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MADRAS RECORD OFFICE**GOVERNMENT OF MADRAS****DEPARTMENT**

G.O. No. 4663 Revenue	Press
B.P. No.	Mis.

Dated 31st August 1965

Not to be folded or roughly handled

Government Madras.

REVENUE DEPARTMENT.

27-4-21

29-7-55 DS

MISCELLANEOUS.

Recd.

Regd.

1916.

G.O. No. 466 August 1891

Pearl Legislation

Letter from the Colonial Government and the Government of India regarding —
communicated to the Commissioners of for remarks.

2/

Government of Madras.

REVENUE DEPARTMENT. 17

MISCELLANEOUS.

Recd.

Regd.

} 1916.

Enclosures

Spare copies

G.O. No. 4663 1st August 1891

Pearl Fisher, Legislation

Letter from the Colonial Government of Ceylon and the Government of India regarding —
communicated to the Commissioners of Land Revenue for remarks.

GOVERNMENT OF MADRAS
REVENUE DEPARTMENT

READ—the following papers:—

I

G.O. No. 2687, Revenue, dated 1st May 1891.

ABSTRACT.—Letter from the Colonial Secretary of Western Australia forwarding Acts and Regulations, etc., relating to pearl fishery, recorded pending receipt of the communication on the subject from the Ceylon Government.

II

Letter—from the Colonial Secretary, Colombo.
To—the Chief Secretary to the Government of Madras.
Dated—the 21st May 1891.
No.—37.

I am directed to acknowledge the receipt of your letter No. 2689 of the 1st May, and to express regret that your original communication of the 19th January should have remained so long unanswered.

2. In compliance with the request therein contained, I have now to forward particulars as to the Laws and Regulations relating to the pearl fishery in Ceylon.

They are as follows:—

- (1) Regulation No. 2 of 1811.
- (2) Ordinance No. 18 of 1843.
- (3) Ordinance No. 13 of 1890, of which section 9 and schedule B were especially framed for the protection of the pearl banks.

A tracing made by the Surveyor-General of this colony, showing the situation of the Ceylon pearl banks, is also enclosed for your information.

3. I am to state that no difficulties have been experienced in enforcing the regulations, and maintaining the exclusive right of this colony to the oysters and pearls.

4. The sentences alluded to in the second paragraph of your letter were passed under the ordinary law of the colony, dealing with offences against property.

The offenders were a number of Arab divers, who were convicted of stealing oysters the property of Her Majesty the Queen under section 367 of the Ceylon Penal Code, which provides the punishment for theft.

5. With regard to the third paragraph of your letter of the 19th January last, I have to state that this Government fully concurs in deprecating any rivalry in the matter of the Tuticorin and Ceylon fisheries, and is quite prepared to adopt an agreement which may tend to avoid unnecessary competition.

I am however to remark that the only instance in the present century when the Indian and Ceylon fisheries have clashed appear to have been in 1889 and 1890. From 1861 to 1889 there was no fishery off Tuticorin, whilst during the same period there were eight off the coast of Ceylon.

The question therefore does not appear to be one of any very great practical importance, as judging from past experience, the contingency of a Tuticorin and Ceylon fishery taking place in the same year is very remote.

6. To obviate, however, any risk of inconvenience in the event of an Indian and Ceylon fishery again coming together, I am to state that this Government agrees with the suggestion made at the conclusion of your letter, that the fishing season be divided between the two places. This proposal appears to be preferable to the alternative suggestion that the number of boats employed be limited.

It is understood that fishing at Tuticorin begins at the end of January or beginning of February. In such case the Ceylon fishery could be advertized to commence after the first week in March, and would continue till the middle of April.

This would admit of an equal number of days being allowed for each fishery.

It appears that in 1890 many of the Kulekare divers would probably have gone to Tuticorin, if they had been told that they would be allowed to leave for Ceylon when the fishery opened here.

7. His Excellency the Governor hopes that the division as sketched above will meet the wishes of the Governor of Madras in Council, and will minimize the inconvenience attendant on simultaneous fisheries in India and Ceylon.

ENCLOSURES.

(i)

REGULATION NO. 3 OF 1811.

For the protection of His Majesty's Pearl Banks of Ceylon.

Whereas there is reason to suspect that depredations are committed in the pearl banks of Preamble. this island by boats and other vessels frequenting those places in the calm season without any necessity or lawful cause for being in that situation:

For the protection of His Majesty's property and revenue, His Excellency the Governor in Council is pleased hereby to enact and declare:—

That if any boat or other vessel shall hereafter, between the 10th of January and the end of April, or between the 1st of October and the end of November in any year, be found within the limits of the pearl banks, as described in the schedule hereunto annexed, anchoring or hovering and not proceeding to her proper destination as wind and weather may permit, it shall be lawful for any person or persons holding a commission or warrant from His Excellency the Governor for the purposes of this Regulation to enter and seize such boat or other vessel, and carry the same to some convenient port or place in this island for prosecution. And every such boat or other vessel is hereby declared liable to forfeiture by sentence of any court having revenue jurisdiction of sufficient amount, and shall be condemned accordingly; two-thirds thereof to the use of His Majesty and one-third to the persons seizing or prosecuting, unless such boat or other vessel shall have been forced into the situation aforesaid by accident or other necessary cause, the proof whereof to be on the party alleging such defence.

COLOMBO, 9th March 1811.

(By order of the Council.)

JAMES GAY,
Secretary to the Council.

(By His Excellency's command.)

JOHN RODNEY,
Chief Secretary to Government.

SCHEDULE REFERRED TO.

Vessels navigating the inner or along shore passage are not to hover or anchor in deeper than four fathoms water.

Vessels navigating the outer passage are not to hover or anchor within twelve fathoms water.

(ii)

ORDINANCE ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF.

No. 18—1843.

An Ordinance to declare illegal the possession of certain nets and instruments within certain limits.

O. CAMPBELL.

Preamble. Whereas it is expedient to prohibit the possession within certain limits of certain nets and instruments which might otherwise be used to the detriment of Her Majesty's pearl banks:

Possession of certain nets, dredges, and other instruments within certain limits illegal.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance the possession on land of any drifting net or other net not being such as are used by men walking in the sea, or of any dredge or similar instrument, at any place within twelve miles of Tallaville or Talaimannar, or at any place within twelve miles of any part of the shore at low water mark between Tallaville and Talaimannar, shall be unlawful, and every such net, dredge, or instrument that shall at any time be found within such limits shall be forfeited, and every person who shall at any time have had any such net, dredge, or instrument in his possession, or shall have moved or concealed or assisted in or procured the movement or concealment of any such net, dredge, or instrument within such limits shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding ten pounds, or to imprisonment with or without hard labour for any period not exceeding six months.

Penalty.

2. And it is further enacted that it shall be lawful for every officer of the Customs and every peace officer to search any house or premises within any such limits as aforesaid where he shall have good reason to believe any such net, dredge, or instrument as aforesaid to be kept or concealed, and to take the same into his charge, and to seize and take every person offending against this Ordinance before any competent court or justice of the peace, to be dealt with according to law.

Peace officers may make search for nets, etc., and seize offenders.

Passed in Council the Thirtieth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,
Acting Clerk to the Council.

(Published by order of His Excellency the Governor.)

P. ANSTRUTHER,
Colonial Secretary.

(iii)

ORDINANCE ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF.

No. 18—1890.

An Ordinance relating to Chanks.

A. E. HAVELOCK.

Preamble. WHEREAS it is expedient to amend the laws relating to chanks and to prohibit the diving for, and collecting of, chanks, bêche-de-mer, coral, or shells in the seas between Mannar and Chilaw: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

Short title and date of operation.

Repeal.

1. This Ordinance may be cited for all purposes as "The Chanks Ordinance, 1890," and it shall come into operation at such time as the Governor in Executive Council shall, by proclamation in the *Government Gazette*, appoint.

2. The Ordinance No. 4 of 1842, intituled "An Ordinance for the protection of Her Majesty's rights in the digging for Dead Chanks," and the Ordinance No. 5 of 1842, intituled "An Ordinance for the protection of Her Majesty's Chank Fishery," are hereby repealed, but such repeal shall not affect the past operation of either of the said enactments, or anything duly done or suffered, or any obligation, or liability, or penalty accrued or incurred under them or either of them.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

Definitions.

3. In this Ordinance, unless the context otherwise requires—

"Chanks" includes both live and dead chanks.

"Person" includes any company or association or body of persons whether incorporated or not.

4. (1) There shall be levied and paid on all chanks entered for exportation a royalty at such rates not exceeding one cent on each chank, as the Governor, with the advice of the Executive Council, shall, from time to time by notification in the *Government Gazette*, appoint.

(2) No chanks shall be exported save and except from any port mentioned in the schedule A hereto, or from any other port which the Governor in Executive Council may appoint by notification in the *Government Gazette*.

5. (1) The person entering outwards any chanks to be exported from any port shall deliver to the collector a bill of the entry thereof, expressing the name of the ship and of the master, and of the place to which the chanks are to be exported, and of the person in whose name the chanks are to be entered, together with the number and value thereof, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding, and shall at the same time pay to the collector any sum which may be due as royalty upon the exportation of such chanks.

(2) Such person shall also deliver at the same time one or more copies of such entry, and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such copies shall be such as the collector shall require, and such entry being duly signed by the collector shall be the warrant for examination and shipment of such chanks.

6. Every person who shall export chanks from this island except from any port mentioned in schedule A, or from any port appointed by the Governor in Executive Council under section 4, or contrary to the requirements of section 5, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

7. If any chanks subject to the payment of any sums due as royalty in respect of exportation shall be laden or water-borne to be laden on board any ship before due entry shall have been made and warrant granted, or before such chanks shall have been duly cleared for shipment, or if such chanks shall not agree with the bill of entry, the same shall be liable to forfeiture together with the package in which they are contained.

8. It shall not be lawful for any person to use any dredge or other apparatus of a like nature for the purpose of fishing for or collecting chanks, and every person using any dredge or other apparatus of a like nature for such purpose shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every dredge or apparatus of a like nature so used as aforesaid shall be forfeited.

9. It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in schedule B hereto, and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer, coral, or shells in the said seas, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited.

Provided that nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less.

Provided also that it shall be lawful for the Governor in Executive Council from time to time or at any time, by notification in the *Government Gazette*, to alter the limits defined in schedule B hereto, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance.

10. (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

(2) If any such officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence and liable to a fine of one hundred rupees.

11. (1) Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, and such court may by its order declare and adjudge any chank, bêche-de-mer, coral, shell, boat, canoe, raft,

Duty on chanks.

Ports of entry.

Bill of entry.

Collector's warrant.

Penalty for exporting contrary to the Ordinance.

Chanks laden before entry liable to be forfeited.

Use of dredge in collecting chanks prohibited.

Penalties.

Collection of chanks, bêche-de-mer, coral, or shells in the seas between Mannar and Chilaw prohibited.

Proviso.

Proviso.

Chanks, etc., liable to forfeiture may be seized and detained at the nearest custom-house.

Penalty on seizing officer neglecting to convey to custom-house within a reasonable time.

Police court to have jurisdiction.

No. 4663, REVENUE, 31st AUGUST 1891

vessel, dredge, or apparatus seized and detained under this ordinance to be forfeited, and such forfeiture may be in addition to any other punishment hereinbefore prescribed, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) All forfeitures may be sold or otherwise disposed of in such manner as the police court may direct.

12. It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

SCHEDULE A.

Kankasanturai.
Kayta.

Jaffna.
Péalai.

SCHEDULE B.

Eastward of a straight line drawn from a point six miles westward of Talaimannār to a point six miles westward from the shore two miles south of Tallaivilla.

Passed in Council the Nineteenth day of November, One thousand Eight hundred and Ninety.

H. L. CRAWFORD,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fifth day of November, One Thousand Eight Hundred and Ninety.

E. NOEL WALKER,
Colonial Secretary.

III

Letter—from P. C. LYON, Esq., c.s., Officiating Under Secretary to the Government of India, Revenue and Agricultural Department (Fisheries).
To—the Secretary to the Government of Madras.
Dated—Simla, the 28th May 1891.
No.—1100/5-2-Fish.

