M.R.C. 1—39,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1045		Press ~~Mis.~~
40-41		
Dated	4 — 8 —	1941

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 30th July to 5th August 1859.

No. 40. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to the Chief Secretary to Government, dated July 26th, 1859, No. 1315.

Order of Government, dated 16th July 1859, No. 968, Judicial Department, made on letter from H. Forbes, Esq., to the Chief Secretary to Government, dated Fort William, 23rd June 1859.

I have the honor to acknowledge the Extract from the Proceedings of Government, noted in the margin.

2. I have since communicated with the Advocate General and the Commissioner of Police, on the subject therein referred to, and

3. I now forward for the information of Government a copy of the Advocate General's opinion, and a copy of a letter to my address from the Commissioner of Police, conveying his views.

COPY—OPINION.

Whatever may be the actual necessity in Calcutta for such a Bill to regulate public conveyances as Mr. Forbes has mentioned in his letter to the Chief Secretary, it is difficult to read paras. 4, 5 and 6 of his letter, and not to concur with him, that the owners of such carriages in Calcutta have been more sinned against than sinning.

The Order of Government, dated 16th July 1859, No. 968, appears to me to dispose of the present question. It recommends the licensing (which would include the numbering and the regulation of the number of persons to be carried) certain vehicles kept for hire in Madras, and if this is to be done by the Indian Legislature, it does not seem very material, whether it shall be done in the proposed new Bill, or by amending the Police Act.

My own opinion, however, is decidedly in favor of leaving this subject to be dealt with by the Local Government by bye-laws, as proposed by Government in their letter, (No. 860, Judicial Department,) dated 24th June, to the Madras Legislative Member.

I can see no present necessity for regulating fares or rates of hire in Madras. The Commissioner of Police's letter, certainly advocates the "propriety of laying down a general rule to preserve some kind of uniformity and fairness of the ordinary charges," but he has not, either in his letter, or in conference with myself, mentioned any instances of unfairness that have come to his knowledge. Colonel Colbeck too, in para. 3 of his letter, recommends "a provision for regulating fares" and in para. 4, speaks of "quarrels regarding the hire of vehicles," but I certainly did not understand him to mean the owners of such vehicles were chargeable with any thing like extortion, and in the few instances, in which I have had to send a servant in one of those carriages, the fare seemed to me extremely moderate, indeed low. Not a week ago, I sent a Writer from the Court House, to a house near the Cenotaph, and back again, a distance of nearly eight miles I should say, and the charge was eight annas.

I should certainly recommend that Madras be omitted from any part of the proposed Bill that refers to fares of hired carriages, or that if any thing be enacted on the subject concerning Madras, it should be simply, that the Honorable the Governor in Council of Madras, be authorized to frame such bye-laws on the subject, as and when he may consider necessary.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

July 22nd, 1859.

I have just been shewn Colonel Boulderson's letter to the Government Solicitor, dated the 25th Instant, and have only to observe, that I concur in the 2nd paragraph of it.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

July 26th, 1859.

From Colonel J. C. BOULDERSON, Commissioner of Police; to J. R. BOYSON, Esq., Government Solicitor, Madras, dated 25th July 1859.

I have the honor to return the opinion of the Advocate General, on the order of Government, under date the 16th Instant, which has reference to a letter received from H. Forbes, Esq., on the subject of the Bill for the regulation of the public conveyances in the towns of Calcutta,

Madras and Bombay, which you forwarded to me, on the 22nd Instant, for any remarks I might have to offer thereupon. I beg to inform you, that so far as I am concerned, the Advocate General has satisfactorily settled the only point that was at issue between us, by recommending that the local Government should be authorized to frame such bye-laws, for the regulation of the fares of carriages, kept for hire, as from time to time might be found necessary.

