

- (1) பத்திரிகையின் எண்ணிக்கை 60  
 (2) புதுக்கித் திருப்பிய நாள் May 1896  
 (3) ஆதாரம் குறிப்பவர் சுருக்கொப்பம்

## தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Indral துறை

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| அரசாணை எண்.                       | அச்சகம்    |
| மு. கோப்பித் தாள் எண். <u>436</u> | பலவகை      |
| <u>(82-89)</u>                    |            |
| நாள்: <u>24 2 1881</u>            | <u>109</u> |

ரபடி கையாளவோ க.பாது.

GOVERNMENT OF MADRAS.  
JUDICIAL DEPARTMENT.

24th February 1881, No. 436.

**Madras Hackney Carriage Act.**

Read the following paper :—

No. 88. *From Colonel C. S. HEARN, C.I.E., Inspector-General of Police, to the Chief Secretary to Government, dated Madras, 6th November 1880, No. 7688.*

I have the honor to forward a letter from Colonel Swanston, Acting Commissioner of Police, submitting a memorandum of certain changes required in the Madras Hackney Carriage Act (III of 1879); also some remarks by Colonel Cloeté, the Chief Magistrate, and Colonel Swanston's replies to those remarks.

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2. In paragraph 1 of Colonel Swanston's memorandum he proposes to alter the definition of Hackney Carriage so as to include Palanquin Carriages, &c., let out by private persons or Livery Stable-keepers. This is not done in England. It appears to be done in Calcutta, and in Act XIV of 1879 the definition of Hackney Carriage is "any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept or offered or plies for hire." There would seem a difficulty in establishing a fixed rate for carriages let out by the month. Higher rates might reasonably be charged for a superior kind of carriage and horses as with job broughams and other carriages in England.

Paragraph 2 of memorandum proposes that animals as well as vehicles be inspected and licensed. This would seem impracticable (notwithstanding Colonel Swanston's reply to Colonel Cloete's remark), as the animals used must be liable to constant change.

Paragraphs 4 and 13.—Labor carts drawn by men do not appear to come within the principle of the Act. The question of lighting might be otherwise settled.

Paragraph 7.—The proposal to make Drivers' licenses run up to a fixed date (30th June) would be convenient in many ways, but some drivers would have to pay full fee for broken periods.

Paragraph 8.—No reason is given why drivers should be compelled to carry their licenses with them as well as their badge.

Paragraph 11.—The procedure proposed for settling disputes when passengers are going by rail or steamer seems rather cumbrous. The passengers themselves would probably not much appreciate this mode of settlement.

ENCLOSURE No. 1.

From Colonel W. O. SWANSTON, Acting Commissioner of Police, Madras, to the Inspector-General of Police, dated Madras, 26th October 1880, No. 927.

In accordance with Order of Government, under date the 9th September 1880, No. 2192, I have the honor to forward through you my report on the working of the Madras Town Hackney Carriage Act.

2. My report is based upon information I have received from the Reserve Inspector of Police who has had charge of the registration under the Act and the working of the same.
3. The alterations proposed are such as we feel from

3. The alterations proposed are such as we feel from experience are absolutely necessary to render the Act effective—I might almost say workable. Many of these changes now proposed are at present the law in Bombay or Bengal and are found to work well.

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செய்யப்பட்டிருக்கிறது என்று எழுதினார்  
 சென்னைப்பட்ட நான் 5/1/16

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4. One other alteration I would propose, but that will be a matter for after consideration. Under the power which, I hope, will be given the Commissioner to make subsidiary rules, is the matter of fares. The present rates do not satisfy either the public or the owners of hack carriages. It is laid down that a certain fare shall be demanded for a day, which day is to consist of twelve hours from 6 A.M. to 6 P.M. This we find is a mistake; fares ought to be for distance with extra charge for stoppages if over a certain time, and for time, so much an hour without reference to the hour of the day. Extra fare might be allowed for hire after ten at night, or as might be determined hereafter.

5. If the power of arrest is given to the Police, we shall not require any extra establishment; but should this point not be conceded, we shall require an extra establishment, which will have to be settled hereafter, but which will certainly diminish the surplus from the fees obtained.

*Act III of 1879 appears, after twelve months' trial, to require revision on the following points:—*

- 1st.—The wording of the Act as to what are Hackney Carriages.
- 2nd.—The supervision of the Hackney Carriages and Horses.
- 3rd.—Renewing the Numbers, &c., on the Hackney Carriages.
- 4th.—Fees chargeable for the Hackney Carriages.
- 5th.—Notice of Transfer of License or Sale of Carriage.
- 6th.—Powers of arresting by Police.
- 7th.—Date of Driver's License.
- 8th.—To carry License.
- 9th.—Seizure of Badges.
- 10th.—List of Fares.
- 11th.—Disputes.
- 12th.—Compensation.
- 13th.—Power to make Subsidiary Rules.