I am directed to acknowledge the receipt of your letter No. 271, dated the 7th April, and in reply to say that the draft of the India Fishery Bill drawn up by the Hon'ble H. S. Thomas, late Member of the Board of Revenue, Madras, is still under the consideration of the Government of India.

2. With reference to the inquiry made in the second paragraph of your letter, I am to say that so long as collision between the proposed Madras measure and the Territorial Waters Jurisdiction Act, 1878 (41 & 42 vic., cap. 73) is avoided, the Government of India have no objection to His Excellency the Governor in Council legislating for the regulation of sea fisheries within one marine league of the coast measured from low water mark.

Order—Mis. No. 4663, Revenue, dated 31st August 1891.

Communicated to the Commissioners of Land Revenue, who are requested to submit their remarks upon the letter from the Government of Ceylon.

2. The Government of India has no objection to this Government legislating for the regulation of sea fisheries within one marine league of the coast measured from low water mark. The Tuticorin pearl banks, however, lie for the most part at a distance of ten or twelve miles from the shore and any local legislation with the object of protecting them is therefore out of the question.

3. A reply will be sent to the Ceylon Government on receipt of the report called for in paragraph 1.

(True Extract.)

C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue with map and regulations relating to Ceylon to be returned.

Forwarded to the

(By Order)

Superintendent.

REVENUE DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 4663, REVENUE, DATED
31st AUGUST 1891.

[SUBJECT.—Fishery Laws.]

Previous paper:

G.O. Mis. 2687, Revenue, 1st May 1891.

When the report on the Pearl Fishery, held at Tuticorin in 1890, came up for review, various questions were raised in regard to jurisdiction over persons fishing on the pearl banks, and it was resolved to ascertain whether similar difficulties had been experienced at other fisheries, and if so, how they had been dealt with. References were accordingly made to the Governments of Ceylon and of Western Australia (letters under G.O. No. 35, dated 19th January 1891).

Shortly afterwards it was resolved to ask the Government of India what had been done with the Indian Fishery Bill prepared by Mr. H. S. Thomas and submitted to that Government in 1888. Advantage of this opportunity was also taken "to inquire whether, in the opinion of the Government of India, it is within the powers of the Local Government to legislate for fisheries in the sea, and if so, within what limit from the shore" (G.O. No. 270, dated 7th April 1891, and letter).

The papers noted above contain the replies of the several Governments to these references.

The Government of India's reply has been received. Mr. Thomas's India Fishery Bill has evidently been treated by the Supreme Government in the same manner as his Madras Bill has been treated by the Local Government. The Hon'ble Mr. Stokes is of opinion that the local Bill may well "sleep for another ten years" (note on letter to India of 7th April 1891 quoted above), and as India is apparently of the same mind, it is submitted that no further steps need now be taken. In this case the Bill will be shelved for the time being. In the second paragraph of the letter from India, it is stated that "the Government of India have no objection to His Excellency the Governor in Council legislating for the regulation of sea fisheries within one marine league of the coast, measured from low water mark", so long as the provisions of the Territorial Waters Jurisdiction Act, 1878 (41-42 Vic., Cap. 73) are not infringed.

Under section 7 of the Act "the territorial waters of His Majesty's dominions" are defined, for the purpose of offences such as poaching on pearl banks would be, as any part of the open sea within one marine league as specified above.

As most of the Tuticorin banks are very much farther from the coast than three marine miles, any local legislation with the object of protecting them is out of the question.

J. H. G[ALSTON]—13-8-1891.
H. E. S[TOOKES]—15-8-91.

Attention is also invited to G.O. No. 3602, dated 18th June 1891, in which it is stated that "all suspicion as to the prevalence of poaching on the Tuticorin pearl banks is removed." Legislation would, therefore, only be undertaken in order to prevent the banks being disturbed by the presence of fishing boats.

G.O. No. 2687, dated 1st May 1891, contains the reply from Western Australia. A pamphlet, containing the various Acts passed by the local legislature, is forwarded together with a copy of "the Western Australia Pearl Shell and Bêche-de-mer Fisheries (Extra-territorial) Act of 1889" passed by the Federal Council of Australasia. The latter enactment gives the Colonial Government power over British ships and boats outside the territorial limits, and within certain other limits

specified in the schedule attached to the Act. A map is enclosed to show these limits. No difficulty has up to the present (it is stated) been experienced in carrying out the provision of this Act.

Reply has been received from the Ceylon Government also. Copies of the regulations enacted for this colony are also forwarded, and it is stated that no difficulties have been experienced in carrying them into effect.

These regulations are local ordinances, and by the latest of them (Act XVIII of 1890) power is taken to control boats beyond the territorial limits of one marine league. A map is attached to the letter, and the limits defined in the schedule of the Act are marked in blue pencil. It will be seen that a very wide area is included in the schedule, extending at one point to about 21 miles from the coast. It seems doubtful whether the Colonial Government had power to bring this area under its jurisdiction but the point is immaterial, because the Government of India have ruled (as noted above) that this Government can only legislate within a limit of one marine league.

It is further stated by the Ceylon Government that the sentences passed upon certain boatmen for the illicit opening of oysters in the boats (which sentences were noticed by the Collector of Tinnevely in his report on the Tuticorin Fishery) were passed under the ordinary law of the colony dealing with offences against property. This chimes in with the view taken by this Government of similar offences reported from Tuticorin (please see paragraph 4 of G.O. No. 35, dated 19th January 1891).

The remainder of the Ceylon Government's reply deals with the important question of competition between the Tuticorin and Ceylon fisheries. "Ceylon fully concurs in deprecating any rivalry in the matter," and is "quite prepared to adopt any agreement which may tend to avoid unnecessary competition." This is all that could be desired, but Ceylon goes on to say that the question does not seem to have "any very great practical importance," because the two fisheries have only clashed twice in thirty years. The Tuticorin banks, it is true, were allowed a long rest from 1861 till 1889, but it is apparently the intention of Government to fish them regularly every year for some time to come, and if the Ceylon banks are to be fished too, the "clashing" will occur year after year in future.

Ceylon, however, accepts the first of the two alternative remedies suggested by this Government, viz., to divide the fishing season—and if this be done, and the divers informed, that after working at Tuticorin they will be at liberty to go on to the Ceylon fishery, the difficulties formerly experienced in obtaining divers should not recur. Of course, the divers are at perfect liberty to go where they choose, and this Government has never put any compulsion upon them to stay at the Tuticorin fishery, but they do not seem to be fully aware of this fact, and a definite season at each place would probably overcome many of their former scruples.

The dates for the two fisheries proposed by Ceylon are—
Madras—end of January to beginning of March.

Ceylon—second week in March to middle of April.

Last year the Tuticorin fishery began on January 27 but it was reported that the most favourable conditions obtained in March and April. The sea is too rough before the middle of January, and "even in February the divers bitterly complained of the coldness of the water." (Hon'ble Mr. Bliss's remarks on the note for orders under G.O. No. 35, dated 19th January 1891.) By the above arrangements, therefore, Ceylon will get the best of the fishing weather, and the second alternative of limiting the number of boats does not commend itself to them. It is, however, submitted that, as Ceylon is evidently desirous of meeting this Government half-way, they would probably agree to begin during the third week in March, which arrangement would give the Tuticorin fishery a very fair season.

Orders are requested as to whether a reply may be sent to Ceylon agreeing to the above arrangements, or whether the paper should be referred to the Commissioners of Land Revenue for remarks before replying.

Refer to Board first.

J. H. G[ARSTIN]—15-8-91.

H. E. S[TOOKES]—15-8-91.

R. C. C. CARR—25-7-91.

I stated my opinion on the legal question in the note for orders stitched with G.O. No. 35, dated 19th January 1891, to which reference is invited. Attention is also invited to my proceedings as Commissioner of Salt Revenue, and to the Government Pleader's opinion printed in Board's Proceedings No. 215, dated 10th April 1888. The enactments in force in Western Australia and Ceylon do not help us. It is not known from what source the legislature in question derived

Tuticorin Pearl Fishery and papers relating to their power to legislate in respect of waters lying beyond the marine league from the shore which is held to constitute

the limits of territorial waters or what the validity of their enactments is. At any rate they can only apply to British ships and British subjects. As our pearl fisheries are situated beyond a marine

* In this connection see the Hon'ble Mr. Henry Stokes' remarks in the debate on the transport of salt by sea. league from the shore and the scope of the legislation by the local council is restricted * to the waters situated within that limit, it is obviously no use considering the question of legislation.

J. H. G[ARSTIN]—15-8-91.

There is moreover no necessity for legislation as there does not appear to be any poaching on the banks, and the ordinary law suffices to meet cases of petty pilfering of shells in transit from the banks to the shore.

Foreign ships and foreign subjects cannot be touched in any case, as to an arrangement with the Ceylon Government regarding a division of the season for pearl fishing, the Board and Superintendent of Pearl Fisheries had better be consulted before we reply. As to Mr. Thomas's Bill see the Hon'ble Mr. Grose's note stitched with G.O. No. 270, dated 7th April 1891. It has to be decided now whether legislation should be proceeded with, a new Bill being prepared.

C. A. GALTON—5-8-91.

I think a new Bill should be drafted in the Legislative Department giving the Government power to regulate fishing and lease out the exclusive right of fishing, in all rivers and canals, or parts thereof and in all tanks and other reservoirs which are not private property.

There should be no reference to sea fisheries and all estuaries and backwaters should be exempted from the provisions of the Act within limits to be notified by Government.

The points on which power should be taken to make rules having the force of law are the following:—

- (1) The killing of fish by dynamite or other explosives or by poison.
- (2) The trapping or snaring of fish.
- (3) The prescription of a minimum mesh for nets for fishing.

A penalty for breach of any of the rules would have to be provided. This fine might be up to Rs. 500 or three months' imprisonment or both?

I think the Public Works Department should be called on to state what action, if any, has been taken to build fish ladders in the anicuts on the big rivers of the Presidency and if nothing has been done to submit plans and estimates for constructing four ladders in the Gōdāvari anicut—three in the Kistna and one in the Coleroon anicut.

If it is considered better to make specific provision in the Act for preventing the dynamiting of fish, or catching them wholesale in traps, or the use of nets with meshes below a certain size—this may be done—the minimum size of the mesh being fixed at 1½ inches square.

J. H. G[ARSTIN]—15-8-91.

I don't think that any legislation on the subject of fisheries is called for, or should be undertaken until the Government of India declares its policy in the matter. Of the points mentioned by the Hon'ble Mr. Garstin dynamiting can be, I believe, prevented under the forest law in places (e.g. the head waters of the Bhavāni) when it is important to do so, or where attempts have been made to kill fish in this nefarious manner. I don't know what he means by the trapping or snaring of fish.

NOTES TO G.O. No. 4663, REVENUE, 31st AUGUST 1891

As to limiting the size of the mesh of nets no regulations on the subject could be effectual without an army of water bailiffs and conservancy establishments the existence of which would, in my opinion, be a greater evil than any which now exist. There are reams of papers on record about fish ladders. None have yet apparently been devised which fish will use.

H. E. S[TOKE]—15-8-91.

I very much doubt this. The Territorial Waters Jurisdiction Act applies only to acts, neglects or defaults which if committed within the body of a country in England could be punishable by indictment. I don't know what the special force of the expression "body of a country" is; the mere breaches of fiscal laws would not, I think, fall within the purview of the statute.

C. A. GALTON—18-8-91.

I do not think we should move in the matter till India does. As apart from the objection of having the army of watchers bullying the people all over the country, there is the important question to be decided, as to the position of the Government as owner of the rights of fishing, and it would have to be laid down by an Act of the Government of India, and not by an Act of a Local Government. What are the rights and powers of the Government as distinguished from those of the public in this matter.

W[ENLOCK]—26-9-91.

These papers are resubmitted to the Hon'ble Mr. Garstin for perusal of the remarks made by His Excellency the Governor. Their circulation has been

Secn.

J. H. G[ARSTIN]—22-11-91.

G.O. No. 270, dated 7th April 1891, which has been mislaid and has not even yet been found. Further search for the missing papers will be made.

