M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 64

(2) Date of repair 29.12.1965

(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	35-37	Press
~~B.P. No.~~		~~Mis.~~
Dated	19.1.1891	~~196~~ .

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 22nd August 1890, No. 534 :—

MR. H. W. BLISS.

Read—the following letter from J. H. A. TREMENHEERE, Esq., Acting Collector of Tinnevelly, to the Secretary to the Commissioners of Land Revenue, dated Tinnevelly, 16th June 1890, No. 499 :—

I have the honor to submit a narrative of the Tuticorin Pearl Fishery of 1890 drawn up by Mr. Baker, the Superintendent, with statements showing takes, realizations and charges. As in last year, the Tholayaram Par* was selected for operations, a large area of deeply-sunken rock some 12 miles from shore.

*Nine hundred banks 5 miles long by about 2 broad, depth 8 to 11 fathoms.

2. On the suggestion of the Board, to avoid competition with the Ceylon fishery of Mannar, it was determined to make a start on the 20th January, a month earlier than had been intended. Boats, however, were registered very tardily, and it was not until the 27th that 23 stood out to the bank; a number that did not compare very unfavorably with last year's, when a start was made with only 27. But as disappointment was felt last year at the small take of 82,000 oysters, so the chagrin of all concerned may be imagined when only 42,000 were brought in. The divers complained of great cold in the water and the air, a boisterous sea and the prevalence of weed. It was hoped that these conditions would change with the seasons; but there was a difficulty to come which could not be so hopefully regarded. Notwithstanding that the whole coast from Aden to the Straits had been notified, and most of the leading towns throughout India (besides numerous private individuals and firms) merchants were extraordinarily scarce. In consequence, even the Government share of the take (28,000) could not be sold in the evening's auction, unless at nominal prices. Finally only 16,000 were sold at the rate of Rs. 18, and the rest were held over. On the first day last year prices had ranged from Rs. 37 to 42.

3. After a second day, not more encouraging than the first, the divers struck work—alleging the coldness of the weather, the prevalence of weed, a scarcity of oysters and the starvation prices—and declined to go out unless the Government share should be reduced to one-half instead of two-thirds. There was much truth in their representations except as to the scarcity of oysters; these were numerous enough, at least in parts; but they were encouraged to persevere, and meanwhile renewed exertions were made to attract merchants. After two days, the men resumed work; and the conditions gradually became more favorable, though the range of prices did not in general reach Rs. 20 till the 22nd day; thenceforward they ran from Rs. 22 to 36. The store-shed was sometimes almost offensive with the accumulation of unsold oysters; but to sell below Rs. 18 would have brought down the prices received by the divers for their share, would have crowned their discontent, and have broken up the fishery. By thus hanging on as it were for a chance of success, the fishery was kept alive 32 days, though it never could boast of much vitality. The whole time the men had their eyes strained towards Mannar, and it was only some delay in opening the Ceylon fishery, and reports of cholera that kept them with us. This being their instability, it may be imagined that we had to be careful almost to a fault in our treatment of them.

4. The number of boats which never rose above 31 fell to some 20 by the 25th day (25th February), and after a short pause rapidly declined. On the 7th March there were no more than 11 boats; on the 8th, five; and on the next day, after 32 days' fishing the camp was broken up, every man hastening to Mannar.

5. Last year there had been (*a*) 52 days of work, with (*b*) an average of 33 boats against this year's average of 22; (*c*) the average take of each boat last year was 7,200, this year 2,300; (*d*) the average selling price per thousand last year Rs. 22-8-6, this year Rs. 20-10-0. Each of these differences must be touched upon in explanation.

6. (*a*) As to the duration of the fishery, we were completely in the hands of the Ceylon authorities. If the ball had opened punctually and successfully on the 20th February, the advertised date, we might have piped in vain. But things were delayed, rumours of cholera floated across, and instead of closing our camp on the 15th February (as had seemed at one time almost inevitable), we were able to keep it open until the 8th March. It is true a similar difficulty had been experienced last year; but then there had been no fishery here for 27 years and hopes ran high; the success, however, was not proportionate to the greater difficulty of diving, and Ceylon easily re-established her popularity, ruining our fishery whenever she chose.

7. (*b*) The comparative deficiency of boats is partly due to the fact that owners and divers were reserving themselves for Mannar (it is only the strongest men that can go through two consecutive fisheries), partly to other causes. These were, false reports of cholera; the comparative unprofitableness of the work, only very skilful divers, such as the Arabs, being able to do well, and prices keeping low; such difficulties as rough and cold weather; and the want of influence in the Jathi-Talaivan.

8. (*c*) The fall in the average take from 7,200 to 2,300 a boat is due in part to our commencing so early; indeed, were it not that we had to avoid clashing with Ceylon, I should say too early. Even when oysters lie thick, it is no easy task to bring up many if they are hidden in ground-weed. The cold of the air and water, and when the diver is hanging in the water between his dives, the splashing of the waves and the rolling of the boat are very exhausting. Thus had the oysters lain as thick as in last year, the take must have been smaller. But they were undoubtedly not so thick. I do not know that I can fully account for this; the decay spoken of in paragraph 10 of Captain Phipps' memorandum of last year (Board's Proceedings, No. 484, dated 16th July 1889) played its part, as was shown by the number of dead oysters brought up; and the want of complete success (paragraph 7) in fishing the bank systematically cannot be omitted; certainly no boat ever secured 20 or 30 thousand oysters (paragraph 22) though the Arab divers would be hard to beat at their trade. With all this, there were enough oysters, and they were rich enough to have poured a large tribute into the Government treasury, given only enough boats, enough time, and favorable weather.

9. (*d*) The fall in price from Rs. 22-8-6 to 20-10-0, when the greater age of the oysters pointed to an increase, was very discouraging. It seems to have been due to four causes; a general fall in the market price of common and seed pearls; considerable losses sustained in the speculations of last year; scarcity of merchants, many being kept away by the false scare of cholera; and combination among the few merchants who were present. These facts being taken into consideration, I think that the valuation of the sample at Rs. 28 was fairly accurate.

10. Though the profit of the fishery is lamentably small (Rs. 7,803-4-5), I have the greatest pleasure in bringing to the notice of the Board the indefatigable exertions of Mr. Baker, the Superintendent. It is not necessary to enlarge on this point, which came within the experience of the acting Senior Member on his visit: though Mr. Baker could not command success he deserved it. Captain Careleyon bore with good humour his long tossing about on the banks in the engineless *Northcote* showed tact in his dealing with the boats and supplied valuable information. The Kottu Superintendent, Mahomed Husain Sahib, gave complete satisfaction; and of the other officials the Tahsildar of Otapidáram, Mr. Narasimhalu Aiyer, was invaluable *during the strike.*

11. *The Jathi-Thalaivan, head of the fisher-caste,* was allowed his two privilege boats, and represents his earnings at Rs. 1,695-9-1. It is a question whether this

privilege should continue unabated (*see* paragraph 37 of Captain Phipps' memorandum and paragraph 12 of Mr. Thomson's report). The patriarch of last year has died and has been succeeded by his grandson—a well-spoken but rather feeble young man whose English ways will perhaps prevent his ever having the old man's influence. His authority may be gauged by the facts that only about 200 of the 500 divers were local men—the others being Arabs, and that some 200 boats from this coast went to Mannar. I should have recommended Government to abrogate or diminish his privilege this fishery, were it not that things hung by too fine a thread. On thinking the matter over carefully, and consulting the Superintendent, I think some gradation of reward is reasonable. Two boats are well enough out of 80 or 100 or 200, but too hard a burden for a poor 22. We think he would feel more incitement, and be liberally remunerated for his influence, in a scale of 1 privilege boat for 30 Government boats, and 2 for 60 and over.

12. I come now to the most disagreeable detail of the fishery (paragraph 24 of Captain Phipps' memorandum). Clandestine opening of oysters in the boats was constantly going on, as was shown by a few detections and by the discrepancy between the number seen by Captain Careleyon and the number brought to shore. We did our best to stop it, but Government must have lost several thousands of rupees. The pearls were generally hidden in a manner that cannot be described; but when otherwise, detection helped us little, for neither had any offence at law been committed, nor could we dare to prosecute. This want of a Fishery Act is a serious matter even in this, but will be more keenly felt if the banks are ever fished without permission. I earnestly solicit the attention of the Board to this point; and would direct it also to the sentences of 6 months' rigorous imprisonment recently passed at Mannar for illicit opening of oysters in the boats.

13. Another important matter is the coincidence of the Ceylon fishery. It is said there is not to be one there next year; but if the report is incorrect, the two Governments should arrange to share the working time, which is about 3 months from the middle of February to the middle of May.

14. As to the probability of our having a fishery next year on the same bank, it is problematical, as the oysters are probably 7 years old, at which age they are said to die. But there are many other banks which have to be examined, as soon as we get a Government steamer.

15. The accounts have been audited by the Treasury Deputy Collector, but I have to ask sanction to the following charge: Rs. 5 for travelling allowance of peons sent to do duty at the camp.

16. I had written so far in April when the good news reached me that some boats and men had returned from Ceylon, and that the fishery had been re-opened. I now enclose a further report, dated 15th May from the Superintendent, which I have kept back until the accounts could be audited.

17. It will be seen from this that 12 boats went out on the 23rd and the Government share of their take was 20,000 oysters, which sold at an average of Rs. 22 per mille. On the 24th, 11 boats started, but operations were interrupted by a diver being bitten by a shark; still the Government share was 17,000, selling at Rs. 20. In consequence of this accident, the number of boats fell to 3 on the 26th, but through Captain Baker's encouragement (and the employment by the divers of a "wise woman") the scare subsided, and on the 28th and 30th there were again 12 and 13 boats. On the 1st May the number had risen to 19, but unhappily another diver was bitten by a shark. On the 3rd, 36 boats were at work, but in a half-hearted way; on the 4th, 62 boats had been registered, and 52 went to sea; but sharks were on the banks, and no more than 28 boats ventured to work. The scare re-asserted itself with a strength there was no contending with, and that night the camp was almost emptied. The fishery was then broken up, having in its second stage produced Rs. 2,647 from 115,800 oysters. It will be seen that the average price for the 8 days was nearly Rs. 24—merchants this time having been fairly represented.

18. As Captain Baker says, everything had looked most promising. Boats were coming in daily; wind, weather and water were favorable; and prices were certain to rise. The sharks alone put an end to a promising fishery.

19. I am glad to be able to quote the Superintendent's opinion about the improvement in the Jathi-Thalaivan's work. I enclose a letter from the latter regarding the maintenance of his privileges; but I am still of opinion that they should be regulated by the number of boats his influence is able to attract to the fishery.

20. I attach a statement showing the financial result of the operations. It only remains that I once more press on the attention of the Board the few measures in my opinion most necessary to be taken: they are:—

(1) Some arrangement with Ceylon equitably dividing between the two fisheries the period open for work.
(2) The passing of a simple Fishery Act, which will render penal, (*a*) the opening of oysters and appropriation of pearls before the loads are brought into camp; and (*b*) clandestine fishing of the banks.
(3) Supplying the Superintendent with a steamer to examine and watch the banks and superintend the fishery.

ENCLOSURE No. 1.

From T. H. BAKER, Esq., Superintendent of Pearl Fisheries, dated Tuticorin, 20th March 1890.

In November 1889, a sample of 12,000 oysters were lifted from the Tholayaram Par, and valued at Rs. 28-5-3 per 1,000 oysters.

2. The date for the commencement was first fixed for the 20th February 1890, but as there was every likelihood of a large fishery in Ceylon it was altered to the 20th January the Jadi Talavamore and others interested being of opinion that fishing might be then practicable.