1. By the wording of the Act only such conveyances as stand about the streets and ply for hire are brought under the Act, but there are other conveyances, notably the numerous palanquin and other carriages, that are kept by private individuals and stable-keepers and are let out for hire which ought to be brought under the Act; if this were done not only would the revenue under this Act be increased very considerably, but a class of carriages and drivers that require supervision would be brought under the eye of the Police to the great benefit of the public. The Section 3 of the present Act ought to be altered as follows:—

"The words Hackney Carriage and Carriage in this Act shall mean any wheeled vehicle of whatever description which is let or plies for hire for the conveyance of passengers or goods by whatever number of horses, bullocks, other animals, or men such carriage may be drawn."

2. The present Act empowers the Commissioner of Police to inspect any vehicle previous to granting a license, but the animals that draw the vehicles require inspecting quite as much if not more than the vehicles they draw. If this power were given to the Commissioner of Police, he would at once be able to prevent cruelty to animals, such as is often now practised by the needy owners of conveyances let out for hire.

In Sections 6 and 7 after the word "vehicle" enter words "with any animal proposed to be used therewith."

3. Section 8 of the Act lays down that when "any words or figures become indistinct or obliterated, the owner of the carriage shall be bound to produce it before the Commissioner of Police, and apply to have such words or figures renewed," but it is not laid down who is to pay for this. The following addition ought to be made to Clause 2 of Section 8:—"The cost of the same, which is not to exceed two annas, to be borne by the owner of the conveyance."

4. The following alteration and addition should be made in the scale of fees payable to Commissioner for licenses issued:—

|                                                                    | RS. | A. | P. |
|--------------------------------------------------------------------|-----|----|----|
| "For every two-wheeled carriage drawn by one horse or two bullocks | 0   | 8  | 0  |
| "For every two-wheeled carriage drawn by one bullock               | 0   | 4  | 0  |
| "For every labor cart for goods only                               | 0   | 4  | 0  |

5. Owners of carriages are bound to give notice of change of residence; but it would very much facilitate the working of the Act if they were also bound to give notice of sale or transfer of their licensed conveyances. Section 13 of the Act ought to run thus:—

"Whenever any person licensed under Section 8 of this Act shall change his residence, sell, transfer, or otherwise dispose of his carriage, he shall, within one week from the date of such

change of residence, sale, transfer, or disposal of carriage, give to the Commissioner of Police a notice in writing signed by him specifying such new residence or sale, transfer or disposal of carriage."

6. With regard to the powers of arrest by Police, there is rightly a very jealous feeling as to the powers of arrest given to Police; but to make this or any other criminal act efficacious it is absolutely necessary that the Police shall have the power of arrest. With the present strict discipline enforced in the Police, with the number of highly-paid superior officers of education and intelligence employed to supervise the lower ranks, with a Magistracy jealously guarding the public from the tyranny of the Town Police authorities, we may, I think, entrust the powers of arrest to them to carry out this Act. At present, when offences are committed against the Act, all that the Police can do is to take down the number, name, and address of the offending party; they then have to refer to the register kept in the Commissioner's Office and fill in a summons, which often after no little delay is served; then they have to attend the Court, where, perhaps, the party summoned does not attend; a second process has to be obtained, and after more delay and trouble and a second attendance of the Police Officer at the Court, the case is decided and the offender fined a few annas. Cases also occur where the Police are often in doubt as to whether the man summoned is the party who offended; this must often be the case with young constables. So that constables, finding they have to go through so much labor and trouble in what to them seems a very petty business, do not do their duty as they ought in bringing breaches of this Act to notice, and the Act consequently is almost a dead letter. In Bombay and Calcutta the Police may arrest, without warrant, any one offending against these Acts; why not then in Madras?

7. By the present Act any man wishing to be a driver may apply for a license at any time during the year, and the said license is to run for *twelve* months from the date of issue. This causes great confusion and extra trouble. I would therefore propose that licenses for drivers be treated in the same way as licenses for conveyances, and that they all run up to one and the same date. The 2nd clause of Section 18 to run as follows:—

"The license shall continue in force from the date of granting to the 30th of June following, unless the same shall be sooner revoked."