His Excellency the Governor says that we should not move in the matter of Fishery Legislation until India does. It is presumed that Mr. Thomas's Fishery Bill must accordingly be put on the shelf.

As regards fish ladders the Hon'ble Mr. Garstin directs that the Public Works Department should be called upon to state what action has been taken in this direction. This was done before G.O. No. 270, dated 7th April 1891, was passed and the original of that order contains an office-note from the Public Works Department pointing out various orders and saying (as far as I remember) that all experiments had proved failures. Some papers on fish ladders are now put up. I remember that the Hon'ble Mr. Grose in noting upon the papers under the above Government Order noticed the question of fish ladders and said that it was a disgrace that no action had been taken in the matter for twenty years. It was on this that an office-note was obtained from the Public Works Department.

R. C. C. CARR—17-11-91.

C.A.G.—17-11-91.

Lodged.

C.A.G.—1-2-92.

[G.O. No. 4663, Revenue, dated 31st August 1891.]

No. 4663, REVENUE, 31st AUGUST 1891

GOVERNMENT OF MADRAS
REVENUE DEPARTMENT.

G.O. No. 2687, Revenue, dated 1st May 1891.

READ—the following papers:—

Letter—from the Colonial Secretary, Colombo.

To—the Chief Secretary to the Government of Madras.

Dated—the 21st May 1891.

No.—37.

I am directed to acknowledge the receipt of your letter No. 2689 of the 1st May, and to express regret that your original communication of the 19th January should have remained so long unanswered.

2. In compliance with the request therein contained, I have now to forward particulars as to the Laws and Regulations relating to the pearl fishery in Ceylon.

They are as follows:—

(1) Regulation No. 2 of 1811.

(2) Ordinance No. 18 of 1843.

(3) Ordinance No. 18 of 1890, of which section 9 and schedule B were especially framed for the protection of the pearl banks.

A tracing made by the Surveyor-General of this colony, showing the situation of the Ceylon pearl banks, is also enclosed for your information.

3. I am to state that no difficulties have been experienced in enforcing the regulations, and maintaining the exclusive right of this colony to the oysters and pearls.

4. The sentences alluded to in the second paragraph of your letter were passed under the ordinary law of the colony, dealing with offences against property.

The offenders were a number of Arab divers, who were convicted of stealing oysters the property of Her Majesty the Queen under section 367 of the Ceylon Penal Code, which provides the punishment for theft.

5. With regard to the third paragraph of your letter of the 19th January last, I have to state that this Government fully concurs in deprecating any rivalry in the matter of the Tuticorin and Ceylon fisheries, and is quite prepared to adopt an agreement which may tend to avoid unnecessary competition.

I am however to remark that the only instance in the present century when the Indian and Ceylon fisheries have clashed appear to have been in 1889 and 1890. From 1861 to 1889 there was no fishery off Tuticorin, whilst during the same period there were eight off the coast of Ceylon.

The question therefore does not appear to be one of any very great practical importance, as judging from past experience, the contingency of a Tuticorin and Ceylon fishery taking place in the same year is very remote.

6. To obviate however any risk of inconvenience in the event of an Indian and Ceylon fishery again coming together, I am to state that this Government agrees with the suggestion made at the conclusion of your letter, that the fishing season be divided between the two places. This proposal appears to be preferable to the alternative suggestion that the number of boats employed be limited.

It is understood that fishing at Tuticorin begins at the end of January or beginning of February. In such case the Ceylon fishery could be advertized to commence after the first week in March, and would continue till the middle of April.

Pres

Please compare carefully
& strike off final copy

No. 4663, REVENUE, 31st August 1891

3

This would admit of an equal number of days being allowed for each fishery.

It appears that in 1890 many of the Kulekare divers would probably have gone to Tuticorin, if they had been told that they would be allowed to leave for Ceylon when the fishery opened here.

7. His Excellency the Governor hopes that the division as sketched above will meet the wishes of the Governor of Madras in Council, and will minimize the inconvenience attendant on simultaneous fisheries in India and Ceylon.

ENCLOSURES.

(i)
REGULATION No. 3 of 1811.

For the protection of His Majesty's Pearl Banks of Ceylon.

Whereas there is reason to suspect that depredations are committed in the pearl banks of this island by boats and other vessels frequenting those places in the calm season without any necessity or lawful cause for being in that situation: Preamble.

For the protection of His Majesty's property and revenue, His Excellency the Governor in Council is pleased hereby to enact and declare:—

That if any boat or other vessel shall hereafter, between the 10th of January and the end of April, or between the 1st of October and the end of November in any year, be found within the limits of the pearl banks, as described in the schedule hereunto annexed, anchoring or hovering and not proceeding to her proper destination as wind and weather may permit, it shall be lawful for any person or persons holding a commission or warrant from His Excellency the Governor for the purposes of this Regulation to enter and seize such boat or other vessel, and carry the same to some convenient port or place in this island for prosecution. And every such boat or other vessel is hereby declared liable to forfeiture by sentence of any court having revenue jurisdiction of sufficient amount, and shall be condemned accordingly; two-thirds thereof to the use of His Majesty and one-third to the persons seizing or prosecuting, unless such boat or other vessel shall have been forced into the situation aforesaid by accident or other necessary cause, the proof whereof to be on the party alleging such defence. Penalty on vessels found within the pearl banks.

COLOMBO, 9th March 1811.

(By order of the Council.)

JAMES GAY,
Secretary to the Council.

(By His Excellency's command.)

JOHN RODNEY,
Chief Secretary to Government.

SCHEDULE REFERRED TO.

Vessels navigating the inner or along shore passage are not to hover or anchor in deeper than four fathoms water.

Vessels navigating the outer passage are not to hover or anchor within twelve fathoms water.

(ii)
ORDINANCE ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF
No. 18—1843.

An Ordinance to declare illegal the possession of certain Nets and Instruments within certain limits.

O. CAMPBELL.

Whereas it is expedient to prohibit the possession within certain limits of certain nets and instruments which might otherwise be used to the detriment of Her Majesty's pearl banks: Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance the possession on land of any drifting net or other net not being such as are used by men walking in the sea, or of any dredge or similar instrument, at any place within twelve miles of Tallaville or between Tallaville and Talmanar, shall be unlawful, and every such net, dredge, or instrument that shall at any time be found within such limits shall be forfeited, and every person who shall at any time have had any such net, dredge, or instrument in his possession, or shall have moved or concealed or assisted in or procured the movement or concealment of any such net, dredge, or instrument within such limits shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding ten pounds, or to imprisonment with or without hard labour for any period not exceeding six months. Possession of certain nets, dredges, and other instruments within certain limits illegal. Penalty.

2. And it is further enacted that it shall be lawful for every officer of the Customs and Peace officers every peace officer to search any house or premises within any such limits as aforesaid where he may make search for shall have good reason to believe any such net, dredge, or instrument as aforesaid to be kept or nets, etc., and concealed, and to take the same into his charge, and to seize and take every person offending seize offenders against this Ordinance before any competent court or justice of the peace, to be dealt with according to law.

Passed in Council the Thirtieth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,
Acting Clerk to the Council.

(Published by order of His Excellency the Governor.)

P. ANSTRUTHER,
Colonial Secretary.

(iii)

ORDINANCE ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND
CONSENT OF THE LEGISLATIVE COUNCIL THEREOF.

No. 18—1190.

An Ordinance relating to Chanks.

A. E. HAVELOCK.

WHEREAS it is expedient to amend the laws relating to chanks and to prohibit the diving Preamble for, and collecting of, chanks, béche-de-mer, coral, or shells in the seas between Mannār and Chilaw: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as "The Chanks Ordinance, 1890," and Short title it shall come into operation at such time as the Governor in Executive Council shall, by pro- operation. clamation in the *Government Gazette*, appoint.

2. The Ordinance No. 4 of 1842, intituled "An Ordinance for the protection of Her Repeal. Majesty's rights in the digging for Dead Chanks," and the Ordinance No. 5 of 1842, intituled "An Ordinance for the protection of Her Majesty's Chank Fishery," are hereby repealed, but such repeal shall not affect the past operation of either of the said enactments, or anything duly done or suffered, or any obligation, or liability, or penalty accrued or incurred under them or either of them.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

3. In this Ordinance, unless the context otherwise requires:—

"Chanks" includes both live and dead chanks.

"Person" includes any company or association or body of persons whether incorporated or not.

4. (1) There shall be levied and paid on all chanks entered for exportation a royalty at Duty on such rates not exceeding one cent on each chank, as the Governor, with the advice of the Executive Council, shall, from time to time by notification in the *Government Gazette*, appoint. Ports of

(2) No chanks shall be exported save and except from any port mentioned in the entry. schedule A hereto, or from any other port which the Governor in Executive Council may appoint by notification in the *Government Gazette*.

5. (1) The person entering outwards any chanks to be exported from any port shall Bill of entry. deliver to the collector a bill of the entry thereof, expressing the name of the ship and of the master, and of the place to which the chanks are to be exported, and of the person in whose name the chanks are to be entered, together with the number and value thereof, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding, and shall at the same time pay to the collector any sum which may be due as royalty upon the exportation of such chanks.

(2) Such person shall also deliver at the same time one or more copies of such entry, Collector's warrant. and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such copies shall be such as the collector shall require, and such entry being duly signed by the collector shall be the warrant for examination and shipment of such chanks.

6. Every person who shall export chanks from this island except from any port mentioned in schedule A, or from any port appointed by the Governor in Executive Council under section 4, or contrary to the requirements of section 5, shall be guilty of an offence punishable the Ordinance. with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

7. If any chanks subject to the payment of any sums due as royalty in respect of exportation shall be laden or water-borne to be laden on board any ship before due entry shall have been made and warrant granted, or before such chanks shall have been duly cleared for ship- Chanks laden before entry liable to be forfeited. ment, or if such chanks shall not agree with the bill of entry, the same shall be liable to forfeiture together with the package in which they are contained.

8. It shall not be lawful for any person to use any dredge or other apparatus of a like Use of dredge nature for the purpose of fishing for or collecting chanks, and every person using any dredge in collecting chanks prohibited. or other apparatus of a like nature for such purpose shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every dredge or apparatus of a like nature Penalties. so used as aforesaid shall be forfeited.

9. It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in schedule B hereto, and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer, coral, or shells in the said seas, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited.

Provided that nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less.

Provided also that it shall be lawful for the Governor in Executive Council from time to time or at any time, by notification in the *Government Gazette*, to alter the limits defined in schedule B hereto, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance.

10. (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

(2) If any such officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence and liable to a fine of one hundred rupees.

11. (1) Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, and such court may by its order declare and adjudge any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized and detained under this ordinance to be forfeited, and such forfeiture may be in addition to any other punishment hereinbefore prescribed, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) All forfeitures may be sold or otherwise disposed of in such manner as the police court may direct.

12. It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

Kankasanturai.
Kayts.

SCHEDULE A.

Jaffna.
Psalai.

SCHEDULE B.

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Tallaiavilla.

Passed in Council the Nineteenth day of November, One thousand Eight hundred and Ninety.

H. L. CRAWFORD,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fifth day of November, One Thousand Eight Hundred and Ninety.

E. NOEL WALKER,
Colonial Secretary.

No. 4663, REVENUE, 31st AUGUST 1891

III

Letter—from P. C. LYON, Esq., c.s., Officiating Under Secretary to the Government of India, Revenue and Agricultural Department (Fisheries).
To—the Secretary to the Government of Madras.
Dated—Simla, the 28th May 1891.
No.—1100/5-2-Fish.

I am directed to acknowledge the receipt of your letter No. 271, dated the 7th April, and in reply to say that the draft of the India Fishery Bill drawn up by the Hon'ble H. S. Thomas, late member of the Board of Revenue, Madras, is still under the consideration of the Government of India. cept ✓

2. With reference to the inquiry made in the second paragraph of your letter, I am to say that so long as collision between the proposed Madras measure and the Territorial Waters Jurisdiction Act, 1878 (41 & 42 vic., cap. 73) is avoided, the Government of India have no objection to His Excellency the Governor in Council legislating for the regulation of sea fisheries within one marine league of the coast measured from low water mark.