3. The buildings and Kottoo were accordingly repaired and all was ready by the 19th January, and every effort was made to get boats registered and induce the divers to go off to the Par but without avail until the 27th when 23 registered and two privilege boats put off and the fishery may be said to have commenced; the take on that day was not encouraging and the price realized only Rs. 18 per 1,000. On the 29th the divers struck demanding half share instead of one-third, Mr. Tremenheere, the Collector, came down at once, convened a meeting, and the men seeing no chance of their exorbitant demands being complied with, agreed to continue the fishery on the old conditions. From the 1st to the 11th February, both Government and the divers suffered from dearth of buyers and even among the few present a ring was formed to bring the price below Rs. 18 per 1,000; on the 7th of the month Mr. Bliss, 1st Member of the Board of Revenue with the Collector visited the camp and the site of fishing, also inquired into the cause of lowness of price, and as it was apparent that if the Government sold at lower rates than Rs. 18 per 1,000 it would simply mean starvation to the divers, the conclusion arrived at was to hold on to the Government share; and the soundness of this policy was proved by the fact that on the 11th the whole Government stock 136,000 were cleared off at Rs. 18 per 1,000, and prices gradually rose till at the end of the fishery they reached Rs. 36; there is no doubt that the lowness of the price at first was caused by there being few, beside local merchants present; others being deterred from coming by rumours of cholera having been spread about.

4. The fishery was widely advertised, notices were sent out as per statement attached.

5. Towards the end of February, rumours regarding the opening of the Ceylon fishery reached Tuticorin, and created great uneasiness among the divers, and on the 23rd the Arab divers commenced clearing off and their doing so made a marked deficit in the days takes; the Parava divers began to give trouble and were reluctant to remain, but as no authentic news was at hand regarding Ceylon they were persuaded to continue the work until such could be obtained; the weather about this time was a little unsettled with heavy rain and the divers seized any excuse not to go off to the banks, acting altogether in a most unsatisfactory manner so that on Friday the 7th March it was considered advisable to dismiss all establishments and break up the camp. I will now touch on matters under separate headings.

Kottoo.—This was under the management of Mr. Mahomed Hussane Sahib, acting Tahsildar of Sátúr and I cannot speak too highly of this officer's work and behaviour, his arrangements were good and well carried out, and I always found him ready on any occasion to assist me in duties extraneous to his own; he showed great tact in dealing with the Arab divers, and this, on several occasions prevented brawls and quarrels between them and the Parava divers.

Inspector on the banks.—Mr. Carlyon, the Port Officer of Pámban, performed this duty in a most satisfactory manner and remained out on the banks in weather which caused the *Northcote* at times to plunge bows under at her anchorage, keeping the decks continually wet, he showed a great interest in the work, and whenever divers could be obtained inspected for good fishing places and buoyed them when found.

Sanitation.—Every precaution was taken to keep the camp clean, night-soil and rubbish carts were employed, the wells were fenced in, and to purify the water as much as possible the bottoms were bedded with charcoal. Mr. Gonsalvez the Apothecary in Medical charge was most careful in looking after these matters.

Clandestine opening of oysters.—This was carried out to a very large extent by both Arab and Parava divers. One hundred and twenty eight knives were found on individuals or in the boats and pearls were also discovered hidden in every place it is conceivable to imagine they could be, until towards the close of the fishery when, though it was certain that oysters had been opened no pearls were found even when the people searched were stripped naked; it was greatly to be regretted that no steps could be taken to punish those on whom pearls were found, but times were too ticklish, any attempt to bring about punishment would have culminated in a general strike of divers. Had matters been different, *i.e.*, no Ceylon fishery in prospect, a large number of boats present and prospects generally more bright, measures could have been taken to bring the offenders to justice. Several means were tried to check the number of oysters fished; the Inspector on the banks visited as many boats as possible and estimated their takes and embodied them in his daily letter; but this would frequently arrive after many boats had their lots given to them; later the suggestion of the Collector was carried out, viz., each boat visited just before leaving the banks received a slip of paper, on which was written Inspectors' estimate of take, also that of the boat's tindal; this worked tolerably well for a while, then the cry was that the chit had been lost while coming ashore. I would suggest that to each boat a counter or peon be attached and he be held responsible that the amount brought ashore tallied with the Inspector's estimate; or that each boat have a large box placed in her, the padlocks for locking same having an unusual key, the Inspector and Assistants be supplied with one each, the Beach Master and Assistants also; prior to the boats leaving the banks, the Inspector and Assistants having seen that all bags, nets, &c., containing oysters are placed in the box and lock it and on arrival ashore the Beach Master and Assistant unlock the box and allow each man to take his bag or net as the case may be and carry it into the Kottoo. Mr. Carlyon, the Inspector, with whom I had many conversations on the matter, suggested a large net as less likely to be in the way, but I fancy a box of scantling covered with close meshed net wire would be found convenient; a 1,000 oysters = about 5½ cubic feet so that a box 8″ × 4″ × 2·5″ should be large to contain 14,000 oysters; opposition no doubt will be made to this plan, but if we are lucky enough to have a fishery going on when there is no Ceylon one in prospect, the matter no doubt can be arranged.

Establishments.—The members of all the establishment worked well. Mr. B. Narasimahalu Iyer, the Tahsildar of Otapidáram, assisted very much with his advice and presence, during the strike of the divers, the experience he gained at the last fishery being of much use.

The Tug.—The S.S *Prince Alfred* arrived here on the 4th February and accompanied the boats to the fishing-ground daily, when she was used to tow the boats to windward also for prospecting for good spots; at the end of her 30 days' engagement, she was sent back to Colombo; on several occasions she did good service and had there been as many boats as were expected and the fishery continued, her services would have amply repaid her hire.

The annexures speaks for themselves and need no explanation, it is much to be regretted that the fishery has turned out so unsatisfactory and its failure must be ascribed to the following circumstances:—

(1) Prevalence of cholera at Keelacarrai and along the Madura coast which prevented the boats of that district attending.
(2) False rumours of cholera which were spread and prevented merchants of Bombay and Madras from being present and left the price of oysters quite at the caprice of local merchants.
(3) Clandestine opening of oysters which I estimate at an average of not less than 10,000 daily.
(4) The greater attraction of the Ceylon fishery with its shallowed water and supposed less stringent regulations.
(5) The coldness of the water and the state of the weather at the commencement of the fishery. It is much to be regretted that so much valuable property still lies on the Par and only requires a month's good diving to realise; it is to be hoped that even yet the divers will return and if not too overladen with the spoils of Ceylon may be induced to recommence the work; that many large and valuable pearls were obtained during the time the fishery here lasted. I am certain of having seen several, and that the valuation of Rs. 28 per 1,000 was not excessive is proved by the fact that the price rose this year from Rs. 16 to 36 per 1,000, unlike last year when it fell from Rs. 56 to 18. The promiscuous fishing allowed all over the bank last year, no doubt in a measure explains, why the oysters this year were found in patches only, as the constant dumping down of the divers stones must crush and kill many oysters and their decomposition others.

ENCLOSURE No. 2.—List of persons to whom the Pearl Fishery notices were sent.

ENCLOSURE No. 3.

ACCOUNT current of the Tinnevelly Pearl Fishery of 1890.

Receipts.		Charges.	
	Rs. A. P.		Rs. A. P.
By amount realized by sale of 1,088,704 oysters	22,053 10 2	To payment on account of establishment, contingent, &c.	15,338 15 1
By amount realized by sale of looso pearls.*	56 0 0	Net profit to Government ..	6,770 11 1
Total ..	22,109 10 2	Total ..	22,109 10 2

* Found on divers.

ENCLOSURE No. 4.

ABSTRACT of daily returns of Pearl Fishery revenue, Tuticorin, from 27th January to 8th March 1890.

No. of fishing days.	Date.	Number of boats went out for fishing.	Total number of oysters fished by registered boats.	Two-thirds of oysters on account of Government share.	Number of oysters sold in auction.	Rate per 1,000. Bid. Lowest.	Bid. Highest.	Average.	Amount realized.
						Rs.	Rs.	Rs. A. P.	Rs. A. P.
1	27th January 1890	23	42,403	28,269	16,000	18	18	18 0 0	288 0 0
2	28th " "	22	45,370	30,247	38,000	18	18	18 0 0	684 0 0
3	29th " "	1	6,000	4,000	..	..	..	..	..
4	31st " "	19	15,000	10,000	18,516	16	19	17 5 7	321 4 0
5	1st February "	23	69,000	46,000	46,000	19	19	19 0 0	874 0 0
6	3rd " "	30	78,252	52,168	3,000	19	19	19 0 0	57 0 0
7	4th " "	29	78,715	52,477	16,000	18	18	18 0 0	288 0 0
8	5th " "	24	49,878	33,252	2,000	18	18	18 0 0	36 0 0
9	6th " "	24	69,415	46,277	9,000	18	18	18 0 0	162 0 0
10	7th " "	24	67,687	45,125	2,000	18	18	18 0 0	36 0 0
11	8th " "	26	75,318	50,212	3,000	19	19	19 0 0	57 0 0
12	10th " "	22	60,915	40,610	148,000	18	21	18 7 5	2,733 0 0
13	11th " "	17	52,447	34,965	171,000	18	26	19 7 3	3,327 0 0
14	12th " "	27	72,681	48,454	48,000	19	19	19 0 0	912 0 0
15	13th " "	25	63,990	42,660	9,000	19	20	19 5 4	174 0 0
16	14th " "	27	71,815	47,877	30,000	19	19	19 0 0	570 0 0
17	15th " "	28	64,312	42,875	67,000	18	20	18 11 0	1,252 0 0
18	17th " "	30	81,183	54,122	35,000	18	19	18 15 6	664 0 0
19	18th " "	30	80,970	53,980	101,000	18	19	18 1 5	1,827 0 0
20	19th " "	31	106,419	70,946	68,000	18	19	18 1 11	1,232 0 0
21	20th " "	27	75,417	50,278	54,000	18	19	18 6 9	995 0 0
22	21st " "	30	67,777	45,185	45,000	22	26	22 14 11	1,032 0 0
23	22nd " "	30	41,217	27,478	27,000	26	33	27 5 11	739 0 0
24	24th " "	2	3,285	2,190	..	..	..	..	..
25	25th " "	19	30,000	20,000	24,000	22	25	23 6 0	561 0 0
26	26th " "	21	31,500	21,000	20,000	24	27	25 0 0	500 0 0
27	27th " "	18	31,260	20,840	20,000	29	33	30 4 0	605 0 0
28	28th " "	20	37,800	25,200	25,000	29	33	31 1 3	777 0 0
29	1st March "	18	24,555	16,370	16,570	30	33	31 2 0	515 13 0
30	4th " "	15	14,304	9,536	{ 9,536 / * 971 }	32	34	33 5 0	317 11 0
31	7th " "	11	16,500	11,000	11,000	27	32	30 10 2	337 0 0
32	8th " "	5	7,666	5,111	5,111	35	36	35 3 1	179 14 2
	Sale of loose pearls	698	1,633,051	1,088,704	1,088,704	..	..	20 10 0	22,053 10 2
		..	..	..	..	..	..	..	56 0 0
	Total ..	698	1,633,051	1,088,704	1,088,704	..	..	20 10 0	22,109 10 2

* Washed on account of Government.

ENCLOSURE No. 5.

STATEMENT of charges incurred in connection with the Tinnevelly Pearl Fishery of 1890.