I have named the 30th of June for these licenses, as I do not think we could issue the licenses for the carriages and drivers all at the same date. By having all the drivers' licenses renewable on the same date, we shall be able to have different patterns of badges for the different years, and by this means the Police will be able readily to see whether a driver has renewed his license, whereas at present it is quite impossible for us to ascertain this without a reference to the registers.

8. All drivers ought to be compelled to carry their licenses as well as their badges. I would therefore propose that Clause 2 of Section 22 be added to as follows after the word "view" "and also have his license with him."

9. Section 25 empowers the Police to seize and take away any expired or counterfeit badge, but there is nothing to meet the following cases. It often happens that a driver, who has been licensed and has obtained a badge, has a quarrel with his master, the master seizes the badge on license and has obtained a badge, has a quarrel with his master, the master seizes the badge on license, the plea that he has paid for it, he then turns off the driver who is unable to obtain a fresh one, as the Act only provides for fresh badges being given to those "who can prove to the satisfaction of the Commissioner of Police that the badge previously issued to him has been lost or destroyed." Drivers who have been thus treated have applied both to the Magistrate and Civil Court for redress without success. I would therefore suggest that Section 25 be altered as follows:—"To seize and take away any expired or counterfeit badge or badge in the possession of any person other than the driver to whom it was entrusted by the Commissioner of Police."

10. The present cards-of-fares issued to drivers are found not to answer. I would therefore suggest that Sections 31, 32, 33, and 34 be cancelled, and the following substituted:—

"Every driver must have with him, when plying for hire, a clean and legible list in English and Vernacular, with the name and number of the licensee and the authorized rates of fare, together with an abstract of the laws relating to hackney carriages, and he must produce it if demanded by any passenger."

"Penalty.—Fine of Rs. 20 or simple imprisonment not exceeding two months."

"Lists of rates and appointed stands with abstract of Hackney Carriage Act to be prepared and published by the Commissioner of Police—a fee of four annas to be charged for each copy."

"The number of license, name of licensee, and description of carriage to be entered on fly-leaf of book."

11. Section 40 does not meet all cases. For instance, supposing the hirer is quitting Madras by a train just starting or by a steamer just sailing, how can he be expected to go before a Magistrate to have the case decided, perhaps no Magistrate sitting at the time. In Bombay they have a section to meet this, and I would suggest the following addition to Section 40 after the word *ex-parte*:—"But if the dispute takes place at the harbour, pier or any railway station and the hirer be quitting Madras, the Police Officer, not being under rank of Head Constable,

will determine the sum due and receive it, together with Rs. 10 if any compensation be due under Section 41; and, having taken the name and address of the hirer and his agent, will permit him to depart and make a report of the dispute to a Magistrate, who will proceed therein according to law; any part of such sum not awarded to the driver will be returned to the hirer or his agent on demand."

12. Sections 41 and 43 treat of compensation to the owners and drivers of hack carriages, and Section 49 treats of compensation to defendants, but nowhere is compensation to complainants provided for. In many cases people cannot afford to lose the time necessary to make a complaint merely for the pleasure of seeing a hack driver fined two annas, these latter take advantage of this; but had Magistrates power to grant compensation for loss of time to plaintiffs the same to be paid by defendants, drivers would probably be more careful than they are.

13. It is absolutely necessary that the Commissioner of Police shall have power, subject to the approval of the Governor in Council, to make subsidiary rules for promoting the objects of the Act and for the better regulation of public conveyances. There is no such power given in the present Act. I would recommend that a section be introduced giving such power.

The Acting Commissioner of Police, Colonel Hicks, has framed, with the sanction of Government, a number of very good subsidiary rules and published them, and up to the present time they have not been disputed; but if they ever are and we place the offending party before a Magistrate, we shall certainly be thrown, as there is no law empowering us to make such rules. Now with regard to carrying lights at night. There is positively no law directing wheeled conveyances to carry lights. The only law touching upon the subject is Clause III, Section 50, Act VIII of 1867, which says "whoever drives any vehicle of any description (at certain times) without sufficient light." Here the first thing we have to determine is what is sufficient light. I do not consider a small oil wick, in a very small lantern, hung up in the middle of a one-bullock bandy, sufficient light; but the owner of the bandy probably does. Then, again, the conveyance must be driven; if a coachman chooses (and they often do) to get off his box and lead his horse he can do so, and we cannot touch him though he has no lights. He is not driving.

There is considerable danger from hand-carts being dragged or pushed along at night without lights; I have therefore included them in the term "Hack Conveyance" so as to bring them under the Police, which at present they are not. If we cannot force these hand-carts to carry lights, they ought not to be allowed to ply at all at night.