2. With reference to the 8th paragraph of Mr. Forbes' letter, it must be borne in mind, that in Madras, we have no stands for hired carriages in any street or thoroughfare, all such vehicles being kept in private stables, when not in use. If I may be permitted to express an opinion, I would recommend that every wheeled carriage, whatever may be its form or construction, used or plying in any public street or road, for the purpose of carrying persons for hire, whether the property of livery stable keepers, or of any other person, whether European or Native, should be registered and required to show a number.

3. Before the proposed Act has been long in force, both the owners of vehicles let on hire, and those who hire them, will have become aware that redress against misconduct of any kind can easily be had at any Police Office, and as such a knowledge will render instances of fraud and violence, such as those described by Mr. Forbes in the 3rd and 5th paras. of his letter, of very rare occurrence, I do not consider that any sufficient reason obtains for the omission of the name of this Presidency from the preamble and the first Section of the Bill.

(True Copies.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 41. To H. FORBES, Esq., Member for Madras of the Legislative Council of India, Calcutta, dated Fort Saint George, 4th August 1859, No. 1045.

I am directed by the Honorable the Governor in Council to acknowledge the receipt of your letter of the 23rd June last, on the subject of a Bill for regulating public conveyances in the towns of Calcutta, Madras and Bombay, which had been read a second time in the Legislative Council, on the 18th Idem.

2. In reply, I am desired to transmit to you, communications from the Advocate General and the Commissioner of Police for the town of Madras, to whom the proposed Act was referred for their opinion.

3. You will already have learnt from my letter of the 24th June, and the papers which accompanied it, that this Government are in favor of public conveyances, let on hire in Madras, being licensed and subjected to some kind of regulation. It seems to them that this may be most conveniently done by bye-laws, to be passed for the purpose, and that authority to make such bye-laws may be conferred on this Government in the contemplated Bill for the amendment of Act XIII, 1856.

4. Among the measures for which Government should be authorized to provide in such bye-laws, should be that of regulating fares when necessary, but the Government would not exercise that power for the present, as in their opinion, it is not now called for.

5. The Government do not desire that the licensing and regulating of public conveyances at Madras, should be made the matter of a detailed Act, such as that which you have sent. They would, therefore, wish that Madras should be omitted from the preamble of the Bill, and from any parts of it in which the word may occur. Unless they are to have the power of regulating these matters by local bye-laws, they would wish things to remain as they are.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department

No. 1045.

To H. Forbes Esquire
Member for Madras of the
Legislative Council of India

Sir,

I am directed by the Hon. the Governor in Council to acknowledge the receipt of your letter of the 23rd June last on the subject of a bill for regulating public conveyances in the Towns of Calcutta Madras and Bombay which had been read a second time in the Legislative Council on the 18th instant.

2. In reply I am directed to transmit to you communications from the Advocate General and the Commissioner of Police for

for the Town of Madras to whom the proposed Act was referred for their opinion.—

3.— You will already have learnt from my letter of the 24th. June and the papers ~~which~~ which accompanied it that this Govt. are in favour of public conveyances let on hire in Madras being licensed and subjected to some kind of regulation. It seems to them that this may be most conveniently done by bye laws to be passed for the purpose — and that authority to make such bye laws may be conferred on this Govt. in the contemplated Bill for the amendment of

of Act XXII 1856.—

4.— Among the measures for which Govt. should be authorized to provide in such bye laws, should be that of regulating fares when necessary — but the Govt. would not exercise that power for the present, as in their opinion it is not now called for.—

5.— The Govt. do not desire that the licensing and regulating of public conveyances at Madras should be made the matter of a detailed Act such as that which you have sent. ~~Home~~ They would therefore wish that Madras should be omitted from the preamble of the Bill, and from any part

parts of it in which the
word may occurs – Should
they are to have the
power of regulating these
matters by Local bye
laws, they would wish
things to remain as they
are. —

For St. Georges,
16 August, 1859.

Clerk
R3 W

Pros of Govt & Augt
Judicial 1859 Despatch

No. 1045

To
The Member for Madras
of the Legislative Council
of India

9th August 1859.

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