Particulars.	Amount. Rs. A. P.	Total. Rs. A. P.
Establishment.		
Superintendent's establishment	249 5 0	
Kottoo establishment	878 7 9	
Beach Master's establishment	128 0 7	
Medical establishment	239 0 9	
Sanitary do.	269 0 11	
"Pearl" Boat establishment	13 8 9	
Inspector of Pearl Banks' establishment ...	246 *12 †4	
		2,024 4 1
Contingencies.		
Tug boat charges including premium on Bank draft	11,041 0 0	
Hire of one steam launch of B. I. S. N. Co., for proceeding to the banks	70 0 0	
Travelling allowance of establishment ...	‡ 5 0 0	
Charges for two light vessels	328 3 7	
Charges for lighting the fishery camp ...	82 0 0	
Do. for repairing or re-erecting the temporary Government buildings ...	956 0 0	
Hire of coolies engaged for the kottoo ...	112 8 0	
Paid to divers for placing buoys on the Tholayram Par	58 8 0	
Service labels	2 0 0	
Service telegrams	70 9 0	
Value of bamboos for placing buoys ...	49 14 0	
" of country gunpowder and a gunny bag	32 6 0	
" of coir and oakum for gum	5 10 0	
" of blue light used on board the steamer "Northcote"	6 3 0	
" of one time-piece for office use ...	4 2 0	
" of black tar	4 8 0	
" of coir yarn and hire of making ropes for placing buoys on the Tholayram Par	46 15 0	
" of one Pearl account book	1 8 0	
Cost of making police watch stands ...	39 15 3	
Dust and night-soil carts and bullocks for the Sanitary department	168 0 0	
Dust-bin for Sanitary department	4 8 0	
Value of three canisters of gunpowder ...	6 14 0	
Do. of cloths and hire of tailors for making flags	35 12 3	
		13,132 0 1
Contingent charges of S.S. "Margaret Northcote" and Boat "Pearl."		
Value of rice for crew of the steamer ...	35 3 6	
" of firewood	7 11 0	
" of cocoanut oil	15 5 0	
" of kerosine oil	5 4 0	
" of cotton waste	2 13 0	
" of freshwater	7 4 6	
" of one funnel	0 3 0	
" of salt for "Pearl"	0 4 0	
		74 0 0

* Deputation allowance from 20th January to 8th March 1890, at Rs. 150 per month, has not been drawn yet.
† Included in Column ("Omissions added as per treasury figures") of the separate statement.
‡ Bill has been sent to the Collector for payment.

Statement of charges incurred in connection with the Tinnevelly Pearl Fishery of 1890—*cont.*

Particulars.	Amount.			Total.
Miscellaneous.				
	RS.	A.	P.	
Repairing street lanterns	12	4	0	
Value of kerosine oil for office use	2	15	0	
„ of candle-sticks	0	10	0	
„ of match box	0	4	0	
„ of nar baskets for kottoo and scavengers	0	14	0	
„ of hemp rope for camp flagstaff ...	0	15	0	
„ of Swedish iron and hire of making claps for cannons	4	15	6	
„ of greyshirting cloth and cost of making small bags for firing guns ...	0	13	6	
„ of two small brushes for painting tin numbers	0	4	0	
„ of one telegraph form book	0	4	0	
„ of one scissors	0	5	6	
„ of gum	0	2	0	
„ of blotting papers, pen-holders and inkstand	1	8	6	
„ of lanterns and burners for kottoo ...	2	9	0	
„ of one pack pins	0	1	3	
„ of blank books for office use	2	5	0	
Cart and cooly hire for removing the furniture from Port office to Fishery camp ...	4	15	6	
Remittance charges	0	4	0	
Cooly for picking up seed pearls	0	3	0	
Hire of one canoe engaged for Beach Master to examine boats	1	12	6	
Hire of one canoe and lascars engaged for taking letter to the Captain of the S.S. "Prince Alfred"	3	0	0	
Cost of pulling down an old shed standing at the camp	1	8	0	
Coolies engaged for shifting latrines ...	1	12	0	
Cost of materials supplied for kottoo and latrines	12	7	0	
Coolies engaged for picking up thorns and pointed shells and stones	4	12	0	
Charges for erecting Beach Master's front shed	1	1	6	
Railway charge on iron safe and remittance boxes received from the Huzur treasury ...	0	10	0	
Repairing one conservancy cart belonging to the Municipality borrowed for the camp...	7	5	0	
Charges incurred for Medical and Sanitary departments ...	25	8	11	
Do. do. for treating a (presumed) cholera patient at the Camp hospital ...	5	4	0	
Do. do. for fixing lamp-posts and lamp	3	9	0	
Hire of two lascars engaged for "Gig boat."	1	0	0	
Value of button, nails and wax for making a camp cot	1	2	0	
Tom tom beater	1	6	3	
				15,338 15 1

ENCLOSURE No. 6.

MEMORANDUM showing the number of the oysters received and the amount realized from 27th January to 8th March 1890 by Jadi Talavamore.

Date.	Number of oysters received.	Amount realized. RS.	A.	P.
1890.				
January, 27th	2,960	47	8	0
Do. 28th	2,032	32	6	0
February, 1st	1,484	23	13	0
Do. 3rd	4,185	72	4	0
Do. 4th	3,828	66	12	6
Do. 5th	2,122	37	2	6
Do. 6th	2,874	51	4	0
Do. 7th	1,800	32	0	0
Do. 8th	2,746	49	1	0
Do. 10th	2,123	38	2	0
Do. 12th	2,456	44	4	0
Do. 13th	1,528	27	8	0
Do. 14th	2,900	58	0	0
Do. 15th	3,153	63	0	0
Do. 17th	5,622	112	6	0
Do. 18th	1,216	23	0	0
Do. 19th	3,265	58	8	0
Do. 20th	3,249	60	4	0
Do. 21st	3,740	71	2	0
Do. 22nd	900	20	4	0
Do. 25th	3,238	74	0	0
Do. 26th	2,170	49	4	0
Do. 27th	1,100	33	0	0
Do. 28th	2,964	88	5	0
March, 1st	1,480	43	4	0
Do. 4th	2,128	63	12	0
Do. 7th	1,365	47	0	0
Do. 8th	925	37	0	0
Total ...	69,553	1,424	2	0

ENCLOSURE No. 7.

STATEMENT showing number of cases and principal diseases treated at the Pearl Fishery hospital from 27th January to 8th March 1890.

Total number of admissions	759
Maximum number of cases treated on any one day	34
Average daily attendance for the whole period	18·21

Principal diseases are fevers, diarrhœa, dysentery and bronchitis.

ENCLOSURE No. 8.

From T. H. BAKER, Esq., Superintendent of Pearl Fisheries, to the Collector of Tinnevelly, dated Tuticorin, 15th May 1890, No. 91.

I have the honor to forward the accounts of the few days' fishing which took place during the latter part of last and the beginning of this month, and which abruptly closed on account of a scare among the divers, caused by the appearance of sharks on the banks and the wounding of two of their number by same. I also forward for your information as follows.

2. On the 19th April, the local boats commenced returning from the Ceylon fishery and as the weather was fine, and the men willing, I deemed it practicable to re-commence our fishery and accordingly sent round notice locally that I would do so if boats and divers came forward; I also wired and wrote to the Head Assistant Collector, Ramnad, to the Sea Customs officer and to one of the principal merchants at Keelakarai; the Jadi Talavamore as well, by means of agents and letters, did his best to collect divers and boats along the coast. On the 23rd of April, 12 boats proceeded to sea; the next day unfortunately a diver in boat No. 63 got bitten by a shark and it was not until the 28th that the same number of boats went out again. I must state that, on account of sickness among the divers, the boats were very much undermanned. On the 29th, boats and divers commenced arriving from Keelakarai and the coast, but unfortunately on the 1st of May an Arab diver in boat No. 77 was attacked and bitten rather severely by a shark, which was most unfortunate as the boats had increased to the number of 52; more were coming and

merchants from Ceylon, Negapatam, Madras and Bombay had commenced arriving. On the 3rd May I got some boats off, the Jadi and I accompanying the fleet. I used the B I. launch and by circling round the boats at work did my best to inspire confidence; but it was easily to be seen by the short time the divers remained down that the shark scare prevented good work. On May 4th, 62 boats were registered, but only 52 went to sea; they returned early, only 28 having a few oysters in them, as the majority left the banks without fishing on account of the re-appearance of sharks; the Inspector on the banks and the tindal in charge of the B. I. launch both declare they saw none, but it was no use, a regular scare had set in; the smallest fish was magnified by the frightened divers into a large shark and although they had come a long distance, and laid out money in preparations, nothing would induce them to work; they returned to the shore and that night many ran away by land leaving only the boat's crews in the boats. Under the circumstances I had no alternative but to break up the fishery, and by the morning of the 6th not a single boat remained at Silapatorai.

3. This unforeseen and most unfortunate circumstance has spoiled what seemed in the onset to be the commencement of a prosperous fishery; everything was favorable, wind, weather, water, I would have had over 100 boats at work; the sand and weed on the banks have been swept away and oysters in plenty and rich in pearls are lying in the middle and north-east parts of the bank; whether they will be there next year is a problem; from the size and appearance of the shells, I am of opinion that they are fully matured; the percentage of dead to live oysters varied from 20 to 35, the larger amount being among those fished on the south-western edge of the bank, where there is more sand which accounts for the higher percentage.

4. I would beg most urgently to press the matter of some arrangements being made with the Government of Ceylon so that, when there is a likelihood of our fishery clashing with theirs, matters may be settled so that they will not. As the monsoon sets in soonest on the coast of Ceylon, if that Government would consent to fish up to, say, the 10th April, it would give us the remainder of April and a portion of May; and the Governments could mutually assist one another in getting boats and divers; Ceylon is dependent mostly on Indian labor for their fishery, and I am sure they ought to agree to such a slight concession.

5. I am glad to state that the Jadi Talavamore in every way did his utmost to assist me during my attempt to resuscitate the fishery. I enclose copy of a letter from him for your information; the matters he touches on regarding oyster banks will have to stand over till October or November, when, if I can get a steamer, I must make a thorough examination of the bank mentioned.

ENCLOSURE No. 9.

From DON GABRIEL MOTHA VAZ, Jadi Talavamore, to the Superintendent of Pearl Fishery, Tuticorin, dated Tuticorin, 13th May 1890.

I very much regret to say that our fishery held on the 23rd April 1890 was unfortunately brought to a close on account of the repeated appearance of sharks on the banks of Tholayram Par, whereby all my endeavours for the last two months in having sent my agents to Keelakarai and other coasting villages, and procuring therefrom about 50 boats and an adequate number of divers, at length proved abortive. In addition to those that had arrived at the camp, 100 more boats were ready to start from Keelakarai. While all the fundamental requirements were satisfactorily aiding our attempts (such as favorable wind and season, arrival of adequate number of boats and divers at the camp, and the daily pouring in of merchants from Bombay, Keelakarai, Negapatam, &c.), the only unforseen accident that compelled us to put a stop to the accomplishment of our *desideratum* was the unaccountable frequent appearance of sharks, which not only wounded (though slightly) two of the divers on two different days, but finally caused a great terror in the hearts of one and all of our willing divers, but for which our fishing would have been most successful and fruitful in itself.

2. Though the appearance of sharks is not a strange coincidence in the sea, yet the consequent scare in a Pearl fishery like this peremptorily spoils all the attempts and interests of the Government, as well as of the public in general. I hear that in the late fishery in Ceylon dynamite was bundled up in small packages, and that one or two of them were daily blown on the banks at a mean distance between the bottom and the surface of the water, for the purpose of keeping off fishes. If some such remedy is also adopted here, I request to suggest that it may prove of much use for freeing the poor divers from the dread of a similar danger hereafter. There is, no doubt, plenty of oysters on the banks; and so the information was from the divers on the last day, when 52 boats proceeded to the sea. In case they are preserved till next March, another fishery on the same banks may be fairly held during March or April, which is the best season for fishing in Tuticorin.

3. I understand from my agent sent to Keelakarai that certain fisherman of the place were speaking to him about the formation of oysters on two banks, one near Rameswaram, and another near Appavoo island. As the above banks and those in the south have not been examined for the last three years, I request that they may be thoroughly examined during the time of next examination.

ENCLOSURE No. 10.

STATEMENT of charges incurred in connection with the Tinnevelly Pearl Fishery of 1890.

