

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 678	Press ~~Mis.~~
83.824	
Dated 10 — 5 — 19-1864	

3/4

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
10th May 1864.*

No. 83. Read the following letter from J. W. S. WYLLIE, Esq., Under Secretary to the Government of India; to A. J. ARBUTHNOT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 9th April 1864, No. 2603.

Home Department.

I am directed to acknowledge the receipt of your letter, No. 266, dated 29th February, submitting a report on the operation of Act XIII of 1859 in the Madras Presidency; and in reply to communicate the views of the Government of India on the subject.

2. The Governor General in Council observes that the operation of the Act has not been uniform in the several Districts. Thus out of 3185 cases prosecuted by Natives throughout the Presidency no less than 2594 were in the Zillahs of Chingleput and South Arcot. Yet in both Districts together only nine defendants were punished and six compelled to give security. It is also observable that in Chingleput Artificers were concerned in 385 cases, laborers or coolies in 967, and that in South Arcot 691 defendants were Contractors. In Malabar again, where the total number of cases of all kinds is 974, it appears that 906 of the prosecutors were planters, and that of the 814 laborers or coolies against whom these planters proceeded, 64 were imprisoned and 46 made to furnish security. In Ganjam two cases occurred, in both of which the defendants were punished. In South Canara the Act has never once been put in motion. In Vizagapatam it has once been put in motion, but without result. In Tanjore there have been four cases, of which three have been pushed to a successful issue. In Tinnevely a similar result was attained in 11 cases out of 20.

3. It is possible that this great variety in the Returns received from the different Districts may in great measure be explained by the local circumstances peculiar to each District. But after every allowance has been made for the operation of this cause, there still, I am to state, remains an amount of discrepancy which the Governor General in Council fears may be attributable to a want of uniformity in the interpretation of the law.

4. The Government of Madras will, no doubt, recognize the importance of preventing any application of the Act to cases to which it is not intended to apply. And the Governor General in Council is confident that if the anomalous results noticed in this letter be found on inquiry to arise from any misinterpretation of the terms of the Act, proper steps for correcting the error will be taken by the Local Government without delay.

5. His Excellency in Council apprehends that one danger attendant upon the working of Act XIII of 1859, viz., the filing of complaints *in terrorem*, will probably be lessened by the provision made in the recent Act of the Madras Legislature (Act III of 1863), that process shall not be issued in respect of a Breach of Contract cognizable under Act XIII of 1859, until a fee of one Rupee shall have been paid for each person on whom any such process is to be served. With reference to the above remarks, I am directed to request that a further report on the working of Act XIII of 1859, in the Madras Presidency during the year 1864, may be furnished to the Government of India at the close of the year.

No. 84. ORDER THEREON, 10th May 1864, No. 678.

Ordered that copies of the foregoing letter, and of the letter from this Government referred to in it, be furnished to all Sessions Judges and Magistrates of Districts; and that they be requested

Proceedings, dated 12th August 1863, No. 1298.
Do, " 12th " 1863, " 1299.

to submit Returns for the year 1864 in the form prescribed, showing the number and nature of the cases disposed of by themselves and the officers subordinate to them respectively, under Act XIII of 1859 and (Madras) Act III of 1863.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

To the Sessions Judge of
,, Magistrate of
,, Agent in

Ed. J. Tulloch.

} with No. 266 of 1854.

*P. M. 259
25.2.69*

See O 1864. Department.

No. 0720

RECORDS OF GOVERNMENT.
1861/201-204-

2/1930-

109/87

111/100

112/100

113/100

114/100

115/100

116/100

117/100

118/100

119/100

120/100

121/100

122/100

123/100

124/100