

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>1165</i>	Press ~~Mis.~~
	<i>35-36</i>	
Dated	<i>19-8-1968</i>	

Not to be folded or roughly handled

17.
Fort St. George, Judicial Consultation, 24th August 1858.

Read again letter from the Chairman of the Chamber of Commerce, dated 27th July 1858.
No. 35. Read also the following letter from J. R. BOYSON, Esq., Honorable Company's Solicitor; to the Chief Secretary to Government, dated 13th August 1858, No. 435.

SIR,

Min. Con. dated 10th Augt. 1858, No. 1098, Judl. Dept. I have the honor to acknowledge the Extract from Minutes of Consultation noted in the margin, and the papers therein referred to.

I submitted same for the consideration of the Advocate General and have since conferred with him thereon.

I now forward for the information of Government, a copy of his opinion, and return the papers above mentioned.

COPY—OPINION.

I am of opinion that the Commissioner of Police has rightly construed the provisions of Section 76, of the Act 13 of 1856, but I certainly think it would be desirable that, not all the Police, especially the Native portion of it, but, either all European Inspectors, or such as the Commissioner might specially authorize from time to time, should have the power of verifying the weights and measures within their District, as suggested by the Chamber of Commerce, without being obliged to wait for a specific charge against any individual.

(Signed) T. S. SMYTH,
Advocate General.

August 13th, 1858.

(True Copy.)

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

No. 36. ORDER THEREON, No. 1145; dated 19th August 1858.

With the above letter, the Chairman of the Chamber of Commerce forwards copy of a correspondence that has passed between the Commissioner of Police and himself on the subject of false weights and measures in use at Madras, among the Native dealers in produce. He observes that the Commissioner of Police is of opinion, that he can only cause search to be made for false weights and measures on complaint being laid against a particular party as suspected of having such in use. The Chamber consider this construction of the law defective, and suggest that an amendment be introduced into the Police Code, authorizing the Inspectors to verify from time to time the weights, scales and measures, in use within their respective Divisions, (without waiting for a specific charge against any particular individual,) as is the case in England.

2. The Government think that the construction put by the Commissioner of Police upon the Act is correct, and in this view they are borne out by the Advocate General, to whom they made a reference on the subject. They doubt whether the Legislative Council would be prepared to modify its provisions to the effect proposed by the Chamber, but it will be open to them to address the Council on the subject through the Clerk, if they deem the matter of sufficient importance.

3. Practically however it seems to Government, that a sufficient check would be maintained, if on fraud being suspected, any Member of the Chamber were to cause a few purchases to be made in the Bazar, test the weight or measure of the article purchased, and if found to be short, prosecute the Bazarman under the Act.

4. A like step might from time to time be adopted by the Commissioner of Police.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Measures

Judicial Department

N^o 1145

Extract from the Minutes of Consultation
Dated the 17 Aug^y 1858-

Read ^{again} the follow-

ing letter

From the Chairman of the Chamber of Commerce - } Here enter 27th July 58 N^o 1145
Read also the following letter }
from the Hon^{ble} Compt^r Solicitor - } Here enter 13th August 58 N^o 1145

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Chamber of Commerce
Com^r of Police

4 A like step might
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by the Commissioner of Police.

J. H. P. Mahan

Sept 25th

J. P.

16 W 7/51

Cons no. 76.77

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False receipt

Council say that steps can be taken to prevent dealers using false weights only when the charge can be brought home against anyone charged with it. It is then harder to the Chamber to address the Legislative Council in the subject.

35730

In 39 to 40. 24 Aug 11.

Unofficial 1050 Sept 11

No 1145

Chief-Min: Cons:

Dated 19 Aug 1857.

With reference to

the correspondence with the Commission on the subject of false weights and measures during the National Week in 1857. It is thought that the construction of the Commission of Office is Council

Sept 17/41.