Particulars.	Amount. Rs. A. P.	Total. Rs. A. P.
Establishment.		
Superintendent's establishment	24 2 7	
Kottoo establishment	106 3 7	
Beach Master's establishment	62 5 1	
Sanitary establishment	7 12 0	
"Pearl" Boat establishment	77 15 1	
Police establishment including Railway fare and batta	*178 0 6	456 6 10
Contingencies.		
Hire of one steam launch of B. I. S. N. Co., for proceeding to the banks	210 0 0	
Do. of coolies engaged for the kottoo ...	28 5 0	
Paid to divers for placing buoys on the Tholayram Par	6 0 0	
Hire of one canoe and lascars for placing buoys on the Tholayram Par	3 0 0	
Service labels	4 0 0	
Do. telegrams	23 1 0	
Value of country gunpowder	3 14 9	
„ of cotton cloths for firing guns ...	3 3 3	
„ of cloths for making flags	2 14 0	284 6 0
Contingent charges of Boat "Pearl."		
Value of rice for the crew	9 5 4	
„ of salt	0 8 6	
„ of freshwater	0 15 0	
„ of firewood	1 14 0	
„ of cocoanut oil	4 8 0	
„ of kerosine oil	2 5 0	
„ of wick and threads	0 6 0	
Currystuff and earthen pots	6 9 0	
Value of hard grease	2 8 0	
Reparing kitchen of the boat "Pearl" ...	2 0 0	30 14 10
Micellaneous charges.		
Value of kerosine oil for office use	2 5 0	
Cart and cooly hire for removing the furniture from the Fishery Camp to the Fort office	7 2 0	
Remittance charge	0 4 0	
Cocoanut oil for the use of arms of Police ...	0 4 0	
Rent paid on account of chimneys and burners supplied to the Fishery camp ...	1 4 0	
Cart and cooly hire for carrying remittance boxes, medical stores, &c., to the Railway station	0 10 0	
Coolies employed for cleaning wells of the camp	1 8 0	
Cost of materials supplied for kottoo and hospital and for fencing the wells ...	7 0 10	
Value of greyshirtings and hire of making bags for firing guns	0 7 8	
Value of oakum for firing guns	0 10 0	
„ of telegraph book	0 4 0	
„ of matches	0 2 0	
„ of stationery purchased	1 1 2	
Tom tom beater	1 11 0	24 9 8
	Grand Total ...	796 5 4

* This amount was not drawn.

ENCLOSURE No. 11.

ABSTRACT of daily returns of Pearl Fishery Revenue, Tuticorin, from 23rd April to 4th May 1890.

Number of fishing days.	Date.	Net boats actually brought oysters.	Total number of oysters fished by registered boats.	Two-thirds of oysters on account of Government share.	Number of oysters sold in auction.	Rate per 1,000. Lowest.	Rate per 1,000. Highest.	Average.	Amount realized.
						Rs.	Rs.	Rs. A. P.	Rs. A. P.
1	23rd April 1890.	12	30,061	20,041	20,000	21	26	22 0 0	440 0 0
2	24th ,, ,,	11	25,894	17,263	17,000	19	21	20 0 11	341 0 0
3	26th ,, ,,	3	1,719	1,146	1,450	26	26	26 0 0	37 11 3
4	28th ,, ,,	12	19,425	12,950	12,950	22	24	22 9 10	296 0 0
5	30th ,, ,,	13	26,475	17,650	17,500	22	23	22 8 8	391 8 0
6	1st May ,,	19	20,055	13,370	13,500	22	23	22 14 3	309 0 0
7	3rd ,, ,,	36	45,000	30,000	30,000	24	25	24 1 7	723 0 0
8	4th ,, ,,	28	5,082	3,388	3,408	31	32	31 1 9	106 6 5
	Total ..	134	173,711	115,808	115,808	..	..	23 14 7	2,647 9 8

ENCLOSURE No. 12.

ACCOUNT Current of the Tinnevelly Pearl Fishery of 1890.

Receipts.	Rs.	A.	P.	*Charges.*	Rs.	A.	P.
By amount realized by sale of 115,808 oysters	2,647	9	8	To payment on account of establishment, contingencies, &c. ...	796	5	4
				Net profit to Government ...	1,851	4	4
Total ...	2,647	9	8	Total ...	2,647	9	8

ENCLOSURE No. 13.

MEMORANDUM showing the number of oysters received and amount realized from 23rd April to 4th May 1890.

Date.	Number of oysters received.	Amount realized. Rs.	A.	P.
23rd April 1890	2,478	56	15	11
24th ,, ,, ...	1,680	33	9	7
26th ,, ,, ...	1,230	36	14	4
28th ,, ,, ...	2,125	45	11	0
30th ,, ,, ...	2,325	52	5	0
1st May ,, ...	660	14	8	0
3rd ,, ,, ...	1,397	31	7	3
Total		271	7	1

ENCLOSURE No. 14.

From DON GABRIEL MOTHA VAZ, Jadi Talavamore, to the Superintendent of Pearl Fisheries, Tuticorin, dated Tuticorin, 15th April 1890.

With reference to your letter, No. 1-M., dated 25th ultimo, I have the honor to state below my reasons why a recommendation should not be made to Government for reducing the number of privilege boats allowed me at a fishery :—

1. This privilege was originally allowed to my predecessors by the Portuguese and Dutch Governments as a sort of royalty in recognition of their hereditary chieftainship over the Baratha caste and of the valuable help rendered by them to the respective Governments in examining and discovering the pearl banks as well as to protect the said banks against encroachments on the part of fishermen.

2. When the British Government took possession of this place they promised the same privilege to my predecessors who proved themselves every way worthy of the trust by discharge of their duties to the greatest satisfaction of the then representatives of the British Government.

3. From perusal of a takid issued to the Jadi Talavamore in December 1795 by George Powny, Esq., the then Collector, I find that he limits the duties of Jadi Talavamore as follows—(1) to point out the banks, (2) to examine the banks, (3) to estimate the oysters, (4) to advise the authorities as to the best season for diving operations and (5) to furnish an estimate of cost. The Collector promises therein the future protection and patronage of the Government for performing the duties above mentioned; whereas now we not only perform such duties, but also assist the Superintendent in every sort of work both on sea and land. This is one great disadvantage to me; for in case of failure or ill-success the entire blame for such is all the more easily thrown upon me.

4. The pearl fisheries are such a doubtful concern that a fishery may not take place once in 20 years or once in 50 years; for example, after the fishery of 1862, the next fishery was conducted only last year, *i.e.*, after a lapse of 27 years.

5. My predecessors had also delivered to the then officers of Government our ancient charts, diaries and other records connected with the pearl fisheries, and thus helped the Government in every way to understand everything connected with the fisheries.

6. During the interval of those 27 years my immediate predecessor had accompanied the Superintendent of Pearl Banks hundreds of times and had to undergo considerable hardship and loss of money in examining the banks, and even I have accompanied Captain Phipps in numerous trips for the last 5 years as my predecessor was feeble and in delicate health. It is for Government to consider if any fees were paid to us for all that work, and whether my predecessor or myself so much as grumbled about the fishery not having been practicable for such a long time.

7. If there was no fishery last year and no fishery for another 27 years, are we not bound to examine the banks as usual year after year and expect no remuneration for it from Government?

8. Under these circumstances, I trust the Government will see the fairness and justice of extending to me the same privilege as was extended to my predecessor, and on my part I am always prepared to do all I could so as to perform my duties creditably.

9. In your letter under reply I note that the reasons assigned for proposing a reduction in the number of privilege boats is my inability to procure boats at the late fishery; and I regret that you should infer that my influence over the divers and as head of my caste is but nominal.

10. I must admit that I am unable to exercise the same unlimited power over my people as my ancestors did; because in those days my predecessors were allowed to do much as they liked, that is, to bring boatmen and keep them at the fishery by forcible means, but now under the benign rule of the British Government the utmost freedom of action is allowed to every man. I may say, however, that my influence over my people and divers is as good as could be desired.

11. When the fishery commenced last year my predecessor was confined to bed which subsequently became his death-bed; and it was I myself that carried out all the work, and it was I that rendered every possible assistance to the officers of Government who, I venture to say, will support my statement.

12. The Government in their order, No. 808, dated 1st October 1889, were pleased to remark thus :—"The Government also desires to record its appreciation of the assistance rendered by Jadi Talavamore, the headman of the Parava caste, and is pleased to direct that in consideration of the circumstances mentioned in paragraph 12 of the Collector's letter, embodied in the proceedings read above, the privilege of being allowed to have the take of two boats be continued."

13. My assistance and service in the last year's fishery having merited the praise of Government only so late as October 1889, there is no reason to think now that my influence over the divers is but nominal. Nothing has happened in the interval between October 1889 and January 1890 to reduce my influence over the divers and boatmen. I may venture to say that the respect and influence I possess among the Baratha community is as good as ever.

14. The failure of the late fishery is ascribed to other causes, of which I shall mention some: (1) In the last year's fishery the merchants invariably sustained loss on account of high competitive prices; whereas the merchants that went to the Ceylon fishery did a profitable business, and the big merchants were thus discouraged to come here this year which naturally helped to keep the prices lower; (2) the boatmen and divers had the same inducements and temptations offered by Ceylon fishery; (3) the divers that could dive in Ceylon banks were not able to dive in our banks as the depth of the water in Ceylon banks is only 4 to 7 fathoms and depth in our banks is 8 to 10½ fathoms; (4) the divers had naturally better hopes of taking more oysters in Ceylon banks than here; (5) our Government declined to exercise pressure on the boatmen and divers and thus prevent them from leaving our fishery; whereas in Ceylon boatmen and divers were not allowed to leave the fishery whether they were willing to work or not.

15. I did all I could in the way of entreaties and stern reproof, and I must say that with your esteemed co-operation we persuaded the divers and boatmen to remain here longer than they wanted to be; but at last the reduced number of oysters fished and the low prices they fetched made it impossible to keep them here any longer.

I trust the above will convince you of the unfairness of any proposal to reduce my privilege boats (for to do so would be punishing a man for no fault of his, but simply because the fishery was not a successful one), and that any blame imputed to me for the unfortunate failure of the fishery is altogether unjust and groundless. I therefore request that you will be so good as to take all the above into your consideration and report of me favorably to Government.

ENCLOSURE No. 15.

From T. H. BAKER, Esq., Superintendent of Pearl Fisheries, to the Collector of Tinnevelly, dated Tuticorin, 22nd April 1890, No. 66-A.

I have the honor to forward, in original, a letter from the Jadi Talavamore in answer to one of mine, in which, according to your instructions, I called upon him to show cause why the number of privileged boats allowed him at a fishery should not be reduced in consequence of his inability to induce sufficient divers and boats to attend the late fishery.

2. I may state that latterly he has been exerting himself and doing all in his power to assist me, and I have no doubt that, with a little more experience, he will obtain more control over the divers; as he very truly states in his letter the days of coercion are past, and no one knows that better than the Tuticorin boatmen and divers.

ENCLOSURE No. 16.

From T. H. BAKER, Esq., Superintendent of Pearl Fisheries, Tuticorin, to the Jadi Talavamore, Tuticorin, dated Tuticorin, 25th March 1890, No. 1-M.

Acting under instructions received from the Collector, I have the honor to request you will submit to me any reasons you may have to put forth against the recommendation being made to Government for reducing the number of privilege boats allowed you at a fishery; the reason for such a recommendation being that your inability to procure boats at the late fishery would tend to show that your influence as head of the Parava caste is, as far as the divers are concerned, but nominal.

ENCLOSURE No. 17.

ACCOUNT CURRENT of the Tinnevelly Pearl Fishery of 1890.

Receipts.	RS. A. P.	*Charges.*	RS. A. P.
By amount realized by sale of 1,201,512 oysters	24,701 3 10	To payment on account of establishment, contingencies, &c.	17,237 11 6
By amount realized by sale of loose pearls ..	56 0 0	Net profit to Government	7,803 4 5
By amount realized by sale of sheds in pearl fishery camp	303 12 0		
Total ..	25,060 15 10	Total ..	25,060 15 10

8

ENCLOSURE No. 18.