Order—No. 4663, Revenue, dated 31st August 1891.

Communicated to the Commissioners of Land Revenue, who are requested to submit their remarks upon the letter from the Government of Ceylon.

2. The Government of India has no objection to this Government legislating for the regulation of sea fisheries within one marine league of the coast measured from low water mark. The Tuticorin pearl banks, however, lie for the most part at a distance of ten or twelve miles from the shore and any local legislation with the object of protecting them is therefore out of the question.

3. A reply will be sent to the Ceylon Government on receipt of the report called for in paragraph 1. . .

(True Extract.)

C. A. GALTON,
Acting Secretary to Government.

To the Commissioners of Land Revenue with map and regulations relating to Ceylon to be returned.

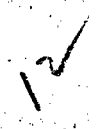
G.O. No. 4663, 31st August 1891

Fisheries

Communicating to the Commissioners of Land Revenue letter from the Government of India stating that the draft of the Indian Fishery Bill drawn up by the Hon'ble H. S. Thomas, late member of the Board of Revenue, is still under consideration of the Government and requesting to submit their remarks on the letter from the Government of Ceylon.

Pearl Fishery Legislation

Letter from the Colonial Govt. of Ceylon & the Govt. of India regarding ——— communicated to the Commr. of Land Revenue for remarks.



REVENUE DEPARTMENT.

Regd.

1916.

Enclosures

Spare copies

G.O. No. 4663, 31st August 1891

Press
Strike N new urgent

Pearl Fishery Legislation

Letter from the Colonial Government of Ceylon and the Government of India regarding —
communicated to the Commissioners of Land Revenue for remarks.

GOVERNMENT OF MADRAS

REVENUE DEPARTMENT

Read—the following papers:—

I

G.O. No. 2687, Revenue, dated 1st May 1891.

II

ABSTRACT.—Letter from the colonial Secretary of Western Australia forwarding Acts and Regulations etc, relating to Pearl fishery, recorded pending receipt of the communication on the subject from the Ceylon Government. —

III

Letter—from the Colonial Secretary, Colombo.
To—the Chief Secretary to the Government of Madras.
Dated—the 21st May 1891.
No.—37.

I am directed to acknowledge the receipt of your letter No. 2689 of the 1st May, and to express regret that your original communication of the 19th January should have remained so long unanswered.

2. In compliance with the request therein contained, I have now to forward particulars as to the Laws and Regulations relating to the pearl fishery in Ceylon.

They are as follows:—

- (1) Regulation No. 2 of 1811.
- (2) Ordinance No. 18 of 1843.
- (3) Ordinance No. 18 of 1890, of which section 9 and schedule B were especially framed for the protection of the pearl banks.

A tracing made by the Surveyor-General of this colony, showing the situation of the Ceylon pearl banks, is also enclosed for your information.

3. I am to state that no difficulties have been experienced in enforcing the regulations, and maintaining the exclusive right of this colony to the oysters and pearls.

4. The sentences alluded to in the second paragraph of your letter were passed under the ordinary law of the colony, dealing with offences against property.

The offenders were a number of Arab divers, who were convicted of stealing oysters the property of Her Majesty the Queen under section 367 of the Ceylon Penal Code, which provides the punishment for theft.

5. With regard to the third paragraph of your letter of the 19th January last, I have to state that this Government fully concurs in deprecating any rivalry in the matter of the Tuticorin and Ceylon fisheries, and is quite prepared to adopt an agreement which may tend to avoid unnecessary competition.

I am however to remark that the only instance in the present century when the Indian and Ceylon fisheries have clashed appear to have been in 1889 and 1890. From 1861 to 1889 there was no fishery off Tuticorin, whilst during the same period there were eight off the coast of Ceylon.

The question therefore does not appear to be one of any very great practical importance, as judging from past experience, the contingency of a Tuticorin and Ceylon fishery taking place in the same year is very remote.

6. To obviate, however, any risk of inconvenience in the event of an Indian and Ceylon fishery again coming together, I am to state that this Government agrees with the suggestion made at the conclusion of your letter, that the fishing season be divided between the two places. This proposal appears to be preferable to the alternative suggestion that the number of boats employed be limited.

It is understood that fishing at Tuticorin begins at the end of January or beginning of February. In such case the Ceylon fishery could be advertized to commence after the first week in March, and would continue till the middle of April.

This would admit of an equal number of days being allowed for each fishery.

It appears that in 1890 many of the Kulekare divers would probably have gone to Tuticorin, if they had been told that they would be allowed to leave for Ceylon when the fishery opened here.

7. His Excellency the Governor hopes that the division as sketched above will meet the wishes of the Governor of Madras in Council, and will minimize the inconvenience attendant on simultaneous fisheries in India and Ceylon.

ENCLOSURES.

(i)

REGULATION No. 3 of 1811.

For the protection of His Majesty's Pearl Banks of Ceylon.

Whereas there is reason to suspect that depredations are committed in the pearl banks of Preamble. this island by boats and other vessels frequenting those places in the calm season without any necessity or lawful cause for being in that situation:

For the protection of His Majesty's property and revenue, His Excellency the Governor in Council is pleased hereby to enact and declare:—

That if any boat or other vessel shall hereafter, between the 10th of January and the end of April, or between the 1st of October and the end of November in any year, be found within the limits of the pearl banks, as described in the schedule hereunto annexed, anchoring or hovering and not proceeding to her proper destination as wind and weather may permit, it shall be lawful for any person or persons holding a commission or warrant from His Excellency the Governor for the purposes of this Regulation to enter and seize such boat or other vessel, and carry the same to some convenient port or place in this island for prosecution. And every such boat or other vessel is hereby declared liable to forfeiture by sentence of any court having revenue jurisdiction of sufficient amount, and shall be condemned accordingly; two-thirds thereof to the use of His Majesty and one-third to the persons seizing or prosecuting, unless such boat or other vessel shall have been forced into the situation aforesaid by accident or other necessary cause, the proof whereof to be on the party alleging such defence.

COLOMBO, 9th March 1811.

(By order of the Council.)

JAMES GAY,
Secretary to the Council.

(By His Excellency's command.)

JOHN RODNEY,
Chief Secretary to Government.

SCHEDULE REFERRED TO.

Vessels navigating the inner or along shore passage are not to hover or anchor in deeper than four fathoms water.

Vessels navigating the outer passage are not to hover or anchor within twelve fathoms water.

(ii)

ORDINANCE ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF.

No. 18—1843.

An Ordinance to declare illegal the possession of certain nets and instruments within certain limits.

O. CAMPBELL.

Preamble.

Possession of certain nets, dredges, and other instruments within certain limits illegal.

Penalty.

Peace officers may make search for nets, etc., and seize offenders.

Whereas it is expedient to prohibit the possession within certain limits of certain nets and instruments which might otherwise be used to the detriment of Her Majesty's pearl banks:

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance the possession on land of any drifting net or other net not being such as are used by men walking in the sea, or of any dredge or similar instrument at any place within twelve miles of Tallaville or Talaimannar, or at any place within twelve miles of any part of the shore at low water mark that shall at any time be found within such limits shall be forfeited, and every person who shall at any time have had any such net, dredge, or instrument in his possession, or shall have moved or concealed or assisted in or procured the movement or concealment of any such net, dredge, or instrument within such limits shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding ten pounds, or to imprisonment with or without hard labour for any period not exceeding six months.

2. And it is further enacted that it shall be lawful for every officer of the Customs and every peace officer to search any house or premises within any such limits as aforesaid where he shall have good reason to believe any such net, dredge, or instrument as aforesaid to be kept or concealed, and to take the same into his charge, and to seize and take every person offending against this Ordinance before any competent court or justice of the peace, to be dealt with according to law.

Passed in Council the Thirtieth day of November, One Thousand Eight Hundred and Forty-three.

KANNEIH MACKENZIE,
Acting Clerk to the Council.

(Published by order of His Excellency the Governor.)

P. ANSTRUTHER,
Colonial Secretary.

(iii)

ORDINANCE ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF.

No. 18—1890.

An Ordinance relating to Chanks.

A. E. HAVELOCK.

Preamble.

Short title and date of operation.

Repeal.

Definitions.

WHEREAS it is expedient to amend the laws relating to chanks and to prohibit the diving for, and collecting of, chanks, béche-de-mer, coral, or shells in the seas between Mannar and Chilaw: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1. This Ordinance may be cited for all purposes as "The Chanks Ordinance, 1890," and it shall come into operation at such time as the Governor in Executive Council shall, by proclamation in the *Government Gazette*, appoint.

2. The Ordinance No. 4 of 1842, intituled "An Ordinance for the protection of Her Majesty's rights in the digging for Dead Chanks," and the Ordinance No. 5 of 1842, intituled "An Ordinance for the protection of Her Majesty's Chank Fishery," are hereby repealed, but such repeal shall not affect the past operation of either of the said enactments, or anything duly done or suffered, or any obligation, or liability, or penalty accrued or incurred under them, or either of them.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

3. In this Ordinance, unless the context otherwise requires—

"Chanks" includes both live and dead chanks.

"Person" includes any company or association or body of persons whether incorporated or not.

5

4. (1) There shall be levied and paid on all chanks entered for exportation a royalty at such rates not exceeding one cent on each chank, as the Governor, with the advice of the Executive Council, shall, from time to time by notification in the *Government Gazette*, appoint.

(2) No chanks shall be exported save and except from any port mentioned in the schedule A hereto, or from any other port which the Governor in Executive Council may appoint by notification in the *Government Gazette*.

5. (1) The person entering outwards any chanks to be exported from any port shall deliver to the collector a bill of the entry thereof, expressing the name of the ship and of the master, and of the place to which the chanks are to be exported, and of the person in whose name the chanks are to be entered, together with the number and value thereof, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding, and shall at the same time pay to the collector any sum which may be due as royalty upon the exportation of such chanks.

(2) Such person shall also deliver at the same time one or more copies of such entry, and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such copies shall be such as the collector shall require, and such entry being duly signed by the collector shall be the warrant for examination and shipment of such chanks.

6. Every person who shall export chanks from this island except from any port mentioned in schedule A, or from any port appointed by the Governor in Executive Council under section 4, or contrary to the requirements of section 5, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

7. If any chanks subject to the payment of any sums due as royalty in respect of exportation shall be laden or water-borne to be laden on board any ship before due entry shall have been made and warrant granted, or before such chanks shall have been duly cleared for shipment, or if such chanks shall not agree with the bill of entry, the same shall be liable to forfeiture together with the package in which they are contained.

8. It shall not be lawful for any person to use any dredge or other apparatus of a like nature for the purpose of fishing for or collecting chanks, and every person using any dredge or other apparatus of a like nature for such purpose shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every dredge or apparatus of a like nature so used as aforesaid shall be forfeited.

9. It shall not be lawful for any person to fish for, dive for, or collect chanks, béche-de-mer, coral, or shells in the seas within the limits defined in schedule B hereto, and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, béche-de-mer, coral, or shells in the said seas, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, béche-de-mer, coral, or shells unlawfully collected, shall be forfeited.

Provided that nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less.

Provided also that it shall be lawful for the Governor in Executive Council from time to time or at any time, by notification in the *Government Gazette*, to alter the limits defined in schedule B hereto, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance.

10. (1) Any chank, béche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

(2) If any such officer, headman, or person shall neglect to have any chank, béche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence and liable to a fine of one hundred rupees.

11. (1) Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, and such court may by its order declare and adjudge any chank, béche-de-mer, coral, shell, boat, canoe, raft,

No. 4663, REVENUE, 31st AUGUST 1891

vessel, dredge, or apparatus seized and detained under this ordinance to be forfeited, and such forfeiture may be in addition to any other punishment hereinbefore prescribed, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) All forfeitures may be sold or otherwise disposed of in such manner as the police court may direct.

Informers' share.

12. It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

Kankasanturai.
Kayts.

SCHEDULE A.

Jaffna.
Pekalai.

SCHEDULE B.

