

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	968	Press
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Dated	16-7	1918.

Not to be folded or roughly handled

968

*Proceedings of the Madras Government, Judicial Department,
from 16th to 22nd July 1859.*

No. 1. Read the following letter from H. FORBES, Esq., Member for Madras of the Legislative Council for India ; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Fort William, the 23rd June 1859.

The Government will have observed that a Bill to regulate public conveyances in the Towns of Calcutta, Madras, and Bombay was read a second time in the Legislative Council, on the 18th Instant.

2. The Bill met with opposition and I voted in the minority against the second reading.

3. An outcry has arisen in Calcutta against the owners of hired carriages who are accused of defrauding those who hire them by insisting on pre-payment of their fare, and then driving away from the first place at which the person who has hired them may alight.

4. There is no doubt that this is done, but it is my opinion that the practice has arisen from frauds being first practiced on the owners of carriages, who have been driven in self defence to retaliate on their customers.

5. In a large city and at a large port like Calcutta, where characters of all descriptions are to be met with, a Native driver of a hired carriage is sometimes at a great disadvantage in attempting to obtain payment from those who have used his conveyance, and after having driven about half the day, he at times receives no remuneration, and is threatened with violence if he insists upon his rights.

6. That it is from this that a demand for pre-payment has originated, is shown by the fact that the demand is never made when hired carriages are called to the houses of permanent residents whose position is a guarantee that the usual fare will be paid.

7. But however that may be, the object of my present letter is to ascertain whether the Government desire that the Bill, if it be passed, should be applicable to Madras, or whether they would wish that the name of that Presidency should be omitted from the Preamble and the first Section.

8. It will be observed that the Bill, as at present drawn, applies only to conveyances "standing or plying for hire in any public street or road," and that it does not include carriages kept in livery, or other stables and sent out only when called for. In Calcutta there are many carriages that do thus stand and ply, at the Ghats, at the Railway Terminus, at the Exchange, and at the great Hotels, but I believe that in Madras the practice is confined to the small carriages drawn by one pony, and found chiefly in Triplicane.

9. I have never heard of any complaint regarding the owners of these small carriages, either connected with fraud, extortion, incivility, or refusal to ply, and as I am of opinion that as a general rule, it is inexpedient for the Government to regulate rates of hire, or to interfere between the employer and the employed, it will be with satisfaction that I shall receive the instructions of Government to move in Committee that Madras be omitted from the Bill.

No. 2.

ORDER THEREON, 16th July 1859, No. 968.

Resolved that a copy of the above letter be furnished to the Commissioner of Police, and that he be requested, in communication with the Government Solicitor, to give his opinion upon the provisions of the proposed Bill for regulating public conveyances. It is remarked that the Commissioner has already expressed himself in favor of licensing certain vehicles kept for hire in the Town of Madras, and that the Advocate General has intimated his concurrence in the propriety of the measure. In their letter to the Member for Madras of

From Commissioner, to Government Solicitor 17th June 1859.

Opinion 18th June 1859.

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*Proceedings of the Madras Government, Judicial Department,
from 16th to 22nd July 1859.*

24th June 1859.

the Legislative Council the Government have stated that they think it questionable whether the fares payable for the hire of such carriages should be legally settled for the present, but that if so, such fares should be fixed in bye-laws to be passed by the Local Government. The Draft Act, it is observed, leaves the rates and fares to be fixed by the Commissioner of Police with the Local Government's sanction. It might be left to the discretion of the Local Government thus to determine the fares, when it seemed to them that the time had arrived for their doing so. The subsidiary provisions to Section VIII as Sections XIV, XV and XVI might then take effect and the other provisions of the Act only be operative in the interim.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government.

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from the Member for Madras
of the Legislative Council for
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(Here enter 23^d June 1859)

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*From Commissioner, to Govt.
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240-116
To the Commissioner of Police. }
" Government Solicitor. } Disps 195
J. H. P. }
11.7.59.

Mr. James

Opinion - 18th June 1859.

24th June 1859.

that the Advocate General has intimated his concurrence in the propriety of the measure. In their letter to the Member for Madras of the Legislative Council the Government have stated that they think it questionable whether the fares payable for the hire of such carriages should be legally settled for the present, but that if so, such fares should be fixed in bye laws to be passed by the Local Government. The draft Act, it is observed, leaves the rates and fares to be fixed by the Commissioner of Police with the Local Government's sanction. It might be left ^{to the} discretion ~~of the~~ ~~the~~ Local Government thus to determine the fares, when it seemed to them that

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Ad. J. P.
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Ad. J. P.

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Proceedings of Court

No 968

No of Court 22 July
Judicial 1859 McPherson

Case 18th July 1859
F. No 1219
F. No 1397

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