M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT**

G.O. No. 1298 Press
Mis.

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Dated 6 — 10 — 19 18.0

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Not to be folded or roughly handled

Proceedings of the Madras Government Judicial Department, 6th October 1860.

No. 50. Read the following letter from J. W. GANTZ, Esq., Secretary, Madras Trade Association, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 21st September 1860.

By desire of the Committee and Members of the Trade Association, I have the honor to address you on a subject of vast importance not only to us collectively as Tradesmen, but also individually to every Member of Society at Madras, viz., that of "equal Laws for Masters and Servants."

The Association is aware that this subject has been brought under the consideration of Government more than once since the passing of the present Police Code. They would urge that notwithstanding the advantages which that Code has secured for the Presidency, it is a matter of deep regret that under its operation the security formerly afforded to Masters in their relation to Servants under the old Police Regulations, as exemplified in the Extracts appended hereto, is now no longer obtainable; and that the jurisdiction which Magistrates were thereby empowered to exercise is at an end, the provisions of those Regulations having been cancelled by Act No. 13 of 1856, which offers no substitute for the provision thus repealed.

In consequence of there being no Law to meet the necessities arising from this want of jurisdiction, we feel it absolutely necessary to solicit the interference of Government. Public opinion on this question is undivided, and so universal is the feeling of dissatisfaction and so well understood, that it becomes unnecessary to state in detail the grounds upon which Members of Society have a right to claim some consideration for their present peculiar position.

The Police Magistrates have been constantly applied to for their interference and protection, against the wanton conduct of domestic servants. They have invariably replied that they had no power to interfere, and expressed their inability to adjudicate under the present Enactment; and the Association has also been informed that some of that body have brought the subject prominently to the notice of Government with the view of obtaining such an Enactment as would enable them to take cognizance of cases such as those we have indicated.

As the present Police Code is now under the consideration of the Legislative Council in Calcutta, with a view to its modification, the Trade Association beg to avail themselves of the opportunity thus afforded, earnestly to solicit that the Honorable the Governor in Council would be pleased to urge upon the consideration of the Legislature the necessity for providing for the existing evil; or, in other words, providing a Code of equal Law for Masters and Servants of all grades.

The greatest inconvenience and annoyance are now experienced from the inefficiency of the present Law, as well as the false position in which both Masters and Servants are placed thereby. It is therefore hoped that Government will favorably view this appeal, and strongly urge on the consideration of the Supreme Government, a subject of so much importance to the community at large.

Appendix.

Extract from the Regulations for the prevention and punishment of dishonest practices of the misconduct of Servants and of affrays and their misdemeanors.

No. 3.

All Servants and all Workmen, Lascars or others, hired to work in any employ, who shall refuse to work or shall desert their employ or wilfully disobey or behave disrespectfully, or insolently, to their Masters or Mistresss, employers, or lawful superiors, or who shall neglect their duty, shall be subject at the discretion of the Magistrates, to whipping not exceeding 2 dozen of stripes, and hard labor not exceeding 4 months, or either of those punishments on conviction before 2 Magistrates.

Any Servant who shall leave his or her Master or Mistress, without permission, and giving one month's notice, shall be deemed and taken to have deserted such employ.

Proceedings of the Madras Government, Judicial Department,
6th October 1860.

Any Master or Mistress, after the publication of this Regulation, who shall illegally punish his or her servants, or who shall refuse to pay his or her servant's wages, within 15 days after the same shall have become due, shall be subject to a fine not exceeding 20 Pagodas.

(A true Extract.)

(Signed) J. W. GANTZ,
Secretary, Madras Trade Association.

No. 51. ORDER THEREON, 6th October 1860, No. 1,298.

Resolved that the Madras Trade Association be informed, in reply to their Secretary's letter of the 21st ultimo, that the question of the Law of Master and Servant in connection with the amendment of Act XIII, 1856, has been brought before the Legislative Council in the reports of some of the Magistrates for the Town of Madras, which have been laid before the Council by this Government.

2. It will be open to the Association to address the Legislative Council on the subject through their Clerk in the usual manner.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the Secretary to the Madras Trade Association.

/Rec^d enter 21^st Sept^r 1860/

Order thereon 6^th ~~September~~ October 1860, N^o 1298.

Resolved that the Madras Trade Association be informed, in reply to their Secretary's letter of the 21^st Inst^o, that the question of the law of Master and Servant, in connection with the amendment of Act XIII 1856 has been brought before the Legislative Council in the reports of some of the Magistrates for the Town of Madras, which have been laid before the Council by this Government.

2. It will be open to the Association to address the Council on the subject through the Clerk in the usual manner. The Madras Government are not prepared to do so, and they

they certainly could not advocate the ~~amendment~~ enactment of any legal provisions of the nature of those given in the appendix to Mr. Gantz's letter.

JP

The Secretary to the
Madras Trade Association } Dispd. 10-
" Commissioner of Police }