(Signed) W. O. SWANSTON, Colonel,  
Acting Commissioner of Police.

#### MEMORANDUM.

1. The term Hackney Carriage should be so defined as to exclude such carriages as are now hired by the month or for a longer period than one day.

2. It may be thought that the provisions of Section 55, Police Act, regarding cruelty to animals are sufficient, as no offence is committed till the animal is used; the remedy proposed may be impracticable, as there is no guarantee that the animal inspected will invariably be used in the vehicle registered.

6. Power is now given under the Act to Police Officers to arrest without warrant in Sections 15 to 25; it may be necessary to extend the power to some other sections, but not to all offences under the Act.

9. The procedure suggested would involve much trouble; perhaps the difficulty now experienced may be met by giving the Commissioner of Police power to grant duplicate licenses in cases where a sufficient reason is assigned for requiring a duplicate license.

15th October 1880.

(Signed) H. CLOETE, Colonel,  
Chief Magistrate.

This was sent in reply to a demi-official asking the Chief Magistrate for his opinion on my proposed alterations.

(Signed) W. O. SWANSTON, Colonel,  
Acting Commissioner of Police.

#### Replies to Colonel Cloete's Memorandum.

1. Perhaps Colonel Cloete's objection might be met by dividing Hackney Carriages into classes as is done in Bengal.

Class I to include all carriages hired by the month, the drivers of which need not be obliged to wear a badge. But I do not see why the owners of these carriages should escape

paying the fee the same as the owners of other carriages that ply for daily hire. The registering officer might as in Calcutta be allowed to compound for any period not exceeding a year with Livery Stable-keepers and others keeping carriages of the first class for hire, for a certain sum to be paid in lieu of all fees payable during that period for registration of such carriages.

By non-registry of this class of carriage we lose Rs. 700 or Rs. 800 per annum.

2. It is found by experience that not 20 per cent. of the owners use horses different to those brought up with the carriage; what we want is authority to make them bring their animals for inspection. If this were given and the Police allowed to arrest and bring any horse up to the Commissioner they might find being improperly used, so that the license might be withdrawn, there would be very few offences under this head; it is the delay caused by the present procedure, with the chances thus given for escape, that emboldens people to break the law and maltreat their animals.

6. Section 25 of the present Act simply authorizes seizure of badges, not arrest of party improperly using a badge. I can only repeat what I said before, the Police ought to be trusted if the Constables cannot be trusted; perhaps it might be considered safe to give the powers of arrest to all Police Officers above the rank of Constable.

9. We do not anticipate any trouble as suggested by Colonel Cloeté. Owners knowing that we have the power to compel them to give up the badges would not retain them. We ask this power to render unnecessary the issue of duplicates and the improper use of the originals.

(Signed) W. O. SWANSTON, Colonel,  
Acting Commissioner of Police.

19th October 1880.

No. 89. ORDER THEREON, 24th February 1881, No. 436.

The amendments suggested by the Acting Commissioner of Police in the Madras Hackney Carriage Act III of 1879 involve very material modifications of the principles which were deliberately approved by the Legislative Council for the purposes of the Act.

2. The amendments appear to resolve themselves into two classes—first, those affecting the principle of the Act; secondly, in matters of detail.

3. As to the first class: the omission of hackney carriages let out for a term and not plying at public stands was advisedly provided; and the propriety and expediency of extending the Act to hand-carts and goods vehicles is very questionable. The proposal to render the animals drawing registered carriages liable to inspection and license does not commend itself to Government, who agree with Colonel Hearn that it would be practically useless.

4. The alterations recommended in matters of detail are not approved. To collect a fee for renewal of numbers on carriages would afford opportunities of petty extortion which Government would not give. To raise the license fees on carriages drawn by two bullocks; to require notice of sale; to empower the Police to arrest without warrant; to make all drivers' licenses terminable on the same day; to compel drivers to carry their licenses as well as their badges, and owners to deliver up badges of dismissed drivers; and to provide for the award of special compensation to complainants prosecuting coachmen are proposals of which the necessity or advantage does not appear to be sufficiently demonstrated. With reference to Colonel Swanston's tenth suggestion as to cards-of-fares, the Government consider that the present practice should have a longer trial. The procedure proposed for the settlement of disputes between driver and hirer when the latter is quitting Madras is cumbrous and seems to supply a remedy worse than the disease.

The Commissioner's doubts regarding the validity of the present subsidiary rules for promoting the objects of the Act are not well founded. These rules merely indicate the conditions which the licensing officer will require to be fulfilled before he will be satisfied that a license can properly be issued; no Court would question his discretion.

