

MADRAS RECORD OFFICE.

Government of Madras.

Indiv DEPARTMENT.

G.O. No.	1144	Press Mis.
Dated	18-7-1867	

Not to be folded or roughly handled

No. 208. Read the following letter from Captain T. WELDON, Magistrate of Police, Madras, to the Acting Chief Secretary to Government, Fort Saint George; dated Madras, Royapett Police Court, 29th June 1867, No. 30.

I cannot find amongst the records of this Court any Order of Government, passed under Section 4 of Act III of 1863 (Madras), with regard to the employment and remuneration of special Peons to serve processes issued in Breach of Contract cases, or with reference to the custody and disposal of sums received from complainants under Section 2 of the above-mentioned Act.

2. I learn, on inquiry, that the provisions of Act III of 1863 (Madras) have not been enforced in the Presidency town. The fees charged for processes issued under Act XIII of 1859 are those laid down in Section 121 of Act XIII of 1856 (Presidency Police Act), and the processes are served by members of the Police Force. This procedure is contrary to that specified in Act III of 1863, although I do not think that the service of the few processes issued under Act XIII of 1859 either "imposes excessive labor on the Police", or "seriously impedes the discharge of their proper duties", these being the evils to remedy which Act III of 1863 (Madras) was passed. However as the law at present forbids service of the said processes by a Police Officer, and if it is intended to continue the application of Act III of 1863 to the Presidency town, some orders from Government become necessary.

3. The average number (calculated on 1st six months of this year) of cases filed in this Court monthly under Act XIII of 1859 is nine. The highest number in any one month is seventeen, and the lowest number four.

4. It may perhaps be considered that the reasons which render the application of the provisions of Act III of 1863 (Madras) to Breach of Contract cases filed in the Mofussil may not apply with equal force to the limited area of the Presidency town, but if any difference is to prevail the present Law will require alteration.

No. 209. ORDER THEREON, 18th July 1867, No. 1144.

The Government observe that Act III (Madras) of 1863 is, by virtue of Section 6 of that Act, in force in every place to which the provisions of Act XIII of 1859 have been extended by the Governor in Council. No Police Officer in the Presidency town ought, therefore, to be called on to serve summons or execute warrants under Act XIII of 1859, although, according to the opinion of the Advocate General given in 1864, the latter Act was not intended to deprive the Magistracy of the assistance of the Police in the event of the service primarily issued under Act III of 1863 proving ineffective.

2. The only purposes for which it is competent to the Government to make rules for giving effect to the last mentioned Act are:—

1. With reference to the number of Peons to be employed.
2. The terms on which they are to be employed.
3. The rate of their remuneration.
4. The custody and disposal of the fees received under Section 3.
5. The mode of accounting for such fees.

*Proceedings of the Madras Government, Judicial Department,
18th July 1867.*

3. The Government are prepared to lay down rules, with reference to the above points, applicable to the Presidency town, and, accordingly, request the Police Magistrates marginally named to confer on the subject, and to submit such draft rules as may appear to them to be best suited to the requirements of the town.

Mr. T. G. Clarke.
Captain T. Weldon.

4. With reference to Captain Weldon's statement, to the effect that fees for processes issued under Act XIII of 1859 are at present realized under Section 121 of the Presidency Police Act XIII of 1856, the Government remark that the Section has evidently been misquoted, and that Section 2 of Act III of 1863 distinctly provides for the levy from the complainant of a fee not exceeding one Rupee for each process issued.

(True Extract).

Acting Chief Secretary.

To T. G. Clarke, Esq., Magistrate of Police.
To Captain T. Weldon, do.
To the Commissioner of Police.

Exd. H. J. Burns.

