M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1713 Press ~~Mis.~~

48-49

Dated 6-12-~~1948~~

Not to be folded or roughly handled

No. 48. Read the following letter from C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut; to W. H. BAYLEY, Esq., Acting Secretary to Government, dated 24th November 1858, No. 112.

SIR,

1. In forwarding the accompanying copy of a letter dated the 9th Instant, from the Magistrate of Canara, relative to the Bill now before the Legislative Council of India, to provide for the punishment of breaches of contract by Artificers, workmen, and laborers in the Presidency Towns, the Judges of the Sudder Udalut direct me to state that they concur with the Magistrate in the opinion that such a measure should be made one of universal application, and not be confined to the Presidency Towns.

2. The Judges notice that provision has been made in Chapter XIX of the proposed Indian Penal Code, for the punishment of criminal breaches of contract by certain classes of servants; and that the common case of desertion by bearers, to which the Magistrate refers, is therein met. Were it not probable that that will soon become law, the Judges would have recommended that similar provisions should be introduced into the Bill under consideration.

From W. FISHER, Esq., Magistrate of Canara; to the Register to the Court of Sudder and Foujdaree Udalut, Fort Saint George, dated Mangalore, 9th November 1858.

SIR,

As I observe that a Bill to provide for breaches of contract by Artificers, workmen and laborers, now before the Legislative Council, will only, when passed, be applicable to the Presidency Towns of Calcutta, Madras and Bombay, I have the honor to bring to the notice of the Judges of the Sudder and Foujdaree Udalut, how much provision for the due punishment of the offences enumerated in the Draft of this Act, is required in the Mofussil, as well as at the presidencies.

2. I have no hesitation in saying, that the present state of the law, embarrasses all operations which depend on the fulfilment of contracts as between Master and Servant, or Employer and Employed.

3. The losses and annoyances to which people are now obliged to submit, are equally felt by the timber merchant, who engages the services of two or three hundred men, and the individual who wants a pair of shoes and is obliged to advance money to the maker, with but a distant prospect of ever seeing the one or the other.

4. Complaints from all classes, merchants, farmers, tradesmen and private individuals, are frequent; and the Magistrate can only refer the Petitioners to the Civil Courts, it having been ruled not very long ago, that bearers who undertook to perform a certain journey, and received an advance on starting, were not amenable to any but a Civil Court, though they had put down the traveller before half the distance was accomplished, leaving him to get his palkee carried, and to proceed himself, as best he could.

5. On bringing the present state of the law, as between Master and Servant, to the notice of the Judges of the Foujdaree Udalut, they were pleased to inform me through the Session Court of Mangalore, that a Legislative Enactment to meet cases of the description adverted to, had been applied for, and the Act I now refer to is, I suppose, that to which they alluded. If so, I trust, that measures may be taken to render it applicable to the Presidency generally; or if any doubts are entertained as to the necessity of the step, that the Court will be pleased to call for information from the several Zillah Magistrates, as to the advisability of extending the provisions of the Act about to be passed, to the Districts under their charge.

Extract Proceedings Foujdaree Udalut, dated 8th September 1855.

(True Copy.)

(Signed) C. F. CHAMIER,
Acting Register.

Fort St. George, Judicial Consultation, 7th December 1858.

No. 49. To H. FORBES, Esq., Member for Madras of the Legislative Council of India, dated Fort St. George; 6th December 1858, No. 1713.

SIR,

I am directed by the Governor in Council to forward, for your information, the accompanying copy of a communication from the Court of Sudder Udalut, dated 24th November 1858, respecting the extension of the provisions of the Bill providing for the punishment of breaches of contract by Artificers, workmen and laborers in Presidency Towns, to all parts of the country.

(Signed) W. H. BAYLEY,
Acting Secretary to Govt.

Exd. F. Cartledge.

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Judicial Department

No 1713.

To

The Member for Madras, of the
Legislative Council of India

Sir,

I am directed by the Governor in Council to forward, for your information, the accompanying copy of a communication from the Court of Sudder Udalut dated 24th Nov/58, respecting the extension of the provisions of the Bill providing for the punishment of breaches of Contract by artificers, workmen and laborers in Presidency Towns, to all parts of the country.

Fort St. George,
6 December 1858.

1713

15-11-13

Ln dy. Gens. 7 Dec.
Judicial 1858 Depart.

No. 17/13

To
The Members for Madras
of the Legislative Council
of India.

Dated 16 December 1858.

1858 No. 19

C.20 Extract
24 Dec.