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Tallaiavilla.

Passed in Council the Nineteenth day of November, One thousand Eight hundred and Ninety.

H. L. CRAWFORD,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fifth day of November, One Thousand Eight Hundred and Ninety.

E. NOEL WALKER,
Colonial Secretary.

III

Letter—from P. C. LYON, Esq., c.s., Officiating Under Secretary to the Government of India, Revenue and Agricultural Department (Fisheries).
To—the Secretary to the Government of Madras.
Dated—Simla, the 28th May 1891.
No.—1100/5-2-Fish.

I am directed to acknowledge the receipt of your letter No. 271, dated the 7th April, and in reply to say that the draft of the India Fishery Bill drawn up by the Hon'ble H. S. Thomas, late member of the Board of Revenue, Madras, is still under the consideration of the Government of India.

2. With reference to the inquiry made in the second paragraph of your letter, I am to say that so long as collision between the proposed Madras measure and the Territorial Waters Jurisdiction Act, 1878 (41 & 42 vic., cap. 73) is avoided, the Government of India have no objection to His Excellency the Governor in Council legislating for the regulation of sea fisheries within one marine league of the coast measured from low water mark.

Order—No. 4663, Revenue, dated 31st August 1891.

Miscellaneous.

Communicated to the Commissioners of Land Revenue, who are requested to submit their remarks upon the letter from the Government of Ceylon.

2. The Government of India has no objection to this Government legislating for the regulation of sea fisheries within one marine league of the coast measured from low water mark. The Tuticorin pearl banks, however, lie for the most part at a distance of ten or twelve miles from the shore and any local legislation with the object of protecting them is therefore out of the question.

3. A reply will be sent to the Ceylon Government on receipt of the report called for in paragraph 1.

(True Extract.)

C. A. GALTON,
Acting Secretary to Government.

To the Commissioners of Land Revenue with map and regulations relating to Ceylon to be returned.

Forwarded to the

(By Order)

Superintendent.

NOTES CONNECTED WITH G.O. No. 4663, REVENUE, DATED 31st AUGUST 1891.

[SUBJECT.—Fishery Laws.]

Current Nos. 4306 and 4109/91 G.O. No. 2687, dated 1st May 1891.

When the report on the Pearl Fishery, held at Tuticorin in 1890, came up for review, various questions were raised in regard to jurisdiction over persons fishing on the pearl banks, and it was resolved to ascertain whether similar difficulties had been experienced at other fisheries, and if so, how they had been dealt with. References were accordingly made to the Governments of Ceylon and of Western Australia (letters under G.O. No. 35, dated 19th January 1891).

Shortly afterwards it was resolved to ask the Government of India what had been done with the Indian Fishery Bill prepared by Mr. H. S. Thomas and submitted to that Government in 1888. Advantage of this opportunity was also taken "to inquire whether, in the opinion of the Government of India, it is within the powers of the Local Government to legislate for fisheries in the sea, and if so, within what limit from the shore" (G.O. No. 270, dated 7th April 1891, and letter).

The papers noted above contain the replies of the several Governments to these references.

Current No.—4306—is—India's—reply. Mr. Thomas's India Fishery Bill has evidently been treated by the Supreme Government in the same manner as his Madras Bill has been treated by the Local Government. The Hon'ble Mr. Stokes is of opinion that the local Bill may well "sleep for another ten years" (note on letter to India of 7th April 1891 quoted above), and as India is apparently of the same mind, it is submitted that no further steps need now be taken. In this case the Bill will be shelved for the time being. In the second paragraph of the letter from India, it is stated that "the Government of India have no objection to His Excellency the Governor in Council legislating for the regulation of sea fisheries within one marine league of the coast, measured from low water mark" so long as the provisions of the Territorial Waters Jurisdiction Act, 1878 (41 & 42 Vic., Cap. 73) are not infringed.

Under section 7 of the Act "the territorial waters of His Majesty's dominions" are defined, for the purpose of offences such as poaching on pearl banks would be, as any part of the open sea within one marine league as specified above.

As most of the Tuticorin banks are very much farther from the coast than three marine miles, any local legislation with the object of protecting them is out of the question.

J. H. G. [ARSTIN]—13-8-1891.
H. E. S. [TOKES]—15-8-91.

Attention is also invited to G.O. No. 3602, dated 18th June 1891, in which it is stated that "all suspicion as to the prevalence of poaching on the Tuticorin pearl banks is removed." Legislation would, therefore, only be undertaken in order to prevent the banks being disturbed by the presence of fishing boats.

G.O. No. 2687, dated 1st May 1891 contains the reply from Western Australia. A pamphlet, containing the various Acts passed by the local legislature, is forwarded together with a copy of "the Western Australian Pearl Shell and Bêche-de-mer."

The Govt of India's reply has been received

To Regr.

Sub. for approval.

10066
14.6.16

14.6.16

Fisheries (Extra-territorial) Act of 1889" passed by the Federal Council of Australasia. The latter enactment gives the Colonial Government power over *British ships and boats* outside the territorial limits, and within certain other limits specified in the schedule attached to the Act. A map is enclosed to show these limits. No difficulty has up to the present (it is stated) been experienced in carrying out the provision of this Act.

Current No. 4109/91 contains the reply from Ceylon. Copies of the regulations enacted for this colony are also forwarded, and it is stated that no difficulties have been experienced in carrying them into effect.

These regulations are local ordinances, and by the latest of them (Act XVIII of 1890) power is taken to control boats beyond the territorial limits of one marine league. A map is attached to the letter, and the limits defined in the schedule of the Act are marked in blue pencil. It will be seen that a very wide area is included in the schedule, extending at one point to about 21 miles from the coast. It seems doubtful, whether the Colonial Government had power to bring the area under its jurisdiction but the point is immaterial, because the Government of India has ruled (as noted above) that this Government can only legislate within a limit of one marine league.

It is further stated in this current (4109) that the sentences passed upon certain boatmen for the illicit opening of oysters in the boats (which sentences were noticed by the Collector of Tinnevely in his report on the Tuticorin Fishery) were passed under the ordinary law of the colony dealing with offences against property. This chimes in with the view taken by this Government of similar offences reported from Tuticorin (please see paragraph 4 of G.O. No. 35, dated 19th January 1891).

The remainder of the current deals with the important question of competition between the Tuticorin and Ceylon fisheries. "Ceylon fully concurs in deprecating any rivalry in the matter," and is "quite prepared to adopt any agreement which may tend to avoid unnecessary competition." This is all that could be desired, but Ceylon goes on to say that the question does not seem to have "any very great practical importance," because the two fisheries have only clashed twice in thirty years. The Tuticorin banks, it is true, were allowed a long rest from 1861 till 1889, but it is apparently the intention of Government to fish them regularly every year for some time to come, and if the Ceylon banks are to be fished too, the "clashing" will occur year after year in future.

Ceylon, however, accepts the first of the two alternative remedies suggested by this Government, viz., to divide the fishing season—and if this be done, and the divers informed, that after working at Tuticorin they will be at liberty to go on to the Ceylon fishery, the difficulties formerly experienced in obtaining divers should not recur. Of course, the divers are at perfect liberty to go where they choose, and this Government has never put any compulsion upon them to stay at the Tuticorin fishery, but they do not seem to be fully aware of this fact, and a definite season at each place would probably overcome many of their former scruples.

The dates for the two fisheries proposed by Ceylon are—

Madras—end of January to beginning of March.

Ceylon—second week in March to middle of April.

Last year the Tuticorin fishery began on January 27 but it was reported that the most favourable conditions obtained in March and April. The sea is too rough before the middle of January, and "even in February the divers bitterly complained of the coldness of the water." (Hon'ble Mr. Bliss's remarks on the note for orders under G.O. No. 35, dated 19th January 1891). By the above arrangements, therefore, Ceylon will get the best of the fishing weather, and the second alternative of limiting the number of boats does not commend itself to them. It is, however, submitted that, as Ceylon is evidently desirous of meeting this Government halfway, they would probably agree to begin during the third week in March, which arrangement would give the Tuticorin fishery a very fair season.

Reply has been
sent from
the Ceylon Govt.
also

by the Ceylon Govt.

Ceylon Govt's reply

24/

tw

7/

Press
Lines
Straight

Orders are requested as to whether a reply may be sent to Ceylon agreeing to the above arrangements, or whether the paper should be referred to the Commissioners of Land Revenue for remarks before replying.

Refer to Board first.

J. H. G[ARSTIN]—15-8-91.

H. G. S[TOKES]—15-8-91.

R. C. C. CARR—25-7-91.

I stated my opinion on the legal question in the note for orders stitched with G.O. No. 35, dated 19th January 1891, to which reference is invited. Attention is also invited to my proceedings as Commissioner of Salt Revenue, and to the Government Pleader's opinion printed in Board's Proceedings No. 215, dated 10th April 1888 (see volume put up). The enactments in force in Western Australia and Ceylon do not help us. It is not known from what source the legislature

Tuticorin Pearl Fishery and papers relating to Fishery Laws.

in question decided their power to legislate in respect of waters lying beyond the marine league from the shore which is held to constitute the limits of territorial waters or what the validity of their enactments is. At any rate they can only apply to British ships and British subjects.

In this connection see the Hon'ble Mr. Henry Stokes's remarks in the debate on the transport of salt by sea (vide page-229 of the volume put up).

As our pearl fisheries are situated beyond a marine league from the shore and the scope of the legislation by the local council is restricted to the waters situated within that limit, it is obviously no use considering the question of legislation.

J. H. G[ARSTIN].

There is moreover no necessity for legislation as there does not appear to be any poaching on the banks, and the ordinary law suffices to meet cases of petty pilfering of shells in transit from the banks to the shore.

Foreign ships and foreign subjects cannot be touched in any case as to an arrangement with the Ceylon Government regarding a division of the season for pearl fishing; the Board and Superintendent of Pearl Fisheries had better be consulted before we reply. As to Mr. Thomas's Bill see the Hon'ble Mr. Grose's note stitched with G.O. No. 270, dated 7th April 1891. It has to be decided now whether legislation should be provided with a new Bill being prepared.

C. A. GALTON—5-8-91.

I think a new Bill should be drafted in the Legislative Department giving the Government power to regulate fishing and lease out the exclusive right of fishing, in all rivers and canals, or parts thereof and in all tanks and other reservoirs which are not private property.

There should be no reference to sea fisheries and all estuaries and backwaters should be exempted from the provisions of the Act within limits to be notified by Government.

The points on which power should be taken to make rules having the force of law are the following:—

- (1) The killing of fish by dynamite or other explosives or by poison.
- (2) The trapping or snaring of fish.
- (3) The prescription of a minimum mesh for nets for fishing.

A penalty for breach of any of the rules would have to be provided. This fine might be up to Rs. 500 or three months' imprisonment or both?

I think the Public Works Department should be called on to state what action, if any, has been taken to build fish ladders in the anikats on the big rivers of the Presidency and if nothing has been done to submit plans and estimates for constructing four ladders in the Gōdāvari anikat—three in the Kistna and one in the Coleroon anikat.

If it is considered better to make specific provision in the Act for preventing the dynamiting of fish, or catching them wholesale in traps, or the use of nets with meshes below a certain size—this may be done—the minimum size of the mesh being fixed at 1½ inches square.

J. H. G[ARSTIN]—18-8-91.

I don't think that any legislation on the subject of fisheries is called for, or should be undertaken until the Government of India declares its policy in the matter. Of the points mentioned by the Hon'ble Mr. Garstin dynamiting can be, I believe, prevented under the forest law in places (e.g. the head waters of the Bhavāni) when

7
a/

Proceeded
B

fixed
L

derived

of net
L

5/2

X

it is important to do so, or where attempts have been made to kill fish in this nefarious manner. I don't know what he means by the trapping or snaring of fish. As to limiting the size of the mesh of nets, no regulations on the subject could be effectual without an army of water bailiffs and conservancy establishments the existence of which would, in my opinion, be a greater evil than any which now exist. There are reams of papers on record about fish ladders. None have yet apparently been devised which fish will use.