STATEMENT of charges incurred in connection with the Tinnevelly Pearl Fishery of 1890.

Particulars.	Charges incurred as per Superintendent's first fishery report.	Charges incurred as per Superintendent's second fishery report.	Omissions added as per Treasury figures.	Total.
Establishment.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Superintendent's establishment	219 5 0	24 2 7	38 3 7	
Kottu do.	878 7 9	106 3 7	..	
Beach master's do.	128 0 7	62 5 1	..	
Medical do.	239 0 9	..	10 0 0	
Sanitary do.	269 0 11	7 12 0	..	
"Pearl" boat do.	13 8 9	77 15 1	..	
Inspector of Pearl Banks	..	..	*338 11 4	
Police establishment, including railway fare and batta	..	* 178 0 6	885 14 0	
Total ..	1,777 7 9	456 6 10	1,272 12 11	3,506 11 6
Contingencies.				
Tug boat charges including premium on Bank draft	11,041 0 0	..	..	
Hire of one steam launch of B.I.S.N. Company for proceeding to the banks ..	70 0 0	210 0 0	..	
Travelling allowance of establishment ..	† 5 0 0	..	..	
Charges for two light vessels	328 3 7	..	..	
Do. for lighting the fishery camp	82 0 0	..	..	
Do. for repairing or re-erecting the temporary Government buildings ..	956 0 0	..	..	
Hire of coolies engaged for the Kottu ..	112 8 0	28 5 0	..	
Paid to divers for placing buoys on the Tholayiram Par	58 8 0	6 0 0	..	
Hire of one canoe and lascars for do. ..	..	3 0 0	..	
Service labels	2 0 0	4 0 0	..	
Do. telegrams	70 9 0	23 1 0	38 4 0	
Value of bamboo for placing buoys	49 14 0	..	..	
Do. of country gun-powder and a gunny bag.	32 6 0	3 14 9	..	
Do. of coir and oakum for gun	5 10 0	..	..	
Do. of blue light used on board the steamer *Northcote*	6 3 0	..	..	
Do. of one time-piece for office use	4 2 0	..	..	
Do. of black tar	4 8 0	..	..	
Do. of coir yarn and hire of making ropes for placing buoys on the Tholayiram Par.	46 15 0	..	..	
Do. of one pearl account book	1 8 0	..	..	
Cost of making Police watch stands	39 15 3	..	..	
Dust and night-soil carts and bullocks for the Sanitary Department	168 0 0	..	..	
Dust-bin for do.	4 8 0	..	..	
Value of three canisters of gun-powder	6 14 0	..	..	
Do. of cloths and hire of tailors for making flags	35 12 3	2 14 0	..	
Do. of cotton cloths for firing guns	..	3 3 3	..	
Total ..	13,132 0 1	284 6 0	38 4 0	13,454 10 1
Contingent charges of "S.S. Margaret Northcote" and boat "Pearl."				
Value of rice for crew of the steamer	35 3 6	9 5 4	..	
Do. of firewood	7 11 0	1 14 0	..	
Do. of cocoanut-oil	15 5 0	4 8 0	..	
Do. of kerosine-oil	5 4 0	2 5 0	..	
Do. of cotton waste	2 13 0	0 6 0	..	
Do. of fresh water	7 4 6	0 15 0	..	
Do. of one funnel	0 3 0	..	..	
Do. of salt for "Pearl"	0 4 0	0 8 6	..	
Do. of curry-stuff and earthen pots	..	6 9 0	..	
Do. of hard grease	..	2 8 0	..	
Repairing kitchen of the boat "Pearl" ..	..	2 0 0	..	
Total ..	74 0 0	30 14 10	..	104 14 10
Miscellaneous.				
Repairing street lanterns	12 4 0	..	..	
Value of kerosine-oil for office use	2 15 0	2 5 0	..	
Do. of candlesticks	0 10 0	0 2 0	..	
Do. of match box	0 4 0	..	..	

* This amount is still to be paid.
† Government sanction has been applied for—*vide* paragraph 15 of the Collector's report.

Statement of charges incurred in connection with the Tinnevelly Pearl fishery—*cont.*

Particulars.	Charges incurred as per Superintendent's first fishery report.	Charges incurred as per Superintendent's second fishery report.	Omissions added as per Treasury figures.	Total.
Miscellaneous—cont.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Value of Nar baskets for Kottu and scavengers.	0 14 0	..	..	
Do. of hemp rope for camp flag-staff ..	0 15 0	..	..	
Do. of Swedish iron and hire of making claps for cannons	4 15 6	..	..	
Do. of grey shirting cloth and cost of making small bags for firing guns	0 13 6	0 7 8	..	
Do. of oakum for do.	..	0 10 0	..	
Do. of two small brushes for painting tin numbers	0 4 0	..	..	
Do. of one telegraph form book	0 4 0	0 4 0	..	
Do. of one scissors	0 5 6	..	..	
Do. of gum	0 2 0	..	..	
Do. of blotting papers, pen-holders and ink-stands	1 8 6	..	..	
Do. of stationery purchased	..	1 1 2	..	
Do. of lanterns and burners for Kottu ..	2 9 0	..	..	
Do. of one pack pins	0 1 3	..	..	
Do. of blank books for office use	2 5 0	..	..	
Cart and cooly hire for removing the furniture from Port office to fishery camp	4 15 6	..	..	
Remittance charges	0 4 0	0 4 0	..	
Cooly for picking up seed pearls	0 3 0	..	..	
Hire of canoe engaged for beach master to examine boats	1 12 6	..	..	
Hire of one canoe and lascars engaged for taking letter to the Captain of the S.S. *Prince Alfred*	3 0 0	..	..	
Cost of pulling down an old shed standing at the camp	1 8 0	..	..	
Coolies engaged for shifting latrines	1 12 0	..	..	
Cost of materials supplied for Kottu and latrines	12 7 0	7 0 10	..	
Coolies engaged for picking up thorns and pointed shells and stones	4 12 0	..	..	
Charges for erecting beach master's front shed .	1 1 6	..	..	
Railway charge on iron safe and remittance boxes received from the Huzur treasury ..	0 10 0	0 10 0	..	
Repairing one Conservancy cart belonging to the Municipality borrowed for the camp ..	7 5 0	..	..	
Charges incurred for Medical and Sanitary Departments	25 8 11	..	..	
Charges incurred for treating a presumed cholera patient at the camp hospital	5 4 0	..	..	
Charges incurred for fixing lamp-posts and lamp.	3 9 0	..	..	
Hire of two lascars engaged for "gig boat" ..	1 0 0	..	..	
Value of button nails and wax for making a camp cot	1 2 0	..	..	
Tom-tom beater	1 6 3	1 11 0	..	
Coolies employed for cleaning wells of the camp	..	1 8 0	..	
Rent paid on account of chimneys and burners supplied to the fishery camp	..	1 4 0	..	
Cocoanut-oil for the use of arms of Police ..	..	0 4 0	..	
Cart and cooly hire for removing the furniture from the fishery camp to the Port office ..	..	7 2 0	..	
Advertisement charges paid to the Manager of *Times of India* in Bombay	..	..	6 0 0	
Value of a telescope	..	..	52 2 5	
Total ..	103 10 11	24 9 8	58 2 5	191 7 0
Grand Total ..	15,092 2 9	796 5 4	1,369 3 4	17,257 11 5

Resolution—dated 22nd August 1890, No. 534.

Submitted to Government.

2. The fishery was commenced on the 27th January last and lasted until the 8th March when it had to be closed as the divers went over to Ceylon. It was re-commenced on the 23rd April, but it had to be closed again on the 4th May on account of a panic among the divers, two of whom had been bitten by sharks. The

number of days during which the fishery was conducted was 40 and the Government's share of the takes amounted to 1,204,816 oysters. The price at which they were sold ranged from Rs. 16 to Rs. 36 per 1,000. The total amount realized was Rs. 24,701-5-10. To this amount has to be added Rs. 359-12-0, being the value of loose pearls and the sale-proceeds of the materials of the temporary buildings erected for the fishery. The charges amounted to Rs. 17,257-11-5, so that the net profit to Government was only Rs. 7,803-4-5. The annexed table compares the results of the fisheries of 1889 and 1890 :—

—	Number of working days.	Number of boats.	Government share of oysters.	Rate per 1,000	Amount realized.	Charges.	Net profit.
				RS.	RS.	RS.	RS.
1889	52	1,731	8,423,925	18 to 55	1,89,984	31,501	1,58,483
1890	40	867	1,204,816	16 to 36	25,061	17,258	7,803

3. The causes of these poor results are explained at length by Captain Baker and the Collector. They are chiefly competition by Ceylon, the panic caused by the appearance of sharks, and the extremely low prices. The two last are to be regretted, but could not be avoided.

4. As regards competition by Ceylon, the divers' preference for the Ceylon fisheries is fully accounted for by the facts that the banks fished there this year are in about 5 fathoms of water, while the depth on this side is $8\frac{1}{2}$ to 10 fathoms, and that while the Ceylon banks are about 5 miles from the shore, the Tholayiram Par is about 12 miles out. The Collector suggests that some arrangement should be come to with the Ceylon Government to divide the fishing season. The same suggestion was made last year, but was not then approved by the Board (paragraph 7 of Proceedings, dated 16th July 1889, No. 484) on the grounds that if the division was by time, the divers would be worn out by the first fishery and would be loth to re-engage for the second; and that, if the division was by number of boats, it would be unfair to the divers who should be free to go where it best suited them to go. The experience of this year seems to show that the first ground of objection to the proposal has not much weight. The divers were willing enough to work, but for the sharks. As to the second ground of objection, the Board, as now constituted, thinks that it is going rather far to say that the Madras Government should not come to an agreement with the Ceylon Government, because some divers might do better in the absence of such an agreement. Each Government is bound to do the best it can for its revenues, that is, for the general body of its subjects; and no more can fairly be required on the part of the divers than that they should not be forced to undertake work they do not like to undertake. There can be no reason why the interests of the tax-payers of this Presidency should be sacrificed in order that certain divers may go over to Ceylon and make a little more money. The only question is whether the Ceylon Government will consent to any arrangement. It is not likely; but they may be moved by the considerations that all the Madras banks are not so unfavorably situated, in regard to distance from shore and depth of water, as the Tholayiram Par, and that, if needs must, the Madras Government may be driven to attract divers to this side by granting them better terms. The Board considers, therefore, that efforts should be made to come to some arrangement with the Ceylon Government. The basis of the arrangement might be either a division of the fishing season, in point of time, or a limitation of the number of boats employed.

5. The Collector also recommends that steps should be taken to prevent the clandestine opening of oysters and the clandestine fishing of the banks. With this view he suggests that a simple Fishery Act should be passed making it penal to do either. The difficulties in the way are two, the first, the three-mile limit; the second, the question of *ferœ naturæ*. As regards the former, the question is argued in paragraphs 113—123 of Mr. Thomas' letter, printed in *Fort St. George Gazette* Supplement, dated 21st December 1883, and was touched on, in the debate on Act XVI of 1879, by the then Law Member (Mr. W. Stokes) as detailed on p. 1224-25 of the *Gazette of India* Supplement, dated 11th October 1879.

6. Mr. Thomas refers to the Ceylon Regulations III of 1811 and XVIII of 1843, printed as an appendix to his letter; and argues that, as the Ceylon Government protects its pearl banks 12 miles out to sea, the Madras Government may legitimately do the same. It seems to the Board, however, that Mr. Thomas fell into a singular error in this matter. The Ceylon Regulation of 1803 asserts a jurisdiction over vessels hovering or anchoring in certain channels in certain depths of water, but there is nothing to show the distance from the shore of those channels. It may, or may not, be 12 miles. In the Regulation of 1843, the distance of 12 miles is mentioned, but Mr. Thomas has omitted to notice that the words "by land" qualify the whole of the sentence in which that distance is specified. It is for 12 miles inland, not out to sea, that the possession, &c., of certain kinds of nets, dredges, &c., is prohibited and made punishable. This is rendered quite clear by the second, and only other, section of the Regulation, by which provision is made for the search of houses and premises for such nets and dredges, but not of vessels.