Questions as to sufficiency of light, and the circumstances in which different vehicles are to be provided with lights, do not come within the scope of a Hackney Carriage Act, but fall to be dealt with by Police or Municipal Regulation. Government

however fully recognize the dangerous consequences to be apprehended from the present practice of allowing hand-carts to be drawn along crowded thoroughfares at night without being provided with a light, and will direct the attention of the Municipal Commissioners to the necessity of providing a remedy by appropriate bye-law under the Municipal Act V of 1878.

5. In these circumstances Government consider further legislation at present unnecessary.

(True Extract.)

Chief Secretary.

To the Inspector-General of Police.  
" Commissioner of Police.  
" President of the Municipal Commission, Madras.

Edw. T. O'Connor.

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Govt. of 1881 Madras.  
JUDICIAL.

To  
THE INSPECTOR-GENERAL OF  
POLICE.

&c., &c., &c.

Date of Filing 21st

By

Recd.

Encl.

G.O., 21st February 1881, No. 436.

FEBRUARY.

Nos. 88-89.

*Madras Hackney Carriage Act.*—Intimating,  
with reference to certain amendments suggested  
by the Acting Commissioner of Police in this  
Act, that Government consider further legislation  
at present unnecessary.



21/11/77  
No. 7688

Chief Office of the Inspector General of Police,  
Madras, 6<sup>th</sup> November 1880

From

The Inspector General of Police,

To

The Chief Secretary  
to Government  
Port St George

Sir,

Enclosures.

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Your Most Obedt Servant

Cham  
Insp. General of Police

No. 927. <sup>736</sup>  
 Madras Police  
 Commissioner's Office  
 26th October 1880.  
 From  
 Colonel W. O. Swinerton  
 Aq. Commissioner of Police  
 To Col. C. S. Hearse  
 Inspector General of Police  
 Madras.  
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 My report is based upon information  
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Recd 1880 DEPT.  
 From (H. H. H.)  
 To  
 The Inspector Genl.  
 of Police,  
 The Chief Secretary  
 to Government  
 Dated 6th January 1881  
 No. 488  
 Submitted as per order of  
 change required in the  
 clause 10 of 1879

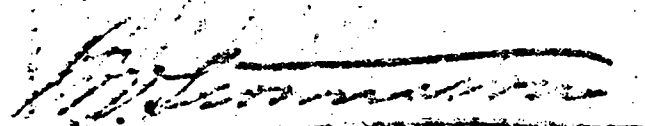
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J. B. Thompson  
Adj. Commissioner of Police

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- ✓ 6<sup>th</sup> Powers of arresting by Police.
- ✓ 7<sup>th</sup> Date of Drivers license
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- ✓ 9<sup>th</sup> Figure of Badges
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Form

The City Corporation  
of London

The Corporation of  
London

Resolved 26<sup>th</sup>  
Dec 27<sup>th</sup> October 1880

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Horse Act 1879 and  
to be made in the  
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For

For every two wheeled Carriage  
drawn by one Bullock ——— 1-4-

For every labour Cart for goods only ——— 1-4-

5. Owners of Carriages are bound to give notice of change of residence but it would very much facilitate the working of the Act if they were also bound to give notice of sale or transfer of their licensed Conveyances. Section 13 of the Act might run thus—

"Whenever any person licensed under Section 8 of this Act shall change his residence, sell transfer or otherwise dispose of his Carriage he shall within one week from the date of such change of residence sale transfer or disposal of Carriage give to the Commissioner of Police a notice in writing signed by him specifying such new residence or sale transfer or disposal of Carriage."

6. With regard to the powers of arrest by Police, there is rightly a very jealous feeling as to the powers of arrest given to Police but to make this

or

430 130  
or any other criminal act efficacious it is absolutely necessary that the Police shall have the power of arrest. With the present strict discipline enforced in the Police with the number of highly paid superior Officers of education and intelligence employed to supervise the lower ranks, with a Magistracy jealously guarding the public from the tyranny of the Town Police authorities, we may I think entrust the powers of arrest to them to carry out this Act. At present when offences are committed against the Act all that the Police can do is to take down the number name and address of the offending party, they then have to refer to the Register kept in the Commissioner's Office and fill in a summons which often after no little delay is served. Then they have to attend the Court where perhaps the party summoned does not attend a second process has to be obtained and after more delay and trouble and a second attendance of the Police Officer

at

at the Court the case is decided and  
the offender fined a few annas. Cases  
also occur where the Police are often  
in doubt as to whether the man  
summoned is the party who offended.  
This must often be the case with  
young Constables; so that Constables  
finding they have to go through so much  
labour and trouble in what to them  
seems a very petty business do not do  
their duty as they ought in bringing  
breaches of this Act to notice and the  
Act consequently is almost a dead letter.

