late Acting Collector's delay, from September 1877 to March 1878, in reporting the simple facts to enable Government to dispose of Mrs. Babick's complaint is *most* reprehensible.

(True Extract.)

Chief Secretary.

To the District Magistrate of South Arcot.
" the Revenue Department.
" the Accountant-General, paras. 1 and 2 of order.
" Mrs. H. de Babick, para. 1 of order only.

Exd. T. O'Connor.

Revenue 1878 Sept 10
№ 2744

Govt. of {1878} Madras.

JUDICIAL.

To

THE DISTRICT MAGISTRATE,
South Arcot,

&c., &c., &c.

Dated June, 15th.
Issued — 24
Rcd. — 26 Encl.

G.O., 15th June 1878, No. 1210.

JUNE.
Nos. 57—59.

Refunds.—The refund of the fine of Rupees 10 imposed on Mrs. Babick's servant for conveying arrack liquor belonging to his mistress into Pondicherry without a permit, directed. № 1181

Communicated to the Board of Revenue

With order 28 June 1878

4 Encl. Board of Revenue Sept 10 July