*Madras Revenue Police Court
29th June 1867.*

No 41867

From

*Captain T Weldon
Magistrate of Police
Madras.*

To

*The Honorable R. S. Ellis C.B.
Acting Chief Secretary to Govt.
Fort Saint George.*

Sir,

I cannot find amongst the records of this Court any order of Government passed under Section II of Act III of 1863 (Madras) with regard to the employment and remuneration of Special Pans to serve processes issued in Breach of Contract cases, or with reference to the custody and disposal of sums received from Complainants under Section II of the abovementioned Act

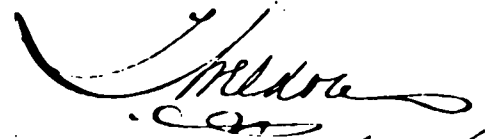
2 — I learn on enquiry that the provisions of Act III of 1863 (Madras) have not been enforced

enforced in the Presidency Town. The fees charged for processes issued under Act XIII of 1854 are those laid down in Section 121 of Act XIII of 1856 (Presidency Police Act) and the processes are served by members of the Police Force. This procedure is contrary to that specified in Act III of 1863 although I do not think that the service of the four processes issued under Act XIII of 1854 either "imposes excessive labor on the Police" or "seriously impedes the discharge of their proper duties" - these being the evils to remedy which Act III of 1863 (Madras) was passed - however as the law at present for bids service of the said processes by a Police officer, if it is intended to continue the application of Act III of 1863 to the Presidency Town some orders from Government become necessary.

3 — The average number calculated on 1st six months of this year of cases filed in the Court monthly under Act XIII

XIII of 1854 is 9. The highest number in any one month is 17, and the lowest number 4.

4 — It may perhaps be considered that the reasons which render the application of the provisions of Act III of 1863 (Madras) to Breach of Contract cases filed in the Magistrate may not apply with equal force to the limited area of the Presidency Town but if any difference is to prevail the present Law will require alteration.

I have the honor to be
Your Most Obedient Servant

Magistrate of Police

Proceedings of the Madras Government.

Read the following letter from Captain T. Hildon,
Magistrate of Police, Madras, dated 29th June 1864
No. 30.

Order No. 18 July 1864 No. 1144.

The Government observe that Act III
(Madras) of 1863 is, by virtue of Section 6
of that Act, in force in every place
to which the provisions of Act XIII of
1859 have been extended by the
Governor in Council, & which
Officer in the Presidency Town might
therefore be called on to serve sum-
mons or execute warrants under
Act XIII of 1859, although, according
to the opinion of the Advocate General
given in 1864, the latter Act was
not intended to deprive the Magis-
tracy of the assistance of the Police
in the execution of the service, primarily
intended under Act III of 1863 for
magistrates.

2. The only purposes for which it is
competent to the Government to
make rules for giving effect to
the last mentioned Act, are
1. with reference to the number of
Persons to be employed,

W.D.

over

Proceedings of the Madras Government

Order No. 18 July 1864 No. 1144

Magistrate of Police

Madras

29 June 1864

No. 1418

Order No. 18 July 1864 No. 1144

Magistrate of Police

200

Act XIII of 1859
(Meeting) III of 1863
in the Presidency Town.

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2. The terms on which they are to be employed.
3. The rate of their remuneration.
4. The custody and disposal of the fees received under section 3.
5. The mode of accounting for such fees.

3. The Government are prepared to lay down rules, with reference to the above points, applicable to the Presidency Town, and ^{accordingly request} the Police Magistrate ^{marginally named} ~~are requested~~ to confer on the subject, and such draft rules as may appear ^{to be proper} to be suited to the requirements of the Town.

With reference to Captain Helden's statement to the effect that fees for processes issued under Act XIII of 1859 are at present realized under Section 121 of the Presidency Police Act ^{XIII of 1856} the Government remark that the section has evidently been misquoted, and that Section 2 of Act III of 1863 distinctly provides for the levy for the complaint. A fee not exceeding one rupee for such process issued.

312

c. 12 July.

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all the above mentioned in
held on 7th 1864

accordingly report

Mr J. G. Clarke
Captain J. Helden

J. G. Clarke Esq. Magistrate of Police
Capt J. Helden do
Govt of Police