7. It appears therefore to the Board that, in the absence of information as to the distance from the shore of the channels mentioned in the Schedule to the Ceylon Regulation III of 1811, the example of Ceylon cannot be sited as warranting the desired legislation. In paragraph 12 of his letter, the Collector speaks of a sentence of six months' rigorous imprisonment recently passed at Manaar for illicit opening of oysters in the boats. This cannot have been under either of the Ceylon laws above referred to. Possibly some further law may have recently been passed. If not, the sentence would appear to have been passed under the ordinary laws of the colony dealing with offences against property. The Board would suggest that the Ceylon Government might be asked for full information as to the state of their pearl fishery laws, as to the distance from shore of the channels mentioned in the Regulation of 1811, if still in force, and as to the case referred to by the Collector.

8. Independently, however, of the case of Ceylon, there is reason, the Board considers, to think that Government may have the right to extend their jurisdiction in certain cases beyond the usual distance of one marine league. In the debate above referred to, the then Law Member did not hold that the jurisdiction was necessarily limited to that distance. He thought that it must be held that a maritime State had jurisdiction over the sea for a reasonable distance from its coasts, not generally, but for certain limited purposes. One of those purposes would certainly be the protection of the revenue of the State; and the Board submits that 12 miles would be a reasonable distance for such a purpose. If, as Mr. Whitley Stokes said he believed was the case, France subjects all vessels to her customs laws for a distance of 5 leagues from shore, it could hardly be contended that 12 miles was not a reasonable distance in the case of the pearl fisheries. The question is, of course, one on which, before any action could be taken, the best legal advice would be needed, with special reference to the recent negotiations with the United States of America in regard to the Behrings sea question, in the course of which Mr. Blaine cited the case of these very British pearl fisheries in support of his contention that the Behrings sea was a *mare clausum* open only to vessels belonging to his country.

9. In the meantime, the Board thinks that the Collector should take the earliest opportunity afforded him by either the pearl or the chank fishery to test the question whether sufficient protection is not afforded to those fisheries by the Penal Code. No matter to whom the pearl oysters and chanks belong as they lie at the bottom of the sea, there can be no doubt that, when once they have been raised from the bottom and placed on board British vessels by persons employed for that purpose by the Government, they become the property of Government. If, then, the oysters are opened and the pearls taken by the divers or others on their way to the shore in those British vessels, which are legally a part of British land—and this is what is principally complained of,—it is a simple case of theft and should be treated as such. Until the Courts have come to a contrary decision, no legislation would seem to be needed to meet this particular difficulty. It is to be regretted that the Collector did not prosecute one or two cases, so that the law might have been ascertained, but no doubt he was deterred from taking such action by the fear of still greater difficulties than those actually encountered with the boatmen and divers.

10. The question of poaching on the banks is a different and more difficult one. It may be admitted that, as the law stands, no action could be taken against a foreign vessel fishing the banks. But even poaching by British vessels would be punishable, the Board thinks, under the ordinary law. Granted that chanks and oysters at the bottom of the sea are *feræ naturæ* and belong to no one, the unbroken and provable custom of centuries is that, when once raised, they belong to the State; and it would follow that subsequent dealing with them in derogation of the rights of the State, would be penal. It does not seem that the question of poaching is at all urgent, but the Board thinks that, if a case should be detected, the opportunity should be taken to test the above view of the law.

11. Another suggestion made by the Collector is that the privilege now accorded to the Jadi Talavamore of sending out two boats every day and appropriating their takes to himself shall for the future be curtailed. The Board's First Member was on the spot at the time and gathered that the man did his best. The Board would not therefore blame him if he has not at present all the influence of the much older men who preceded him. The Collector recommends that he should be allowed one boat for 30 Government boats and two for 60 or more. The Board considers that it would not be fair to cut down his remuneration when there is a small fishery and not to give him some compensation when there is a very large one. The Board would therefore allow him one boat for 30 or less Government boats, two for 31 to 60 boats, three for 61 to 90 boats, and so on.

12. The Collector also recommends the provision of a steamer for the fishery. This has been recently sanctioned by Government—G.O., dated 14th August 1890, No. 5013, Revenue.

13. The possibility of a further fishery next year is touched on by the Collector, but until the banks are re-examined in the autumn, it is impossible to say if there should be one or not. The shells on the Tholayiram Par are now 7 years old, and will probably be dead before next year, but there are other banks, more particularly to the north-east.

14. In conclusion, the Board has only to add that its First Member is in a position, from personal observation, to corroborate all that the Collector says of the zealous and cheerful way in which Captain Baker and all the staff worked under circumstances which were very depressing.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with a list (to be returned).

" Collector of Tinnevelly.
" Superintendent of Pearl Fisheries, Tuticorin.

ORDER—dated 19th January 1891, No. 35, Revenue.

Miscellaneous.

In the Proceedings read above, the Board of Revenue submits a report on the results of the Tuticorin Pearl Fishery of 1890. The net proceeds amounted to Rs. 7,803 as compared with Rs. 1,58,483 obtained during the fishery of 1889. This result is very disappointing: the large falling off was chiefly caused by unsuccessful competition with Ceylon, by the appearance of sharks on the banks, and by the extremely low prices obtained for the oysters. The last two causes, as the Board says, are to be regretted, but could not be avoided.

2. As regards the competition between the Madras and Ceylon fisheries, His Excellency the Governor in Council agrees with the Board that efforts should be made to come to some amicable arrangement. It is, of course, open to either side to bid for the services of the divers by the offer of better terms, but His Excellency in Council

would be most averse to entering upon any such system of rivalry, which in the end could not fail to be very disadvantageous to both Governments. The Government of Ceylon will accordingly be asked whether it will consent to any arrangement under which the interests of both fisheries will be safe-guarded.

3. In paragraphs 5 to 10 of its Proceedings the Board deals with the questions of clandestine opening of oysters and of clandestine fishing of the banks. There are three sources of danger to be guarded against—

(1) Poaching on the banks by a foreign vessel;
(2) Poaching on the banks by a British vessel; and
(3) Pilfering of pearls by the boats' crews whilst conveying the shells from the banks to the shore.

The first is a remote danger and may be disregarded. The second may possibly have some foundation of reality. In G.O., dated 15th November 1883, No. 1409, the belief was expressed that the banks are extensively poached, but there is nothing on record to show to what extent such poaching is prevalent. The Collector will report on the subject. It is also desirable, before taking any action in the matter, to obtain full particulars regarding the pearl-fishery laws in Ceylon and in Western Australia; in the latter country it is said that "the fishing takes place in the main outside the 3-mile limit, and the colonial jurisdiction is not supposed to extend so far."* The Government accordingly resolves to address the Governments of the two colonies mentioned above, and on receipt of their replies will, if necessary, consult its Law officers as regards the question of legislation. The Government doubts whether the views expressed in paragraph 10 of the Board's Proceedings are correct.

* Paper on Ocean-fishery rights read by Sir G. Baden-Powell, M.P., at the International Law Reform Association Conference and printed in the *London Times* of 29th August 1890.

4. The solution of the third difficulty is apparently more simple. The Board considers that when once the oysters have been raised to the surface and placed on British vessels *by persons employed for that purpose by Government*, they become the property of Government, and that if the pearls are then abstracted, taken ashore, and sold, the offence is one of simple theft. In this view of the matter the Government is inclined to agree, and in any case by diminishing the value of the produce to be shared between themselves and the Government, the divers are guilty of cheating. The provisions of the Penal Code are therefore sufficient to meet the case.

5. The Jadi Talavamore is reported to have done his best at the last fishery, and the Government considers that he should be liberally treated. The remuneration proposed by the Board in paragraph 11 is fair and is sanctioned.

6. The following letters will be despatched to the Governments of Ceylon and Western Australia.

(Here enter Nos. 36 and 37, dated 19th January 1891.)

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue, with a list.
" the Accountant-General.
" the Financial Department.
Copy to the Superintendent, Government Central Museum.

Exd. A. Aubert.

60 Copies.

REVENUE DEPARTMENT.

From

C. A. GALTON, ESQ., M.A., C.S.,
Secretary to the Government of Fort St. George,

To

THE COLONIAL SECRETARY TO THE GOVERNMENT OF WESTERN AUSTRALIA,

Dated Fort St. George, 19th January 1891.

SIR,

I am directed to request that, with the permission of His Excellency the Governor of Western Australia, you will be good enough to furnish this Government with full particulars as to the laws and regulations relating to the pearl-fishery in Western Australia. His Excellency the Governor of Madraswould be glad to know, in particular, within what limits from the shore the Government of Western Australia claims jurisdiction over the sea in respect to fishery rights, and whether any difficulties have been experienced in enforcing the regulations and maintaining the exclusive right of the colony to the produce. In a paper* on Ocean-fishery rights read on the 28th August last at the International Law Reform Association Conference, Sir G. Baden-Powell, M.P., said, with reference to the pearl-fishery in the Indian Ocean, adjacent to Western Australia, that "the fishing takes place, in the main, outside the 3-mile limit; and the colonial jurisdiction is not supposed to extend so far." I am to inquire whether this statement of the case is correct or whether an extended jurisdiction in regard to the pearl-fishery has been secured under any municipal law or by any international agreement.

Miscellaneous.

* Vide *London Times* of 29th August 1890.

I have the honor to be,
Sir,
Your most obedient servant,

(Signed) C. A. GALTON,
Secretary to Government.

Exd. A. Aubert.

15 Copies.

1891.

WESTERN AUSTRALIA.

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, dated 19th January 1891, No. 36.

JANUARY.

REQUESTING to be furnished with full particulars as to the laws and regulations relating to the pearl-fishery in Western Australia, and desiring to know, in particular, within what limits from the shore the Government of Western Australia claims jurisdiction over the sea in respect to fishery rights.

REVENUE DEPARTMENT.

From

C. A. GALTON, ESQ., M.A., C.S.,
Secretary to the Government of Fort St. George,

To

THE COLONIAL SECRETARY, COLOMBO,

Dated Fort St. George, 19th January 1891.

SIR,

I am directed to request that, with the permission of His Excellency the Governor of Ceylon, you will be good enough to furnish this Government with full particulars as to the laws and regulations relating to the pearl-fishery in Ceylon. His Excellency the Governor of Madras would be glad to know, in particular, within what limits from the shore the Ceylon Government claims jurisdiction over the sea in respect to fishery rights, and whether any difficulties have been experienced in enforcing the regulations and maintaining the exclusive right of the colony to the produce.

Miscellaneous.

2. In his report on the last pearl-fishery at Tuticorin, the Collector of Tinnevelly states that certain sentences of six months' rigorous imprisonment have recently been passed at Manaar for illicit opening of oysters in the boats. I am to inquire if any such cases have occurred, and if so, whether punishment was inflicted under any special law enacted for the purpose of protecting fishery revenue, or under the ordinary laws of the colony dealing with offences against property.

3. I am further directed to suggest, for the consideration of His Excellency the Governor of Ceylon, the advisability of some agreement being come to which would prevent unnecessary competition between the Manaar and Tuticorin fisheries. During the past season the circumstances of the former fishery were more attractive to the divers than those of the latter, and towards the close of February great inconvenience was caused at Tuticorin by the departure of divers to Manaar. His Excellency the Governor in Council is most averse to entering into any rivalry with the Ceylon Government as regards these fisheries, and is of opinion that any such competition could not fail to be disadvantageous to the interests of both Governments. I am therefore directed to suggest that the fishing season might be divided between the two places, or that the number of boats employed by either Government might be limited.

I have the honor to be,
Sir,
Your most obedient servant,

(Signed) C. A. GALTON,
Secretary to Government.

