(1) Number of pages 4

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No. 59 Press.
B.P: No: Mis.

85-86

Dated 15-1-1861 198 .

3/3

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Archives 1--10,006 1 -80.

Archives 5.

2

ANNEXURE.

Serial number. (1)	Date of issue. (2)	Particulars of records furnished. (3)	Purpose for which furnished. (4)	To whom furnished. (5)	Remarks. (6)
					Upon sg dt 15-1-1861
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Proceedings of the Madras Government, Judicial Department.

15th January 1861.

59

No. 85. Read the following letter from H. FORBES, Esq., Member of the Legislative Council, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Fort William, 17th December 1860.

I have to request that you will inform the Government that the Bill to amend Act XIII of 1856, was read a third time and passed on the 15th instant.

2. I had the honor to receive your letter of the 21st November last, No. 1,525, on the 30th idem, enclosing a copy of a communication from the Chief Commissioner of Police on the subject of this Bill.

3. Colonel Boulderson does not appear to have sufficiently kept in mind that Act XIII of 1856 is an Act affecting all the Presidency Towns, and that it is not a local Act affecting Madras only. Amendments in the Act required at only one Presidency would not be made by the Council, if their enactment would act injuriously at both the other Presidencies, and the opinions expressed by the Members of the Select Committee on some of the suggestions originally made at Madras, convinced me that it would be wholly useless to attempt to carry them in Council.

Paragraph 2, Clause 1. 4. I proposed, and carried, in the Committee of the whole Council an alteration in the Bill by which all Members of the Police hereafter enlisted in the Mounted Branch shall be bound to give six months' notice of an intention to leave the Force, under the same penalties for omission which were provided under the original Act. Madras being the only Presidency Town in which a Mounted Police is found necessary, the amendment applies to that Presidency only and no objection was raised.

Paragraph 2, Clause 2. 5. It was not thought expedient to insist on two lights being shown on all vehicles at night. In Calcutta, where the days are shorter than at the other Presidencies, carts are much used after it is dark, and the light required by the law is exhibited by the driver holding a small torch in his hand. The opinion expressed by the Select Committee that it would be a great hardship to insist on the exhibition of two lights on all carts passing through this city after dark was so strong, that I did not consider it expedient to bring the question forward in Council.

Paragraph 2, Clause 3. 6. As regards the question of music performed in private houses, it must be remembered that any law rendering it incumbent on the person in whose house the performance might take place, to obtain the previous permission of the Police, would have applied to Europeans as well as to Natives. No exceptional law, applicable to one class of the community only, could have been passed, and it would have been an intolerable interference with private proceedings to have required that the Chief Commissioner's permission should be obtained for every entertainment, of which music might form a part, that might be given by any English gentleman.

Paragraph 2, Clause 4. 7. The Chief Commissioner requires that the penalty which now attends the obstruction of a thoroughfare by "leaving" any case of goods thereon, should be extended to the mere act of "placing" such case upon the road. The Government do not press this suggestion, and as I think that it would be a great oppression to punish with a fine of 50 Rupees or imprisonment with hard labor, every cooly who temporarily rested from his burthen, I have not proposed the amendment.

Paragraph 4.

Paragraph 2, Clause 5. 8. The proposal to make it penal to roll casks or bales on a public thoroughfare affords another instance of the fact that, what would be considered a convenience at one Presidency would be extremely the reverse at another. The enactment of such a law as Colonel Boulderson requires would prove a very serious hindrance to the trade of both Calcutta and Bombay. In this city, ships lie along the whole length of the strand, across which their cargoes are rolled to ware-houses on the opposite side of the road; to require that all goods should be conveyed across only in trucks would cause great delay and great expense, and would have been protested against by the whole Mercantile Community. I am

informed by the Member for Bombay that a like inconvenience would result from such an enactment in Bombay.

Paragraph 2, Clause 6. 9. The Bill, as now passed, contains a clause making it penal for any one to drive his vehicle otherwise than on the left side of the road, except for unavoidable causes, such as a wish to pass another vehicle, or the like.

No. 86. ORDER THEREON, 15th January 1861, No. 59.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Judicial 1860 Departt
Proc^s of Lam^y
From
H. Forbes Esq^re
Member of the Legislative
Council
To T. Pycroft Esq^re
Chief Secretary
to Govt

59/2

Dated 17th December 1860.
Rec^d 27th December 1860.
No 2

No. 2131.
Intimating that the Bill
to amend Act XIII of 1856,
was read a 3^d time &
passed on the 15th Instant.

(No 59) 15 January 61
Do be recorded
JP

Clerking Esq^r
65480