H. E. S[TORES]—15-8-91.

I very much doubt this the territorial Waters Jurisdiction Act applies only to acts, neglects or defaults which if committed within the body of a country in England could be punishable by indictment. I don't know what the special force of the expression "body of a country" is; the mere breaches of fiscal laws would not, I think, fall within the purview of the statute.

C. A. GALTON—18-8-91.

I do not think we should move in the matter till India does. As apart from the objection of having the army of watchers bullying the people all over the country, there is the important question to be decided, as to the position of the Government as owner of the rights of fishing, and it would have to be laid down by an Act of the Government of India, and not by an Act of a Local Government. What are the rights and powers of the Government as distinguished from those of the public in this matter.

W[ENLOCK]—26. 9-91.

These papers are resubmitted to the Hon'ble Mr. Garstin for perusal of the remarks made by His Excellency the Governor. Their circulation has been delayed on account of the original of G.O. No. 270, dated 7th April 1891 which has been mislaid and has not even yet been found. Further search for the missing papers will be made.

Seen.

J. H. G[ARSTIN]—22-11-91.

I should like to see the Public Works Department note on fish-ladders if the original of G.O. 270 of 7th April 1891, is ever found.

J. H. G[ARSTIN]—22-11-91.

His Excellency the Governor says that we should not move in the matter of Fishery Legislation until India does. It is presumed that Mr. Thomas's Fishery Bill must accordingly be put on the shelf.

As regards fish ladders the Hon'ble Mr. Garstin directs that the Public Works Department should be called upon to state what action has been taken in their direction. This was done before G.O. No. 270, dated 7th April 1891, was passed and the original of that order contains an office-note from the Public Works Department pointing out various orders and saying (as far as I remember) that all experiments had proved failures. Some papers on fish ladders are now put up. I remember that the Hon'ble Mr. Grose in noting upon the papers under the above Government Order noticed the question of fish ladders and said that it was a disgrace that no action had been taken in the matter for twenty years. It was on this that an office note was obtained from the Public Works Department.

R. C. C. CARR—17-11-91.

C. A. GALTON—17-11-91.

With reference to the Honourable Member's remark on the note for orders dated 17th November 1891 the original of G.O. No. 270, dated 7th April 1891, is now put up. The Public Works Department note is marked with red tape and the Public Works Department file of papers regarding fish ladders is also tied up with the Government Order.

C. A. GALTON—4-1-92.

Seen.

J. H. G[ARSTIN]—29-1-92.

This paper seems to have been returned from circulation by the Honourable Member without initials. Orders are solicited as to whether it should be recirculated.

(H.T.M.)—25-1-92.

Re-circulate.

R. H. CAMPBELL—25-1-92.

Lodged.

C. A. GALTON—1-2-92.

REVENUE DEPARTMENT.

No. 1. 406. and 409. 191.

and G.O. no. 2687. d. 1. Dec.

Fishing Laws.

ated

188.

ORDERS.

When the report on the Pear
Fishing, held at Tuticorin in
1890, came up for review,
various questions were raised
in regard to jurisdiction over
persons fishing on the Pearl
banks, and it was resolved
to ascertain whether similar
difficulties had been experienced
by other fisheries, and ^{if so} how
they had been dealt with.

References were accordingly
made to the Govt of Ceylon
of Western Australia. (under
G.O. 35. d. 19. Jan. 91.)

Shortly afterward
it was resolved to ask the
what had been done by
the ^{Indian} Fishing Bill prep
by H.S. Thomas and
that Govt in 18
opportunities

above
Ceylon will go
the

to inquire /
... opinion of the Govt. I, it is
... the powers of the Local
... to legislate in fisheries
in the sea, and also, within
what limit from the shore -
(G.O. 270. dt. 7. April. 91. & letter)

The papers noted
above contain the replies of
the several Govts to these
references.

Cao. 4306. in India's
reply - Mr. Thomas's Indian
Fishery Bill has evidently
been treated by the Supreme
Govt in the same manner as
his Madras Bill has been
treated by the Local Govt -
The Hon. Mr. Stokes is of
opinion that the Local
may well "sleep for another
10 years" (note on letter to Ind
of 7. Apr. 91. quoted above), and
as India is apparently of
the same mind, it
is noted that no further
need now be taken
case the Bill with
and for the time

In the second paragraph of
the letter from India, it is
stated that "the Govt. have
no objection to H.E. the Govt.
legislating for the regulation
of sea fisheries within one
marine league of the Coast,
measured from low water mark,
so long as the provisions of
the Territorial Waters Jurisdiction
Act - 1878 (41 & 42. Vic. Cap. 73)
are not infringed -

Under 1.7. of the
Act "the territorial waters
of Her Majesty's dominions"
are defined, for the purpose
of offences such as poaching or
planting buoys would be, as
any part of the open sea within
one marine league as specified
above -

As most of the
coral banks are very
farther from the coast
3 marine miles, any
time within the object of
the Act is not of the

G.O. 2607. dt. 1. May. 91.
The reply from India

The reference is to
the Indian Govt.

Australia. A pamphlet, containing the various Acts passed by the local legislature, is forwarded together with a copy of the Western Australia Pastoral and Beaches (Fishing) Act of 1885" passed by the Federal Council of Australasia. The latter enactment gives the Colonial Govt. power over British ships & boats outside the territorial limits, and within certain other limits specified in the Schedule attached to the Act. A map is enclosed to show these limits. No difficulty has up to the present (it is stated) been experienced in carrying out the provisions of this Act.

Cms. 4108/91.
Contains the reply from
Copies of the regulations
enacted for this Colony
also forwarded, as
stated that no diff.
have been experienced
in carrying out the provisions
of this Act.

REVENUE DEPARTMENT.

No.

Dated

188

ORDERS.

These regulations are local ordinances, and by the latest of them (Act XVIII of 1885) power is taken to control boats beyond the territorial limits of one marine league. A map is attached to the letter, and the limits defined in the Schedule of the Act are marked in blue pencil. It will be seen that a very wide area is included in the Schedule, extending at one point to about 21 miles from the Coast. It seems doubtful, whether the Colonial Govt. had power to bring this under its jurisdiction, a point is immaterial, the Govt. of India has (as stated above) that can only legislate in matters

It is further stated in
the Current (4/10/9), that
the sentences passed upon
certain boats for the
illegal opening of oysters
in the boats, (which were
noticed by the Collector of the
in his report on the Tuticorin
fishery) were passed under
the ordinary law of
the Colony dealing with
offences against property.
This course is with the
view taken by the Govt. of
similar offences reported
from Tuticorin - (please see
para. 4 of G.O. 35.d. 19 Jan. 91)

The remainder
of the Current deals with
the important question of
competition between the
Tuticorin & Ceylon fish
Ceylon "fully concurs
deprecating any view
in the matter," and
"quite prepared
any measures
tend to avoid
petition."

all that could be done
but Ceylon goes on to
that the question does
seem to have "any very
practical importance," but
the two fisheries have only
clashed twice in 30 years.
The Tuticorin boats, it is
true, were allowed a long
rest from 1861 to 1889, but
it is apparently the intention
of Govt. to fish there regularly
every year for some time to
come, and if the Ceylon
boats are to be fished too,
the 'clashing' will occur
year after year in future.

Ceylon however
accepts the first of the two
alternative remedies suggested
the Govt. - viz. to divide the
fishing season - and if this
is done, and the divers
used, that after working
Tuticorin they will be at
liberty to go on to the Ceylon
the difficulties
prevented in obtaining
the fish.

coarse, and this Govt has
ever put any compulsion
upon them to stay at the
Tuticorin fishery, but
they ^{do not seem to be} ~~are not~~ fully aware of
this fact, and a definite
season at each place
would probably overcome
many of their former
scruples.

The dates for
the two fisheries proposed
by Ceylon are:—
Madras. end of Jan^r to
beginning of
March.

Ceylon 2nd week in March
to middle of
April.

Last year the Tuticorin
fishery began on Jan. 27
but it was reported that
the most favourable com-
bination was obtained in March
April. The sea is
rough before the
January, and in
February the sea
is mild.

above mentioned
Ceylon will give
of the fishing weather,
second attention of
noting the number of boats
not commencing itself
them. It is, however,
submitted, that as Ceylon
is evidently desirous of
inacting this Govt. half-way,
they would probably agree
to begin during the 3rd week
in March, which arrangement
would give the Tuticorin
fishery a very fair season.

Order now requested
as to whether a reply may
be sent to Ceylon agreeing
to the above arrangements,
or whether the paper should
be referred to the Comm^r of
Land Revenue for remarks
before replying.

Rum
25. July. 91.

Noted by J. J. J. J. J.
at present in the L. T. J.
and stated in the L. T. J.
19 Jan 7/91. No 35. 6
id reference is in
the L. T. J.

Refr to the Govt
J. J. J.
15. July. 91.

The points on which pro-
N.A. believe to make
into being the form of
law are the following:

1. The killing of fish by
dynamite or other explosive
or poison.
2. The killing or maiming
of fish -

REVENUE DEPARTMENT.

I think the D.F. & M. L. C. collection is state what action if my her husband is built for I had been in the friends on the big river of the period - and getting her to do to submit plans & construction for constructing to her in the good in friend. & in the kitchen & 1 in the Coleridge friend.

13/99, 249

Very much over the
the unit and other
definition of it explains
my to acts reflects a
spectrum which is on the
within the body of a country
in England another person
by indictment. I note
that the Special for 2
the expression body of a country
is but have reached 3
Fiscal laws would not 2
force within the previous 2
* Attention is also stated
inited to 90.3602.d1.18 June 94. C

in Wk. It is stated that
all suspicion as to the
prevalence of poisoning
on the Tutu corin pearl
banks is removed.
Leg
116

FOR ORDERS.

I do not think we should move in the matter till India does - as apart from the objection of having an array of watchmen bullying the people all over the country there is the important question to be decided, as to the position of the Govt. as owner of the rights of fishing, and it would have to be laid down by an act of the Govt. of India, and not by an act of a local Govt. What are the rights & powers of the Govt. as ^{distinguished} ^{from} the public in this matter.

W
26 Sep 91

regulations

From

Seen
Ltg 22/11/91

DL like to see the 57th
Ltg on post-Bardham
if the orig. of f-o
N. 270 of 7/4/91 is seen
found. Ltg

22/11

REVENUE DEPARTMENT.

863. dt. 31. Aug 91.

led

15

ORDERS.

These papers are resubmitted to the Hon. W. Garstin for removal of the remarks made by H.S. the Governor. Their circulation has been delayed on account of the original G.O. 270. dated 7. April 91. which has been mislaid and not even yet been found. Further search for the mislaid papers will be made.

H.S. the Governor that we should not move the matter of Fishing until India does - presumed that the Fishing Bill might be sent on the 25th. As regards Hon. W. Garstin

to state what act
taken in this direction -
was done before 80.270 d.
7 April 51. was passed as
the original of that order
contains an office note for
the D.P.W. pointing out various
orders and saying that (as
far as I remember) that
all specimens had proved
fishes. Some papers on
fish ladders are now put up.
I remember that the Hon. W. G.
in acting upon the ~~above~~
papers under the above
80.270 stated the question of
fish ladders and said that
it was a disgrace that no
action had been taken in
matter for 20 years - It was
then that an office note
was obtained from the D.P.W.

Rms
17 Nov 51.
U
17/11

FOR ORDERS

TX

Fishery Legislation

the Hon. W. G. Garston
C.B.

NOTE FOR THE UNDER SECRETARY.

This paper seems
to have been used from
evidence by the H.M. without
initials. Orders are soli-
cited as to whether it should
be reissued.