In Bombay and Calcutta the Police  
may arrest without warrant any one  
offending against these acts why not  
then in Madras.

7. By the present Act any man wishing  
to be a driver may apply for a license  
at any time during the year and the  
said license is to run for 12 months from  
the date of issue. This causes great  
confusion and extra trouble I would  
therefore propose that licenses for  
drivers

15  
drivers be treated in the same way  
as licenses for Carriages and that  
they all run up to one and the same  
date. The 2<sup>d</sup> Clause of Section 18 to  
run as follows:

"The license shall continue in force  
from the date of granting to the 30<sup>th</sup>  
of June following, unless the same  
shall be sooner revoked."

I have named the 30<sup>th</sup> of June for  
these licenses as I do not think we  
could issue the licenses for the Carriages  
and drivers all at the same date. By  
having all the drivers licenses renewable  
on the same date we shall be able  
to have different patterns of badges  
for the different years and by this  
means the Police will be able  
readily to see whether a driver has  
renewed his license, whereas at present  
it is quite impossible for us to ascer-  
tain this without a reference to the  
Registers.

8. All drivers ought to be compelled  
to carry their licenses as well as their  
badges

badges I would therefore propose that Clause 2 of Section 22 be added to as follows after the word "view" and also "have his license with him".

9. Section 25 empowers the Police to seize and take away any expired or counterfeit badge but there is nothing to meet the following cases. It often happens that a driver who has been licensed and has obtained a badge, has a quarrel with his master, the master seizes the badge on the plea that he has paid for it, he then turns off the driver who is unable to obtain a fresh one as the Act only provides for fresh badges being given to those who can prove to the satisfaction of the Commissioner of Police that the badge previously issued to him has been lost or destroyed. Drivers who have been thus treated have applied both to the Magistrate and Civil Court for redress without success. I would therefore

therefore suggest that Section 25 be altered as follows to seize and take away any expired or counterfeit badge or badge in the possession of any person other than the driver to whom it was entrusted by the Commissioner of Police.

10. The present cards of fares issued to drivers are found not to answer. I would therefore suggest that Sections 31, 32, 33 and 34 be cancelled and the following substituted.

"Every driver must have with him when plying for hire a clean and legible list in English and Vernacular, with the name and number of the license and the authorized rates of fare together with an abstract of the laws relating to Hackney Carriages and he must produce it if demanded by any passenger."

Finally, fine of Rupees 20 or simple imprisonment not exceeding 2 months. Lists of rates and appointed stands with abstract of Hackney Carriage Act to be prepared and published by the Commissioner of Police a fee of four annas to be charged for each copy.

"The number of licences, name of licensee,  
and description of carrying to be entered  
in a fly leaf of Book."

11. Section 10 does not meet all cases.  
For instance supposing the hirer is  
quitting Madras by a train just starting  
or by a steamer just sailing how can he  
be expected to go before a Magistrate  
to have the case decided, perhaps no  
Magistrate sitting at the time. In  
Bombay they have a Section to meet this  
and I would suggest the following  
addition to Section 10 after the word  
"Copies". But if the dispute takes place  
at the Harbour, pier or any Railway  
Station and the hirer be quitting Madras,  
the Police Officer not being under power  
of Sec 2 Constable will determine the  
sum due and receive it together with  
10% if any Compensation he due  
under Section 11 and having taken the  
name and address of the hirer and his  
Agent will permit him to depart and  
make

17 433  
19 82  
"make a report of the dispute to a Magis-  
trate who will proceed therein according  
to law, any part of such sum not awarded  
to the Driver will be returned to the hirer  
or his Agent on demand."

12. Section 11 and 13 treat of Com-  
pensation to the Owners and drivers of  
Hack Carriages and Section 12, treats of  
Compensation to defendants but no-  
where is Compensation to Plaintiffs  
provided for. In many cases people  
cannot afford to lose the time necessary  
to make a Complaint merely for the  
pleasure of seeing a hack driver fined  
2 Annas, these latter take advantage  
of this, but had Magistrates power to  
grant Compensation for loss of time to  
Plaintiffs the same to be paid by  
Defendants. Drivers would probably  
be more careful than they are.

13. It is absolutely necessary that  
the Commissioner of Police shall have  
power subject to the approval of the  
Governor in Council to make subsidiary  
rules for promoting the objects of the Act

and

and for the better regulation of Public  
Conveyances. There is no such power  
given in the present Act. I would  
recommend that a section be introduced  
giving such power.

