M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	617	Press Mis.
Dated	18-12-	19 1866

132-133

3/3

Not to be folded or roughly handled

Dept 1/1930

No. 132. Read the following letter from the Magistrate of Cuddapah, to the Chief Secretary to Government, Fort Saint George; dated Cuddapah, 29th November 1866, No. 44.

In submitting the enclosed letters,* I have the honor to solicit your opinion, if the additional charge which will be incurred for bringing to Cuddapah, from Nundial, the individual, Hamed Sahib, *alias* Amdu, who is charged with Breach of Contract, under Act XIII of 1859, can be borne by the Government, as I have received no final orders from Government on the subject, subsequent to the one dated 22nd February 1865, No. 285.

* 1 Letter from the Magistrate of Kurnool, to the Assistant Magistrate of Cuddapah, dated 2nd November 1866, No. 264.
1 Do. from the Assistant Magistrate, to the Magistrate of Cuddapah, dated 13th November 1866, No. 121.

From the Assistant Magistrate, Cuddapah, to the Magistrate of Cuddapah; dated Cuddapah, 13th November 1866, No. 121.

I have the honor to inform you that a complaint was made before me, on the 30th October, against one Hamed Sahib, *alias* Amdu, for Breach of Contract under Act XIII of 1859, and, as the defendant was said to have gone to Nundial, one Rupee, for the purpose of executing the Warrant, was paid by the complainant, in accordance with Act III of 1863. I forwarded a Warrant, with postage stamps to the amount of one Rupee, to the Magistrate of Kurnool, requesting him to cause the said Hamed Sahib, *alias* Amdu, to be arrested and sent here. He replied that one Rupee was not sufficient for this purpose, and requested me to ask the complainant whether he was willing to bear all the expenses. I am of opinion that the complainant cannot be legally called on to do so, as he has complied with such provisions as Government have thought proper to enact in this matter, and that the amount required above the Rupee must be paid as a Magisterial charge, and entered in the contingent bill. I, therefore, request that you will be good enough to inform me whether there is any objection to my doing so.

2. I send, herewith, the letter from the Magistrate of Kurnool.

From the Acting Magistrate of Kurnool, to the Assistant Magistrate of Cuddapah; dated Kurnool, 3rd November 1866, No. 264.

I have to acknowledge the receipt of your letter, No. 117, dated 31st ultimo, enclosing a Warrant for the apprehension of one Hamed Sahib, *alias* Amdu, accused of Breach of Contract, under Act III of 1859, and also forwarding one Rupee in stamps. It is true that, by Section 2, Act III of 1863, the complainant can only be *required* to pay one Rupee for each person on whom a process is to be served, but, as that amount is not sufficient to pay a batta peon for conducting a person apprehended from Nundial to Cuddapah, I must ask you to inquire of the complainant whether he is willing to pay the full expenses of the batta peon for his services. The rate, I take it, might fairly be put at what is charged in the Civil Courts for service of process. The distance from Nundial to Cuddapah is within a mile or so of 80. I await your reply.

No. 133. ORDER THEREON, 18th December 1866, No. 1971.

The Magistrate is referred to G. O., 14th August 1865, No. 1126, as well as to that of the 22nd February of the same year, No. 285. The expense must be borne by Government.

(True Extract).

Chief Secretary.

To the Magistrate of Cuddapah.
„ Accountant General.

Exd. **J. H. Burns.**

18th Dec.r 1866 N.o 1971.

The Magistrate is referred to G.O. 14th August 1865 N.o 1126 as well as to that of the 22d February of the same year N.o 285. The expence must be borne by Government.

To the Magte of Cuddapah. [illegible] 21/12