Exd. A. Aubert.

15 Copies.

1891.

CEYLON GOVERNMENT.

From the Government of
Fort St. George.

Issued

Read. *Encl.*

Letter, dated 19th January 1891,
No. 37.

JANUARY.

REQUESTING to be furnished with full particulars as to the laws and regulations relating to the pearl-fishery in Ceylon; desiring to know, in particular, within what limits from the shore the Ceylon Government claims jurisdiction over the sea in respect to fishery rights; and suggesting, for consideration, the advisability of some agreement being come to which would prevent unnecessary competition between the Manaar and the Tuticorin fisheries.

1

REVENUE DEPARTMENT.

C No. 6370/50 15

From the Board - Land Rev:

Dated 22. Aug 1850.

FOR ORDERS.

The above report on the Tuticorin Pearl Fishery of 1850 is circulated for orders without a draft review, as it contains several matters which seem likely to provoke discussion.

The fishery was admittedly a failure, of which as the Board says, the causes are explained at length by Capt. Baker & the Collector. They are chiefly.

(1). Competition with Ceylon.

(2). panic caused by sharks & (3) Extremely low prices. The last two, says the Bd, are to be regretted but cld not be avoided.

It is upon no. (1). that orders are now requested. The Collector thinks that

2

Should be made
some arrangement with
Ceylon equitably dividing
between the two fisheries the
period open for work. The Board
considers it unlikely that
Ceylon will consent to any
such agreement, but recommends
that endeavours be made to
obtain one.

The question was
discussed last year - please
see notes under G.O. 808. dy.
1. Oct. 89 &. Hon. Members
were apprised to endeavour
to outbid Ceylon by raising
the share, given to the divers,
and it was thought that by
beginning our fishery earlier
the greater proportion of the
difficulties would be
overcome. These anticipations were not borne
out by circumstances.
The Tuticorin fishery of 1890 began
on Jan. 27. and the Ceylon
fishery was not started until
a month later: the exact
date does not seem to be
on record here. The opening of the
later

FOR ORDERS

3

REVENUE DEPARTMENT.

No. 15

From

Dated 18 .

FOR ORDERS.

later fishery had been fixed for
some date early in Feb.y, but
it was fortunately delayed & there
was also some cholera at
Mannar: but towards the end
of Feb.y, however, all the divers
began to leave the Tuticorin
fishery and on March 7. the
camp was broken up. On
April 23. boats began to
return and the fishery was
reopened, but several divers
were blown by shark, and
on May 6. the camp was
finally closed. The Tuticorin
fishery was of course not
begun early enough to profit
by the later opening of the
Ceylon fishery, but it is said
to be impossible to start earlier
than the middle of January.

The sea is too rough before even the end
of February & the divers, even in
February, bitterly complained of
the coldness of the water. They
felt the strong winds & calms, blowing
at times when they came out of the
water.

B.S.
5/12/90

and even then the conditions are not so favorable as they are in March & April. There seems therefore to be no option but to appeal to Ceylon's generosity, and to ask for some agreement, pointing out that competition is likely to damage the interests of both Govts: if Madras offers better terms to the divers in order to attract them from Mannar, Ceylon must in like manner bid for their services, and the share of the Crown from both fisheries will be diminished.

Another point calling for orders is the question of prevention; the clandestine opening of oysters and the clandestine fishing of the banks. The former is most common: on their way ashore the boatmen & divers very naturally pilfer from the heaps of oysters, lying ready to their hands, and the loss to Govt is estimated at several

FOR ORDERS.

Not necessarily with power only We could not bind them & competition would do harm to both Parts

JG 1/12

Yes — we should tell Ceylon that we are not to answer bantering on a system of competition which would be ruinous to both Govts

Yes JHS

No.

From

Dated 18

FOR ORDERS.

several thousands of rupees. The latter is apparently a prospective evil, as no cases seem to have actually occurred as yet.

As regards the former the Board thinks that when once the oysters have been raised to the surface, placed on British vessels by persons employed for that purpose by Govt, they become the property of Govt, and that if the pearls are then abstracted, taken ashore & sold, the offence is one of simple theft.

The question of the three mile limit of jurisdiction is also discussed in the Board's Pro, to wh: attention is invited. Mr Bliss in a do.

I think so too WD JG JHS

as subsequently drawn attention to a report in the London Times of Aug. 25. on "Ocean Fishery Rights" — this reproduces a paper read by Sir G. Baden Powell. M.P. on the subject.

It is submitted that before expressing any opinion on these very important and complicated questions, the opinion of the Advocate Genl should be obtained, and the Ceylon Govt should also be asked, whether any measures have been taken there to meet these difficulties. Mr. Princeshere in para. 12 of his letter mentions some cases of men being sentenced to 6 mos. rigorous imprisonment for fishing oysters in boats at Mannar, but it is not known under what laws they were punished.

Another point is the curtailment of the privileges to be allowed to the Jaffna Talaiyaris, the head

REVENUE DEPARTMENT.

No. 18

From

Dated 18

FOR ORDERS.

head of the Pearl Coast (Para. 11. of Current). At present he is allowed two privilege boats, whatever the number of Govt boats may be. The Board now proposes to give him 1 boat for 30 Govt boats & less,
2 boats — more than 30 & less than 60 —
3 ——— more than 60.
Division.
These proposals seem fair — The man is reported to have done his best, and he must have worked well if he gave the matter as much attention as he does to his English — please see letter on P.C. of Current.

The other questions mentioned dealt with in the report do not seem to call for special orders.

20.11.50.

8

REVENUE DEPARTMENT. 191

Current No. 6370 of 1890

From Inland Revenue Staff

Dated 18 .

FOR ORDERS.

This paper raises some complicated legal questions but for reasons stated below I do not think they call for a settlement at present. The questions can always be raised with the Stamp Office if and when it is decided to proceed with the [illegible]

I have given them thorough study. They contain nothing more than I have done

JG 1/12

These rules have for their
basis and object foreigners
are subject to it equally
with the subjects
of the contracting
State.

L'Honora in para 117
of his letter printed in
Sen. Ex. Doc. 27 Ser. 53 Cong
to the United States
from Paris in Dec 1861
and Jan 11 Vol. Cong 53.
that this applies only
to such offences as committed
by members of a country in En.
flagrante delicto
or indictment according
to the laws of England.
I conjecture that breaches
of a fiscal law would
not come within this
category.

The letter of Mr Stokes in
his remarks on the
Alabama on the Hampshire

(see writing
Slidell)

Sir Lyon Playfair
2 Aug 29 1870

of such Bill stated that
it is not held by English
lawyers that by the pres-
ent law of International
Law a Neutral State
has legislative power over
the sea beyond the water
mark and prohibit a
Belligerent Ship from
its ports but may only for certain
limited purposes and for
short periods control a small
Sovereignty over the
passing ships. This is
very important and Sir
Stokes considers that the
old practice of the Ship
Money forming part of the
territory of a Neutral
State could hardly now
be followed.
Sir G. Bowyer Bart in a
paper recently read at
the International Law
Congress Glasgow in Sept
pleads for the subject of Ocean

fishing rights. He says
"it is generally denied
and is certainly by no
means accepted doctrine that
within territorial waters
the subjects of the Co.
treaty States have full
rights to the exclusion of
the other States. The inter-
national aspect is found
when it comes to the second
limit of such waters and
this determines how in
territorial rights begin
how again the two are
opinion is that the three
mile limit marks the
dividing line." This 3
mile limit however is not
universally applicable
and exceptions can be
cited. Generally
there any law which
ought to permit aliens
fishermen in India could
not apply to foreigners
outside the three mile

REVENUE DEPARTMENT. 21

No. 1

lated 18 .

ORDERS.

limit, except by international
agreement. There
however, is in the case
of the territorial fishery
fishery, it would seem
that an exclusive right
of fishing within certain
limits of the territorial
by any particular State
without question from the
international law might
that the right of such
State to protect such fi-
shery by proper and
reasonable regulations
would be recognized and
that no difficulty in
this respect would arise
between the subjects of a foreign
Country and the subjects of a foreign
State to the municipal
law of this Country in

respect of acts done
beyond the recognized
3 mile limit could, I am
I suppose be settled by
Special agreement.
I cannot think Government
has power to legislate
to protect its fisheries
against depredations by
acts committed outside
territorial limits of any
British Dominion.
In the Behring Sea
fishing takes place
within the territorial
limit of the
British jurisdiction
which extends to
10 leagues. Thus practically
the matter can only be
dealt with British vessels
at sea or on shore which
come into port in British
Columbia to refit and carry

22

Principle could be
brought practically into
operation in Canadian
ports, but frequently would
be a Canadian port.
I trust that Her Majesty's
Government will
be able to arrive
at some satisfactory
arrangement with
the United States
Government for the
protection of the Seal
Fisheries in Behring
Sea pending the
settlement of the question
by arbitration.
I should hardly advise
Your Lordship that
Council has any power
to frame laws which
H.M. Government would
disallow with the view
of protecting the Seal
Fisheries on shore or
at sea as explained
during the discussion
which took place
in Council on the

"
grants and the jurisdiction to legislate, as the Bill proposed to do, for the destruction of the Revenue of those territories was a measure incident to the general power of legislation possessed by the Parliament of the United Kingdom of Great Britain & Ireland for the Government of British India." Section 43 of the Indian Councils Act empowers the Local Legislative Councils to make laws "for the peace & good government of the Presidency". Under this general terms the Legislative Council may pass any law which would be likely to give rise to private questions of International law & could be passed by a Local Legislative Council. I think a reference to the Law Officers would be necessary.

REVENUE DEPARTMENT.

No.

ated 18 .

ORDERS.

The Ceylon Ordinances do not help us much. Lt Thomas has made a curious blunder in saying that Sect XVII of 43 & 44 Vict c 68 applies to Ceylon. It does not apply & cannot <u>at present</u> be made to apply to Ceylon. The Ceylon Legislature does not at present possess the power to make laws for the Colony which are repugnant to the provisions of the Merchant Shipping Act. If any one has any doubt about it a question should be put to the Law Officers of the Crown. Such a question would involve the construction of a foreign Statute.

Mr Thomas's argument is that the provisions of the

law on this subject
I submit that there is
any necessity to an
immediate legislative
enactment.
There are 3 branches
of poaching which have
to be specially guarded against.
(a) Poaching in the Creeks
by a foreign vessel
(b) Poaching in the Creeks
by a British vessel
(c) Pilfering of fish by
the boats which visit
carrying the fish from
the Banks to the Coast.
As cases have occurred
under the first two
heads and there is
no reason probability that
they will occur again
justify legislation I
am strongly opposed
to it. I have taken
the poaching question
it could have to be carried

Poaching by foreign vessels
is of course a remote danger,
& may practically be disregarded.
I am not quite sure about
poaching by British vessels.
I am say that any case or
many cases have been detected,
but I believe the danger is
considered to be real. Large
numbers of the Yarmouth fishermen
we also Lowestoft men & mostly
the Banks are frequently patrolled
a man of war sometimes for a time
& bring up parties
I think we might
ask for a report as to the extent
which poaching is believed
to prevail. I know Capt Baker

is very anxious to obtain efficient
sailing cutter to replace the
old schooner "Kent" which
is quite worn out. The matter
has been under correspondence
between the Admy & the Post
Post Office & letters from me
tion & I showed them that
definite proposals would
be forthcoming

WS
5/12/81

24

on which only
the Yarmouth fishing
vessels are likely to
visit the Banks
I am not certain that
the Oyster Com. have
contemplated
Cutter in the estimates
& I should hold a fishery
cruisers absolutely
necessary in the Channel
I think that there are
many parts of the
Yarmouth & Lowestoft men
to obtain their
Lowestoft men
Yarmouth & Lowestoft
a distance and thus
obtain at cheaper rate
cost. There is a very
considerable amount
of time spent in
ting the oysters &c.
tracting the plants &c.
Legislation would have
the effect of selling the
plants. Poaching would
only be profitable on a
scale which would necessi
the immediate purc

FOR ORDERS.

tion and certain publicity
so that in my opinion
there is no practical
necessity for any precau-
tionary measures at all
to prevent fishing on the
banks.

