

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	957	Press
180-181		~~Mis.~~
Dated	18.6.1883.	~~19~~

5/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
18th June 1863.*

No. 180. Read the following letter from E. B. FOORD, Esq., Acting Magistrate of Kistna District; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated Masulipatam, 23rd March 1863, No. 103.

1. My attention has been called of late to the great prevalence of gambling in the town of Masulipatam.

2. I have received information that there are several houses, where night after night, sums of money, which are large, considering the means of the players, change hands; the stakes consisting of jewels and other property, besides money.

3. The demoralization this must cause is obvious; instances have, moreover, occurred where the gamblers have had recourse to theft, to provide themselves with funds to carry on the game; and only two days ago I convicted a Police Constable of having snatched a necklace from the neck of a child, playing in the door way of a house, the thief being arrested while gambling, with the stolen necklace in his possession.

4. Under these circumstances, I would beg to recommend that the Legislature be moved to extend so much of Act XIII of 1856 (now only in force in the town of Madras), as relates to the prevention and punishment of gambling, to the town of Masulipatam, as there is no enactment in force in Mofussil towns under which a Magistrate can proceed.

5. The respectable inhabitants would, I feel sure, be glad to see authority conferred on the Magistrate which would enable him effectually to put a stop to this pernicious practice.

No. 181. ORDER THEREON, 18th June 1863, No. 957.

The Magistrate of the Kistna District, in reference to the prevalence of gambling in Masulipatam, suggests the extension to that town of so much of Act XIII, 1856, (the Presidency Towns Police Act) as relates to the prevention and punishment of gambling.

2. It does not seem to His Excellency in Council to be necessary to legislate on this matter singly and specially. When any general Police enactment is under preparation for the Mofussil, gaming or keeping gambling houses might be made punishable by it *inter alia*.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Judicial Department

Memorandum
for Orders

at the
District Court (Here enter 23rd March 1863. N. 103)

Gambling does not appear to be punishable under the Penal Code, though Mr. Mayne, in his notes on Section 268 which relates to public nuisance, refers to "keeping common gambling houses as one of the things indictable as a public nuisance;" but it appears to me that the wording of the Section is too precise to admit of gambling or keeping a gambling house being indicted as a nuisance merely on the ground of its injurious
moral

I do not think that gambling
 moral effect on the gamblers is a nuisance within
 definition in the Penal Code
 If the Government unless it is carried on as
 should think it advisable to bring in a bill for ex-
 tending the provision of section 56 to 66 of Act VIII of
 1856 to the Mofussil, it will be necessary to obtain the
 previous sanction of the
 Supreme Government

W/A

It does not seem to
 necessary to legislate
 on this matter singly &
 specially - If any formal
 Police action is taken under the
 preparation, for the purpose
 of gaming or keeping
 gambling houses in the
 to make punishable
 by it in the alien.

permanently
 WD

I apprehend it would be
 advisable to make the
 local act, formal, and
 provisions would seem
 to be effective. I would
 therefore recommend the
 sanction of the Supreme
 Govt

WD

Proceedings of the Madras Govt.

Read letter from the Ma-
gistrate of the Kistna
District

Letter 23 Mar. '53 N^o 103.

Order - 18th June 1863 N^o 954.

The Magistrate of the Kistna district, in reference to the prevalence of gambling in Masulipatam, suggests the extension to that town of so much of Act XIII-56 (the Presidency Towns Police Act), as relates to the prevention & punishment of gambling.

2. It does not seem to H. E. in Council to be necessary to legislate on this matter singly & specially, unless any general Police enactment is under preparation for the prohibition, gaming or keeping gambling houses might be made punishable by it inter alia.

The Magistrate of the
Kistna District

" Inspector Genl. of Police

dupd 20

Recd 11/30/187
957

Mr. Justice
Judicial - 1865. Department

No. 957

PROCEEDINGS OF GOVERNMENT

Dated 10th June 1863

St. A. 1991 64

*Relating to the functions
and jurisdiction of
governing authorities*

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