The Magistrate of Coleridge  
Hicks has framed with the sanction  
of Government a number of very good  
subsidiary rules and published them, and  
up to the present time they have not  
been disputed, but if they ever are and  
we place the offending party before  
a Magistrate, we shall certainly be  
thrown, as there is no law empowering  
us to make such rules. As to the  
regard to carrying lights at night, there  
is positively no law directing wheel  
Carriages to carry lights. The only  
law touching upon the subject is clause  
III Section 50 Act VIII of 1867 which says  
"whoever drives any vehicle of any des-  
cription (at certain times) without  
sufficient light". Here the first thing  
we have to determine is what is sufficient  
light

7-26 15 21  
light I do not consider a small oil with  
in a very small lantern hanging in the  
middle of a one Bu Clock Bandy sufficient  
light, but the Owner of the Bandy probably  
does. Then again the conveyance must  
be driven, if a Coachman chooses -  
(and they often do) to get off his box and  
lead his horse he can do so and we  
cannot touch him though he has no  
lights. He is not driving.

There is considerable danger from  
hand carts being dragged or pushed  
along at night without lights, I have  
therefore included them in the term  
"Hack Conveyance" so as to bring them  
under the Police which at present they  
are not. If we cannot force these  
hand carts to carry lights they ought  
not to be allowed to ply at all at night.

W. L. L. L.  
Magistrate of Coleridge

16

121  
15

Memorandum

222

1. The term Hackney Carriage should be so defined as to include such Carriages as are now hired by the month or for a longer period than one day.
2. It may be thought that the provisions of Section 55 Police Act regarding cruelty to animals are sufficient as no offence is committed till the animal is used. the remedy proposed may be impracticable as there is no guarantee that the animal inspected will invariably be used in the vehicle registered.
6. Power is now given under the Act to Police Officers to arrest without warrant in S.S. 15. 25. it may be necessary to extend the power to some other sections, but not to all offences under the Act.
9. The Procedure suggested would involve much trouble perhaps the difficulty now experienced may be met, by giving the Commissioner of Police power to grant duplicate licences in cases where a sufficient reason is assigned for requiring a duplicate licence.

15<sup>th</sup> October 1880.

/ signed / H. Bloctel  
Chief Magistrate

This was sent in reply to a D.O. asking the Chief Magistrate for his opinion on my proposed alterations.

130

Replies to Col. Clutterbuck's views -

1. Perhaps Col. Clutterbuck's objection might be met by dividing Hackney Carriages into classes as is done in Bengal. Class one to include all Carriages hired by the month, the drivers of which need not be obliged to wear a badge. But I do not see why the Owners of these Carriages should escape paying the fee the same as the Owners of other Carriages that ply for daily hire. The registering Officer might as in Calcutta be allowed to em-  
pound for any period not exceeding a year with Livery Stable Keepers and others keeping Carriages of the 1st Class for hire, for a certain sum to be paid in lieu of all fees payable during that period for registration of such Carriages.

By non-registration of this class of Carriage we lose Rupies 700 or 800 per Annum.

2. It is found by experience that not 20 per cent of the Owners use horses different to those brought up with the Carriage what we want is authority to make them bring their animals for inspection. If this were given and the Police allowed to arrest and bring any horse up to the Commissioner, they might find

And being improperly used, so that the  
license might be withdrawn, there would  
be very few offences under this head,  
it is the delay caused by the present  
procedure with the chances thus given  
for escape that emboldens people to  
break the law and maltreat their  
animals.

6. Section 25 of the present act simply authorizes seizure of badges not arrest of party improperly using a badge. I can only repeat what I said before the Police ought to be trusted, if the Constables cannot be trusted perhaps it might be considered safe to give the powers of arrest to all Police Officers above the rank of Constable.

9. We do not anticipate any trouble as suggested by Colonel Cloete Owners knowing that we have the power to compel them to give up the Badges would not retain them. we ask this power to render unnecessary the issue of duplicates and the improper use of the originals.

19<sup>th</sup> October 1880.

Ag. Lauridsen of Bohai

*Judicial* DEPARTMENT.

No. 374

From

The Inspector General of Police.

8<sup>th</sup> November 1880 No 7688

I see Mr. [unclear]  
 [unclear] the Bill - I will  
 [unclear] the papers, being referred to  
 [unclear] old by the Secy, in [unclear]  
 [unclear] [unclear] [unclear] [unclear] [unclear]  
 [unclear] [unclear] by his [unclear] [unclear]  
 [unclear] [unclear] - in [unclear]  
 [unclear] [unclear] by the [unclear] [unclear]  
 [unclear] [unclear] [unclear] [unclear] [unclear]

FOR ORDERS.