As regards pilfering of pearls
by the boats crews on their
way to the shore I think
the Board's view in para
9 is correct & that a
prosecution for criminal
breach of trust would
lie. The crews are
entitled to a third of the
takes, but that share
must not belong to them
until it is regularly
assigned by Govt. In
any case by diminishing
the value of the produce
to be shared between
themselves & Govt they
are guilty of cheating or
the provisions of the Penal
Code are I think sufficient
to meet the case.

The Secretary shows conclusively
that there is no need to legislate
in order to prevent illicit fishing
for oysters on a large scale,
but there occurs some wh.
great danger that the banks
may be disturbed & so ruined
by petty poaching especially
from British vessels. This
poaching was considered again
& again to be the chief cause
of the long barrenness of our
Banks. The belief was strongly
asserted in G.O. 15 Nov 83 1409
Chanks may be abstracted in
the same way, but there is nothing
before us to show that this is
a matter of any importance
One thing necessary to prevent
the disturbance of the
oyster beds is a number of
patrolling vessels & a pro-
tecting force. But would
such a force stop any we
they found poaching? I doubt

REVENUE DEPARTMENT. 25

Current No.

From

Dated 18 .

FOR ORDERS.

this. The matter might be
referred to the Adv Genl after
we get the reports from Ceylon
& Australia wh. should be
asked for. If legislation is
necessary, I think it may
be undertaken by our Council
as it is only taking power to
protect our fisheries against
depredation by our subjects.
I do not see, myself, why the
Pearl Banks which are tracts
the limits of wh. are well
known should not be considered
as made a part of this
Presidency.

JG

I agree JG

These banks are in
deep water – up to 2 fathoms –
I doubt if part of the navigable
ocean could ever be held to be
a part of the land under the juris-
diction of a particular Govt except for
the limited purpose of Revenue protection.
Perhaps we might learn something
from the Fishery Regns of the North Sea
which are based, I believe, on agreements

The Board's views in
para 10 do not appear to
me to be sound. If, as
the Board admits, the
Chanks and oysters at
the bottom of the sea are
ferae naturae and do
not belong to anyone I do
not see how they become
the property of Govt. during
they are raised unless
they have been brought up
by persons employed by
Govt. The State might
be entitled to a royalty
on them, but could hardly
claim such property in
them that any charge
for an offence against pro-
perty would lie under the
Penal Code. The Board
says poaching by British
vessels could be punished all

under the existing law
and that subsequent
dealing with the channels
and systems would be
fresh. There is no
law except the French
Code, as far as I can see,
that could possibly apply
and I don't think its
provisions would meet
the case.
The reference to the Cyclops
fish. report is open?
I the Crown Agents is
in Bystander's possession
reference might be made
to the Sec. of State for
Australia. But no law
legislation is evidently
contemplated as reference
to the Advocate General
appears unnecessary.
As to the competition of
Ceylon I don't think
Govt. need be alarmed
there would be likely to
come to any agreement

between Gt Britain, Holland,
Germany, Belgium & (?) France.
But I don't know where they
can be found, unless perhaps there
is an index to the London Gazettes. There
should of course be a file of the Times,
with index, in the Post office, but I
understand there is not.

WS
5/2/90

Mr Jy WS
HH

It will probably be necessary
after we get their reports.
WS HH Jy

I am not sure about this. I
think the Govt. of Ceylon might
be asked if they will comment
to any arrangement. They may
know why that we can alter act. here
direct by offering better rates
HH WS Jy

The 'hard claim'
argument is the only one
on which we could base
any legislation for the
protection of our fisheries
beyond the League from
shore. But even here we
shall find that [illegible] fishing
of the Gulf of Manaar is exempt from
a 'hard claim' after 6 miles and
being to the British coast.
& that it rights in that
respect have been often
challenged.
HH
10/2/90

26

and I do not see that
arguments on such point
ground to arise there is
No. The Ceylon pearl
fishery is under statutory
& the Ceylon Govt. can
actually direct when
the moment for this
they should stop & resume
& can suspend any portion
of their existing powers
for the benefit of the
Pearl Treasury? I do not
think it could be disputed
& in this case we have
a complete answer to
any claim. The Crown
is entitled to
fish & to [illegible] Ceylon, if
they please. But the terms
& conditions under which
fishing or use of the
shore shall be are
entirely in the discretion of
the Ceylon Govt. & that
Govt. alone has power
to alter.
So always.

FOR ORDERS.

The Jaffna Collector is of opinion that the Petitioner should be allowed the Fishery desired but I see no objection to declining his application on the ground mentioned. The Board proposed 4 years from

CR
22/11

The Petition of Pearl Fishery.

Mr Dy

The Hon. the Col. Secy
The Hon. the Attorney General
The Hon. the Auditor General
H.E. the Governor

Read Clio. 1370/90

Order of 19 Jan. 1891, no: 35

In the Proceedings read above, the Board of Revenue Submits a report on the result of the Thuticorin Pearl Fishery of 1890. The net proceeds amount to Rs 37603, as compared with Rs 158,483 obtained during the fishery of 1889. This result is very disappointing: the large falling off was chiefly caused by unsuccessful competition with Ceylon, by the appearance of Sharks in the banks, and by the extremely low prices obtained for the oysters. The last two causes, as the Board says, are to be regretted, but could not be avoided.

2. As regards the competition between the Indian and Ceylon fisheries, H.E. the Governor

Note I regret the delay in submitting this draft. The papers were received from Circ. on Dec: 12. and until the holidays my time was fully taken up with the Forest Budget & other papers.

Rion
14 Jan 91

JG 17/1

Circ. 22/11

in Council agrees with the Board that efforts should be made to come to some amicable arrangement. It is, of course, open to either side to bid for the services of the divers by the offer of better terms, but H.E. in Council would be most averse to entering upon any such system of rivalry, which in the end could not fail to be very disadvantageous to either Govts. The Government of Ceylon will accordingly be asked, whether it will Consent to any arrangement under which the interests of both fisheries will be safeguarded.

3. In paras 5 to 10 of his Proceedings, the Board deals with the questions of clandestine opening of oysters and of clandestine fishing of the banks. There are three Sources of danger to be guarded against—

(1) Poaching

(2) Poaching on the banks by a foreign vessel; 28

(2) Poaching on the banks by a British vessel; and

(3) Pilfering of pearls by the boats' crews, whilst conveying the shells from the banks to the shore.

The first is a remote danger and may be disregarded. The second may possibly have some foundation of reality, but before taking any action in the matter, it is necessary to obtain full particulars regarding the pearl-fishery laws in Ceylon and in Western Australia; in the latter Country it is said, that "the fishing takes place in the "main outside the three mile "limit and the Colonial jurisdiction "is not supposed to extend so far"* The Government accordingly resolve to address the Government of the

2. [illegible] The Chairman expressed the opinion that the Board was fully justified in proceeding [illegible] with such powers as it possessed. He [illegible] his opinion on the subject [illegible] the Board [illegible]

* Paper on ocean fishery rights read by Sir G. Baden-Powell, M.P. at the International Law Reform Association Conference and printed in the London Times of Aug. 29, '90.

the two Colonies mentioned above, and on receipt of their replies will, if necessary, consult its Law officers as regards the question of legislation. The Government doubts whether the views expressed in para 10 of the Board's Progs are correct.

4. The Solution of the third difficulty is apparently more simple. The Board considers that when all the oysters have been raised to the surface, and placed on British vessels by persons employed for that purpose by Government, they become the property of Government, and that if the pearls are then abstracted, taken ashore, & sold, the offence is one of simple theft. In this view of the matter the Govt is inclined to agree, and in any case, by diminishing the value of the produce to be shared between

29/4

between themselves and Govt, the divers are guilty of cheating. The provisions of the Penal Code are, therefore, sufficient to meet the case.

5. The Jadi Dalemmo is reported to have done his best at the last fishery and the Government considers that he should be liberally treated. The remuneration proposed by the Board in para 11 is fair and is sanctioned.

6. The following letter will be despatched to the Governments of Ceylon and Western Australia:-

To 1 The Comptr of Land Revs
6 " Accountant Genl with a list
5 " Finl Dept
3 Copys to the Dept, Govt Central Museum.

dd 6-2-91

60/5

Rec'd 14 Feb 91
Ans 15 Feb 91

9.7.0.

No. 36

19-1-91

To The Colonial Secy to the
Govt of Western Australia.

Sir,

I am directed to request that, with the permission of H.E. the Governor of Western Australia, You will be good enough to furnish this Government with full particulars as to the Laws and regulations relating to the pearl-fishery in Western Australia. H.E. the Governor of Madras would be glad to know, in particular, within what limits from the Shore the Govt of Western Australia claims jurisdiction over the sea in respect to fishery rights, and whether any difficulties have been experienced in enforcing the regulations and maintaining the exclusive right of the Colony to the produce. In a paper on ocean fishery rights read, on the

JG

x vide London Times of 29 Sept 90

the 28th August last at the International Law Reform Association Conference, Sir G. Baden-Powell, M.P. said with reference to the pearl-fishery in the Indian Ocean, adjacent to Western Australia, that "the fishing takes place in the main outside the three mile limit; and the Colonial jurisdiction is not supposed to extend so far." I am to inquire whether this Statement of the case is correct or whether an extended jurisdiction in regard to the pearl-fishery has been secured under any Municipal Law or by any international agreement.

Rec
4 Jan 91
15/1/91

15/1

J. 7. 0.

No. 37
19-1-91

To The Colonial Secretary
Colombo.

Sir,

I am directed to request that, with the permission of H.E. the Governor of Ceylon, you will be good enough to furnish this Government with full particulars as to the laws and regulations relating to the pearl-fishery in Ceylon. H.E. the Governor of India would be glad to know, in particular, at what limits from the shore the Ceylon Govt claim jurisdiction over the Sea in respect to fishery rights and whether any difficulties have been experienced in enforcing the regulations and maintaining the exclusive rights of the Colony to the fisheries.

2 In his report on the last pearl-fishery at Tuticorin the

31

Collr of Jaffna stated that certain sentences of six months' rigorous imprisonment have recently been passed at Manaar for illicit opening of oysters in the boats. I am to inquire if any such cases have occurred, and if so, whether the punishment was inflicted under any Special Law, enacted for the purpose of protecting fishery revenue, or under the ordinary laws of the Colony dealing with offences against property.

3. I am further directed to suggest for the consideration of H.E. the Governor of Ceylon the advisability of some agreement being come to, which would prevent unnecessary competition between the Manaar and Tuticorin fisheries. During the past season, the circumstances of the former fishery were more attractive

attraction to the divers than those of the latter; and towards the close of February great inconvenience was caused at Tuticorin by the departure of divers to Manaar. H.E. the Governor in Council is most anxious to entering into any rivalry with the Ceylon Govt. as regards these fisheries, and is of opinion that any such competition could not fail to be disadvantageous to the interests of both Governments. I am, therefore, directed to suggest that the fishing season might be divided between the two places, or that the number of boats employed by either Govt. might be limited.

Rem
to Gen Sec 15/11/91

15/12

G.G. 19 Jan.y 1891, nos. 35 36+37

C.No. 6370/90

Pearl-fishery Report.

Dept G.o.s hon. orders

The Hon. the Secretary

Original

Govt. of {1891} Madras

REVENUE.

Issued

Recd. Encl.

G.O., 19th January 1891, No. 35.

JANUARY.

Pearl-fishery at Tuticorin.

Passing orders on the report on the — of 1890.

20/12/94

7/11/05

9-9/00

19/5/14

25-9-19

31-3-15

10-12-15

27-4-21

26.11.25 II