25.1 Recirculate
RML
25-7-52

29/12

With reference to the *Ch*
Lentris remark on the
Lote for order dated 17 Nov.
191 the original of 180 dated
2 April 191 as 270 is now
put up. The B.P.W. note is
hatched with red tape and
the B.P.W. file of papers
regarding fish ladder is also
tied up with the *Ch*

Ch
4/Jan/92

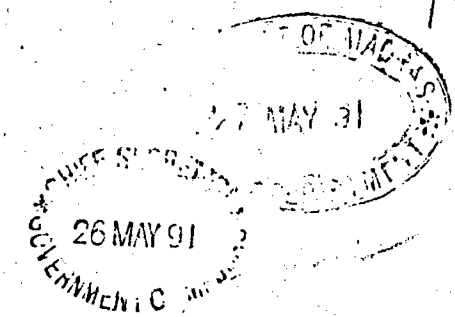
Leam
L.H.F.
29/4/92

Lodget
Ch
1/6/92

2/6

Colonial Secretary's Office,
Colombo, 21 May, 1891

No. 37



Sir,

I am directed to acknowledge the receipt of your letter No 2689 of the 1st May, and to express regret that your original communication of the 19th January should have remained so long unanswered.

In compliance with the request therein contained, I have now to forward particulars as to the Laws and Regulations relating to the Pearl Fishery in Ceylon.

They are as follows:-

- (1) Regulation No 2 of 1811
- (2) Ordinance No 18 of 1843
- (3) Ordinance No 15 of 1890, of which

Copies
sent by post

The Chief Secretary
to Government
Fort St George, Madras

9

which section 9 and Schedule B were specially framed for the protection of the Pearl Banks.

A tracing made by the Surveyor-General of this Colony, shewing the situation of the Ceylon Pearl Banks, is also enclosed for your information.

I am to state that no difficulties have been experienced in enforcing the regulations, and maintaining the exclusive right of this Colony to the oysters and pearls.

The sentences alluded to in the second paragraph of your letter, were passed under the ordinary law of the Colony, dealing with offences against property.

The offenders were a number of Arab Divers, who were convicted of stealing oysters the property of Her Majesty the Queen under section 364 of the Ceylon Penal Code, which provides the punishment for theft.

no selection is claimed as far as 21 miles from the coast line in place of the bank.

10 31

With regard to the third paragraph of your letter of the 19th January last, I have to state that this Government fully concurs in deprecating any rivalry in the matter of the Tuticorin and Ceylon Fisheries, and is quite prepared to adopt an agreement which may tend to avoid unnecessary competition.

I am however to remark that the only instances in the present century when the Indian and Ceylon Fisheries have clashed, appear to have been in 1889 and 1890. From 1861 to 1889 there was no fishery off Tuticorin, whilst during the same period there were eight off the coast of Ceylon.

The question therefore does not appear to be one of any very great practical importance, as judging from past experience, the contingency of a Tuticorin and Ceylon Fishery taking place in the same year.

15

is very remote.

6 To obviate however any risk of inconvenience in the event of an Indian and Ceylon fishery - again coming together, I am to state that this Government agrees with the suggestion made at the conclusion of your letter, that the fishing season be divided between the two places. This proposal appears to be preferable to the alternative suggestion that the number of boats employed, be limited.

It is understood that fishing at Tuticorin begins at the end of January or beginning of February. In such case the Ceylon Fishery could be advertised to commence after the first week in March, and would continue till the middle of April.

This would admit of an equal number of days being allowed for each fishery.

H.

12 32 38
It appears that in 1890 many of the Kulekare Divers would probably have gone to Tuticorin, if they had been told that they would be allowed to leave for Ceylon when the fishery opened here.

7 His Excellency the Governor hopes that the Division as sketched above, will meet the wishes of the Governor of Madras in Council, and will minimize the inconvenience attendant on simultaneous fisheries in India and Ceylon.

I am, Sir,

Your obedient Servant

St. L. Crawford
for Colonial Secretary

16

Regulation No. 3 of 1811.

For the protection of His Majesty's Pearl Banks of Ceylon.

Preamble.

WHEREAS there is reason to suspect that depredations are committed in the pearl banks of this Island by boats and other vessels frequenting those places in the calm season without any necessity or lawful cause for being in that situation :

For the protection of His Majesty's property and revenue, His Excellency the Governor in Council is pleased hereby to enact and declare :—

Penalty on vessels found within the pearl banks.

That if any boat or other vessel shall hereafter, between the 10th of January and the end of April, or between the 1st of October and the end of November in any year, be found within the limits of the pearl banks, as described in the schedule hereunto annexed, anchoring or hovering and not proceeding to her proper destination as wind and weather may permit, it shall be lawful for any person or persons holding a commission or warrant from His Excellency the Governor for the purposes of this Regulation to enter and seize such boat or other vessel, and carry the same to some convenient port or place in this Island for prosecution. And every such boat or other vessel is hereby declared liable to forfeiture by sentence of any court having revenue jurisdiction of sufficient amount, and shall be condemned accordingly; two-thirds thereof to the use of His Majesty and one-third to the persons seizing or prosecuting, unless such boat or other vessel shall have been forced into the situation aforesaid by accident or other necessary cause, the proof whereof to be on the party alleging such defence.

Colombo, 9th March, 1811.

By order of the Council,

(Signed) JAMES GAY,
Secretary to the Council.

By His Excellency's command,

(Signed) JOHN RODNEY,
Chief Secretary to Government.

SCHEDULE REFERRED TO.

Vessels navigating the inner or along shore passage are not to hover or anchor in deeper than four fathoms water.

Vessels navigating the outer passage are not to hover or anchor within twelve fathoms water.

Price 5 cents.]

Colombo: Printed by GEORGE J. A. SKEEN, Government Printer, Ceylon; and to be purchased at the GOVERNMENT RECORD OFFICE, Colombo.

Ordinance enacted by the Governor of Ceylon, with the advice
and consent of the Legislative Council thereof.

No. 18.—1843.

An Ordinance to declare illegal the possession of certain Nets
and Instruments within certain limits.

C. CAMPBELL.

Preamble.

WHEREAS it is expedient to prohibit the possession
within certain limits of certain nets and instruments
which might otherwise be used to the detriment of Her
Majesty's pearl banks :

Possession of
certain nets,
dredges, and
other
instruments
within certain
limits illegal.

1 It is therefore hereby enacted by the Governor of Ceylon,
with the advice and consent of the Legislative Council thereof,
that from and after the passing of this Ordinance the pos-
session on land of any drifting net or other net not being
such as are used by men walking in the sea, or of any dredge
or similar instrument, at any place within twelve miles of
Tallaville or Talmanar, or at any place within twelve miles
of any part of the shore at low water mark between Tallaville
and Talmanar, shall be unlawful, and every such net, dredge,
or instrument that shall at any time be found within such
limits shall be forfeited, and every person who shall at any
time have had any such net, dredge, or instrument in his
possession, or shall have moved or concealed or assisted in or
procured the movement or concealment of any such net,
dredge, or instrument within such limits, shall be guilty of
an offence, and be liable on conviction thereof to a fine not
exceeding ten pounds, or to imprisonment with or without
hard labour for any period not exceeding six months.

Penalty.

Peace officers may
make search for
nets, &c., and
seize offenders.

2 And it is further enacted that it shall be lawful for
every officer of the Customs and every peace officer to search
any house or premises within any such limits as aforesaid
where he shall have good reason to believe any such net,
dredge, or instrument as aforesaid to be kept or concealed,
and to take the same into his charge, and to seize and take
every person offending against this Ordinance before any
competent court or justice of the peace, to be dealt with
according to law.

Passed in Council the Thirtieth day of November, One
Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,
Acting Clerk to the Council.

Published by order of His Excellency the Governor,
P. ANSTRUTHER,
Colonial Secretary.

Price 5 cents.]

Colombo : Printed by GEORGE J. A. SKEEN, Government Printer, Ceylon ; and
to be purchased at the GOVERNMENT RECORD OFFICE, Colombo.

Ordinance enacted by the Governor of Ceylon, with the
advice and consent of the Legislative Council thereof.

No. 18.—1890.

An Ordinance relating to Chanks.

A. E. HAVELOCK.

WHEREAS it is expedient to amend the Laws relating to Chanks and to prohibit the diving for, and collecting of, Chanks, Bêche-de-mer, Coral, or Shells in the seas between Mannár and Chilaw: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1 This Ordinance may be cited for all purposes as "The Chanks Ordinance, 1890," and it shall come into operation at such time as the Governor in Executive Council shall, by proclamation in the *Government Gazette*, appoint.

Short title and
date of operation.

2 The Ordinance No. 4 of 1842, intituled "An Ordinance for the protection of Her Majesty's rights in the digging for Dead Chanks," and the Ordinance No. 5 of 1842, intituled "An Ordinance for the protection of Her Majesty's Chank Fishery," are hereby repealed, but such repeal shall not affect the past operation of either of the said enactments, or anything duly done or suffered, or any obligation, or liability, or penalty accrued or incurred under them or either of them.

Repeal.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

3 In this Ordinance, unless the context otherwise requires—

Definitions.

"Chanks" includes both live and dead chanks.

"Person" includes any company or association or body of persons whether incorporated or not.

Duty on chanks.

4 (1) There shall be levied and paid on all chanks entered for exportation a royalty at such rates not exceeding one cent on each chank, as the Governor, with the advice of the Executive Council, shall, from time to time by notification in the *Government Gazette*, appoint.

Ports of entry.

(2) No chanks shall be exported save and except from any port mentioned in the schedule A hereto, or from any other port which the Governor in Executive Council may appoint by notification in the *Government Gazette*.

Bill of entry.

5 (1) The person entering outwards any chanks to be exported from any port shall deliver to the collector a bill of the entry thereof, expressing the name of the ship and of the master, and of the place to which the chanks are to be exported, and of the person in whose name the chanks are to be entered, together with the number and value thereof, anything in the Ordinance No. 17 of 1869 to the contrary
Price 5 cents.]

6

Collector's
warrant.

Penalty for
exporting
contrary
to the Ordinance.

Chanks laden
before entry
liable to be
forfeited.

Use of dredge
in collecting
chanks
prohibited.

Penalties.

Collection of
chanks, bêche-de-
mer, coral, or
shells in the seas
between Mannar
and Chilaw
prohibited.

Penalties.

Proviso.

Proviso.

notwithstanding, and shall at the same time pay to the collector any sum which may be due as royalty upon the exportation of such chanks.

(2) Such person shall also deliver at the same time one or more copies of such entry, and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such copies shall be such as the collector shall require, and such entry being duly signed by the collector shall be the warrant for examination and shipment of such chanks.

6 Every person who shall export chanks from this Island except from any port mentioned in schedule A, or from any port appointed by the Governor in Executive Council under section 4, or contrary to the requirements of section 5, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

7 If any chanks subject to the payment of any sums due as royalty in respect of exportation shall be laden or waterborne to be laden on board any ship before due entry shall have been made and warrant granted, or before such chanks shall have been duly cleared for shipment, or if such chanks shall not agree with the bill of entry, the same shall be liable to forfeiture together with the package in which they are contained.

8 It shall not be lawful for any person to use any dredge or other apparatus of a like nature for the purpose of fishing for or collecting chanks, and every person using any dredge or other apparatus of a like nature for such purpose shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both; and every dredge or apparatus of a like nature so used as aforesaid shall be forfeited.

9 It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in schedule B hereto, and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer, coral, or shells in the said seas, shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral, or shells unlawfully collected, shall be forfeited.

Provided that nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less.

Provided also that it shall be lawful for the Governor in Executive Council from time to time or at any time, by notification in the *Government Gazette*, to alter the limits defined in schedule B hereto, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance.

10 (1) Any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom-house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

(2) If any such officer, headman, or person shall neglect to have any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized by him conveyed to such custom-house within a reasonable time, he shall be guilty of an offence and liable to a fine of one hundred rupees.

11 (1) Every prosecution under this Ordinance may be instituted in the police court of the division in which the offence was committed or where the offender is found, and such court may by its order declare and adjudge any chank, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus seized and detained under this Ordinance to be forfeited, and such forfeiture may be in addition to any other punishment hereinbefore prescribed, anything in the Criminal Procedure Code to the contrary notwithstanding.

(2) All forfeitures may be sold or otherwise disposed of in such manner as the police court may direct.

12 It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realised.

Chanks, &c.,
liable to
forfeiture may
be seized and
detained at the
nearest custom-
house.

Penalty on
seizing officer
neglecting to
convey seizure
to custom-house
within a
reasonable time.
Police court to
have jurisdic-
tion.

