

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1731</i>	Press <i>MIS.</i>
<i>184-185</i>	
Dated <i>21. 6. 1862</i>	<i>19</i>

6/7

Not to be folded or roughly handled

*See
1731*

*Proceedings of the Madras Government, Judicial Department,
21st October 1862.*

No. 184. Read the following letter from W. ROBINSON, Esq., Inspector General of M. Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 3rd October 1862, No. 2,275.

General Department.

I have the honor to submit the following fact for the consideration of Government on the subject of Breach of Contract cases.

Extract from Diary of the Superintendent of Police of North Malabar, dated 27th August 1862.

"Rode back to Manantoddy in the middle of the day, met a Deputy Head Constable and three Constables on the road who had been entrusted by the Deputy Magistrate then with 36 Warrants for Breach of Contract to execute at Corote and its neighbourhood (20 miles distant.) Found on arrival that the Deputy Magistrate had issued altogether 46 Warrants to the Police of Manantoddy Station House, all for cases of Breach of Contract and to be executed on persons at a distance and mostly unknown to the Police (Mysore coolies)."

"This will shew the Inspector General the necessity of adopting some measure to put a stop to the Government Police being called on to execute these processes."

"The proper duty of the Police is entirely neglected or has to be postponed in order to fulfil these demands. I find to-day that half the number of Constables detailed for beat and walk duty had to be taken off at once in order to execute these Warrants; and some of them will probably be absent for a week."

2. The Deputy Inspector General remarks:

"I beg particular attention to this subject. It is utterly impossible for Police duty to be efficiently performed so long as this abuse stands."

* Dated 11th July 1862. 3. I also forward a letter* addressed to the Magistrate of Madras † Dated 14th July 1862. and his reply.† The abuse therein brought to light is not singular.

4. Much irregularity is occasioned throughout the Presidency by the operation of this Act, and the operation is oppressive.

5. I beg to recommend that provision be made for the execution of these, virtually civil, processes at the cost of the individual prosecuting and not at that of the State and of the general community, for whose well-being the Police, now crippled to this burden, is maintained.

From W. ROBINSON, Esq., Inspector General of M. Police; to B. CUNLIFFE, Esq., Magistrate of Madras District, Sydapett, dated Cuddalore, 11th July 1862, No. 1,556.
General Department.

I am informed that a man died on or about the 30th June in custody at Sydapett: who had been in confinement on remand Warrant by Mr. Jordan, Deputy Magistrate, since the 10th May; charge being Breach of Contract and a bailable offence.

2. Also that two others were on the same day in custody in that station house, who had been imprisoned since the 26th April on a similar charge before the same Officer.

3. I have personally seen, if my memory serves me rightly, from 15 to 20 persons locked up in that station house at one time by order of the same Officer.

4. I beg you will take such notice of these cases as may appear to you fit.

(True Copy)

(Signed) W. ROBINSON,
Inspector General of M. Police.

From B. CUNLIFFE, Esq., Magistrate of Madras District; to W. ROBINSON, Esq., Inspector General of M. Police, Cuddalore, dated Sydapett, 14th July 1862, No. 41.

I regret to state that the circumstances alluded to in your letter of the 11th instant, are too true. On their being brought to my notice by the Superintendent of Police, I required an explanation from the Deputy Magistrate, whose proceedings were quite unjustifiable, and such as I should not have expected from an Officer of his experience. One thing is certain, that his acts require closer supervision than I have hitherto applied to them. I have now instructed him to

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21st October 1862.

make no remands under Act XIII of 1859 (such indeed are not required), but to dispose of the case at once, either by taking security from the Defendant for the performance of his contract, by causing a re-payment of the advance, or by sentencing him to imprisonment.

2. I shall request also the Inspector of Police to inform me weekly of the number of persons remanded to his custody by the Deputy Magistrate.

(True Copy.)

(Signed) W. ROBINSON,
Inspector General of M. Police.

No. 185.

ORDER THEREON, 21st October 1862, No. 1,731.

It seems to the Governor in Council that it is desirable that the cost of executing process under Act XIII of 1859 should be borne in the 1st instance by the party who takes out the summons, subject to eventual recovery from the person summoned, should judgment go against him. It is not, however, clear that this can be insisted on, as the charge of Breach of Contract under the Act is a criminal charge adjudicable by the Magistrate like any other offence. The opinion of the Government Pleader will be taken on this point.

2. The proceedings referred to in Mr. Robinson's letter of the 11th July last, appear to the Government to have been very reprehensible. The detention was wholly illegal. On the defendant's being brought before the Deputy Magistrate, the complainants should have been required to attend without delay that the case might be gone into at once. If they did not, the charges should have been dismissed—if they did, the charges should have been forthwith proceeded with and disposed of. The Magistrate will inform Mr. Jordan that he has incurred the serious displeasure of the Government—and will warn him that such conduct in future will be severely visited.

4. Mr. Cunliffe should carry out his intention of exercising more careful supervision over the proceedings of his Deputy.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department

Memorandum

From the Inspector General,
of Madras Police

dated - 3rd October 1862 N^o 2275

It seems to me that it is desirable that the cost of executing process under Act XIII - 1859 should be borne in the first instance by the party who takes out the summons, subject to eventual recovery from the person summoned. I should judge that it is not clear to me that this can be insisted on, as the charge of breach of contract under the Act is a criminal charge adjudicable by the Magistrate like any other offence. The opinion of the Government Pleader might perhaps be taken.

The Proceedings referred to

to

to in the Inspector General's
letter of 11th July last seem
to me scandalous, and to
have been much too lightly
dealt with by Mr. Chuliff.
The detention was wholly
illegal. As the defendant
being brought before the
Deputy Magistrate, the
Complainant should have
been required to attend with-
out delay, that the case might
be gone into - and if he did
not, the charge should have
been dismissed.

3. I think that it may
deserve consideration whether
Mr. Jordan has not been ⁽⁴⁾
in the Madras District ⁽¹¹⁾
quite long enough - and
whether it would not be
well to transfer him to
some other Collectorate.

JP

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List

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Inspector General
of Police.

Received 3 Oct. 1862. No. 2270.

Order thereon 21 October 1862. No. 1731.

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the serious displeasure of
the Government. and will
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in future will be severely
visited.

4. Mr. Cunliffe should
carry out his intention of
exercising his full
discretion in the proceedings
by-

W

To The Inspector General
of Police

" Govt. Pleader

" Magistrate of the Madras District

Desp 22^d

22^d