Informer's share.

SCHEDULE A.

Kankasanturai
Kayts

Jaffna
Pésalai

SCHEDULE B.

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Talavilla.

Passed in Council the Nineteenth day of November, One thousand Eight hundred and Ninety.

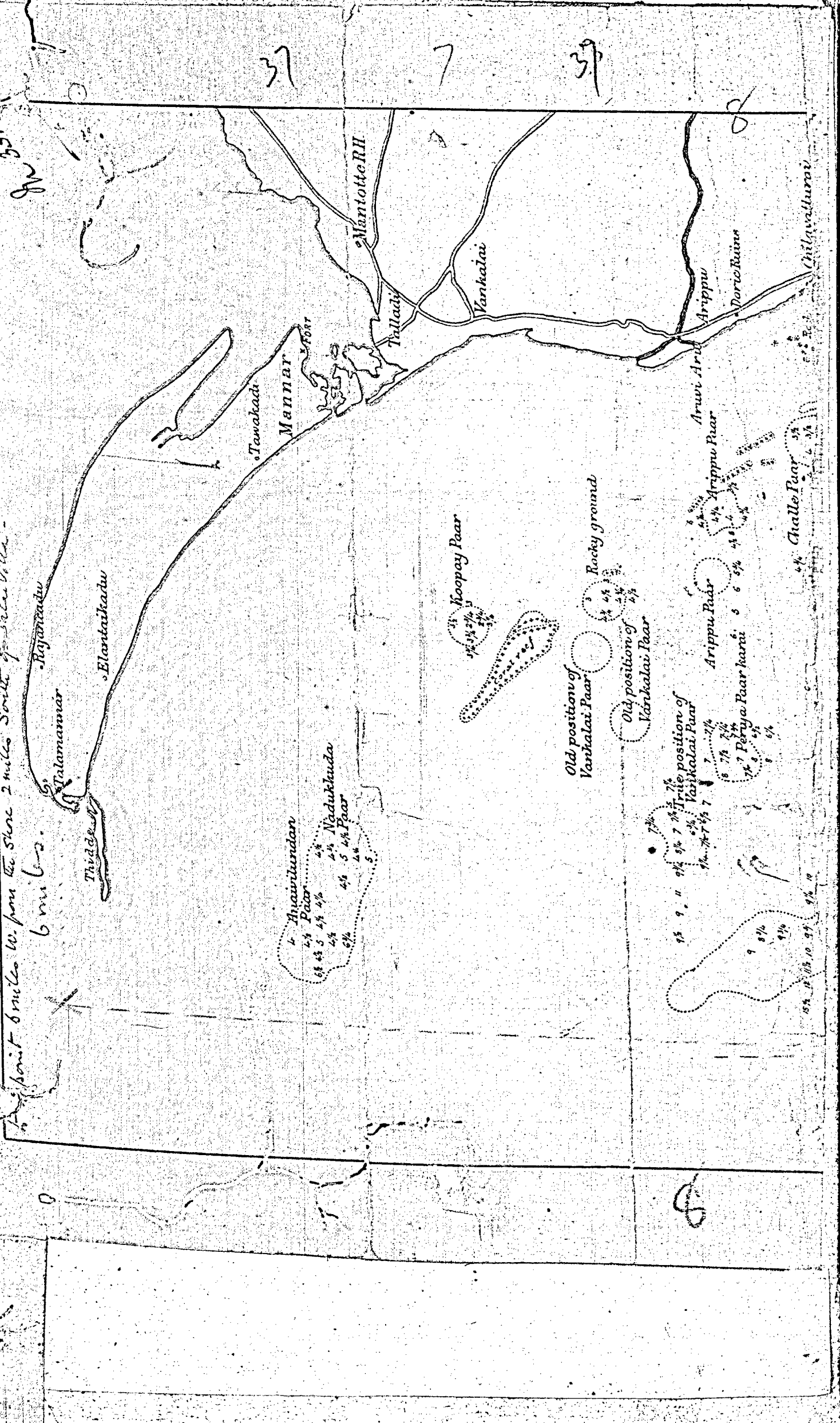
H. L. CRAWFORD,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fifth day of November, One thousand Eight hundred and Ninety.

E. NOEL WALKER,
Colonial Secretary.

Colombo: Printed by GEORGE J. A. SKEEN, Government Printer, Ceylon; and to be purchased at the GOVERNMENT RECORD OFFICE, Colombo.

Limits defined in Schedule B. Act. XVII of 50. Ceylon.
 8 ft. toward the straight line drawn from a point 5 miles westward of Talaimannar
 a point 5 miles W. from the shore 2 miles South of the village -
 6 miles.



June 25 - 1811 38
Regulation No. 3 of 1811.

For the protection of His Majesty's Pearl Banks of Ceylon.

Preamble.

WHEREAS there is reason to suspect that depredations are committed in the pearl banks of this Island by boats and other vessels frequenting those places in the calm season without any necessity or lawful cause for being in that situation :

For the protection of His Majesty's property and revenue, His Excellency the Governor in Council is pleased hereby to enact and declare :—

Penalty on vessels found within the pearl banks.

That if any boat or other vessel shall hereafter, between the 10th of January and the end of April, or between the 1st of October and the end of November in any year, be found within the limits of the pearl banks, as described in the schedule hereunto annexed, anchoring or hovering and not proceeding to her proper destination as wind and weather may permit, it shall be lawful for any person or persons holding a commission or warrant from His Excellency the Governor for the purposes of this Regulation to enter and seize such boat or other vessel, and carry the same to some convenient port or place in this Island for prosecution. And every such boat or other vessel is hereby declared liable to forfeiture by sentence of any court having revenue jurisdiction of sufficient amount, and shall be condemned accordingly; two-thirds thereof to the use of His Majesty and one-third to the persons seizing or prosecuting, unless such boat or other vessel shall have been forced into the situation aforesaid by accident or other necessary cause, the proof whereof to be on the party alleging such defence.

Colombo, 9th March, 1811.

By order of the Council,

(Signed) JAMES GAY,
Secretary to the Council.

By His Excellency's command,

(Signed) JOHN RODNEY,
Chief Secretary to Government.

SCHEDULE REFERRED TO.

Vessels navigating the inner or along shore passage are not to hover or anchor in deeper than four fathoms water.
Vessels navigating the outer passage are not to hover or anchor within twelve fathoms water.

Price 5 cents.]

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and consent of the Legislative Council thereof.

No. 18.—1843.

An Ordinance to declare illegal the possession of certain Nets
and Instruments within certain limits.

C. CAMPBELL.

Preamble.

WHEREAS it is expedient to prohibit the possession
within certain limits of certain nets and instruments
which might otherwise be used to the detriment of Her
Majesty's pearl banks:

Possession of
certain nets,
dredges, and
other
instruments
within certain
limits illegal.

1 It is therefore hereby enacted by the Governor of Ceylon,
with the advice and consent of the Legislative Council thereof,
that from and after the passing of this Ordinance the pos-
session on land of any drifting net or other net not being
such as are used by men walking in the sea, or of any dredge
or similar instrument, at any place within twelve miles of
Tallaville or Talmanar, or at any place within twelve miles
of any part of the shore at low water mark between Tallaville
and Talmanar, shall be unlawful, and every such net, dredge,
or instrument that shall at any time be found within such
limits shall be forfeited, and every person who shall at any
time have had any such net, dredge, or instrument in his
possession, or shall have moved or concealed or assisted in or
procured the movement or concealment of any such net,
dredge, or instrument within such limits, shall be guilty of
an offence, and be liable on conviction thereof to a fine not
exceeding ten pounds, or to imprisonment with or without
hard labour for any period not exceeding six months.

Penalty.

Peace officers may
make search for
nets, &c., and
seize offenders.

2 And it is further enacted that it shall be lawful for
every officer of the Customs and every peace officer to search
any house or premises within any such limits as aforesaid
where he shall have good reason to believe any such net,
dredge, or instrument as aforesaid to be kept or concealed,
and to take the same into his charge, and to seize and take
every person offending against this Ordinance before any
competent court or justice of the peace, to be dealt with
according to law.

Passed in Council the Thirtieth day of November, One
Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,
Acting Clerk to the Council.

Published by order of His Excellency the Governor,
P. ANSTRUTHER,
Colonial Secretary.

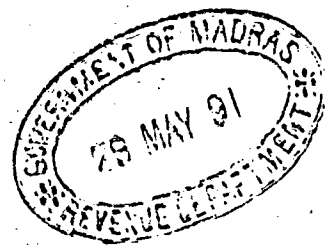
Price 5 cents.]

Colombo: Printed by GEORGE J. A. SKEEN, Government Printer, Ceylon; and
to be purchased at the GOVERNMENT RECORD OFFICE, Colombo.

10

Encl 2 of

CW 4109/91¹¹



Enclosure of Letter No 37
of 21 May 1891.

Col: Secy Office }
Colomb 21 May 191 }



2
Rec: 4109/91.

REVENUE DEPARTMENT.

No.

From

*The Colonial Secy
Colombo*

Dated 26.5.91

Received 27.5.91

Enclosures 1

No. 37

SUBJECT.

*Forward particulars
to the Laws & Regulations
to the Pearl Fishery in Ceylon*

No. 1100. Fish.
5-2

FROM

P. C. LYON, Esq., C.S.,

Offg. Under-Secretary to the Government of India.

TO

*The Secretary to the Government of
Madras.*

Revenue and Agricultural
Department.
Fisheries.

Simla, the 28th May 1891.

SIR,

I am directed to acknowledge the receipt of your letter No. 271 dated the 7th April, and in reply to say that the Draft of the India Fishery Bill drawn up by the Honble H. S. Thomas, late member of the Board of Revenue, Madras, is still under the consideration of the Government of India.

2. With reference to the enquiry made in the second paragraph of your letter, I am to say that so long as collision between the proposed Madras measure and the Territorial Waters Jurisdiction Act 1878 (41 and 42 Vic: Cap: 73) is avoided, the Government of India have no objection to His Excellency the Governor in Council legislating for the regulation of sea fisheries within our marine league of the coast; measured from

Your letter mark.

I have the honor to be,

Sir,

Your Most Obedient Servant,

Myra

Offg. Under Secy. to the Govt. of
India.

11/11

(189/.)

REVENUE DEPARTMENT.

ABSTRACT.

REVENUE DEPARTMENT.

Current Number.

From

The Govt.

Dated 28.5.51

Received 3.6.51

Enclosures

No. 1100 Risk:
S-2

SUBJECT.

stating that the
Draft of the Indian Fisheries
Bill drawn up by the Hon. H. S.
Thomas late member of the P.D. of
Rev. is still under consideration
of the Govt. etc.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read

again S.O. 2687. dt. 1. Aug. 51.

Cnos. 4109 and 4306/51.

Order No. 4663 of 31st August 1891.

Communicated to
the Commrs of Land Revenue
who are requested to submit
their remarks upon the
letter from the Govt. of Ceylon.

2. The Govt. has no
objection to this Govt. legislation
for the regulation of sea
fisheries within one marine
league of the coast measured
from low water mark. The
Pearl Banks ^{however} lie for the most
part at a distance of 10 or 12
miles from the shore and in
local legislation with the
object of protecting them
therefore out of the question.

3. A reply will be
sent to the Ceylon Govt.
on receipt of the report called
for in para. 1.

To the Comr. of P.D. with map
& regulations relating to Ceylon
for reference.

Ch. Rm.
26/8 28 Aug 51

By order of the
Clerk
3/1/81

The Tutu Corin Dr.
Fishing

Draft \$0. (from order)

No. 4663 of 31-8-91

See 4

note

The papers will be
circulated to H.C. the 8.1.
for orders on the question
of fishing legislation. When
H.C. returns.

[7]

MISCELLANEOUS SERIES

MISCELLANEOUS SERIES

REVENUE DEPARTMENT.
G.O., DATED *31 August*
188*9*,
No. *4663*

REVENUE DEPARTMENT.
G.O., DATED
188*9*,
No.

n given for copying

When given for copying

[Despatch Abstract.]

[Despatch Abstract.]

*Re. Baylon Pearl
May*

✓