The Acting Commissioner  
of Police in his report on the  
working of the Madras

The Hon. Backus Carriago Act  
 (III of 1877) directs that the  
 following amendments are  
 absolutely necessary to  
 render the Act more effective

7. That the definition of 'hackney carriage' in the 3<sup>rd</sup> Clause of Section 3 be amended

The suggestions involving material modifications of the principles have been liberally approved.

Sec. 3. Cl. 3.

by the Council for the  
purpose of the Act.

amended so as to include  
carriages kept for hire by  
private individuals and  
stable-keepers, as the Act is  
at present enforced only  
against such conveyances  
as stand about the streets  
and ply for hire.

Colonel Channon suggests  
this extension to the operation  
of the Act with a view to  
bring under Police surveil-  
lance a large class of  
carriages and drivers that  
require supervision, and  
to improve the revenue  
under the Act. I have  
thought, however, that there  
will be a difficulty in  
having a rate for superior  
carriages let out by the  
month.

I think we had  
better have the Act. just  
enacted before, asking  
Mr. Coleman to bring in  
an amending bill in  
the direction suggested.

The omission of horse  
carriages not plying at  
public stands was  
deliberately provided by the  
Council. I believe the Bill  
brought by the Select. Com.  
in this respect I think -  
Equation the deficiency  
of property of finchiding  
Trucks in this Act.

I have done these  
papers carefully -  
The present meeting was  
just in the principle  
2<sup>d</sup> in matters of detail.  
see sheet

2<sup>nd</sup> I think the proposed  
extension of the Act to  
saloon carts - & good vehicles  
highly merited in 1850  
I gather do my colleagues -  
also the proposal to include  
carriages let out for a  
term exceeding a day -

2<sup>nd</sup> of the detail amendments  
No. II. I agree with Select Com  
on Act. and with Mr. Channon

III. The increase of fee  
on a bullock cart & team  
of 2 bullocks - is a very  
petty matter & so is  
the imposition of a 2<sup>nd</sup>  
charge for renewing a  
number - The latter  
would appear a charge  
very extortion which I  
cannot see.

IV. The necessity shown  
in the special objection

V. The objection showing  
the object -

VIII. no advantage -

IX. unless trouble & money

X. better have large trial -

XI. Money seems to me more than  
the danger. Since will be  
multiplied in R10. certainly

Whom he is leaving India -

~~some risk to the Government~~

XII. necessity doubtful - no particular  
cases - or number of cases - given

XIII. I agree with Mr. Huddleston that  
it is not necessary

XIV. Sufficing of light - cannot be  
well defined - but I presume it  
means such a light as will give  
notice of the vehicle to the  
approaching vehicle - also is  
proceeding with unusual caution  
than that is not I think  
required -

The lighting of hand carts is  
greater for justice & convenience  
regulation - can be improved  
dealt with by by-law of Municipal  
with reference to clause 33-a or 33d  
I think therefore no legislation necessary  
called for 1/2 2/3 1/4

month; and Colonel Cloete is of opinion that carriages hired by the month or for a longer period than a day should be excluded.

Sections 6 & 7

Japan  
S. 100/100

II. That sections 6 and 7 be amended as to place under the inspection of the Commissioners of Police, before the issue of the license, not only the carriage but also the animal proposed to be used in it. Col. Keane thinks with Colonel Cloete that this is useless, as there is no guarantee that the animal inspected will invariably be used in the carriage registered.

Section 8.

III. That an addition be made to section 8, as to make

28

make the owner liable for the  
cost of renewing the number  
on the carriage when it  
may become indistinct or  
obliterated.

It is better to arrive  
from the other side.  
H. H.

IV That the scale of fees in  
Section 10 be so amended  
as to make a two-wheeled  
carriage drawn by 2 bullocks  
liable to a higher fee than  
one drawn by a single bul-  
lock, and to make labor  
carts liable to a small  
fee. Col. Hearn does not  
think that labor carts drawn  
by men come within the  
principle of the Act.

Sec. 10.

objection H. H.  
to the 1st  
part of the  
proposition.

to H. H.

V. To make licensed owners  
give notice of sale or trans-  
fer of their carriages, in  
addition to change of  
residence, which last  
alone

Sec. 13.

No. 1. H. H.  
necessary. The law  
cannot be as strict. It is  
the object of the law  
to H. H.

22  
 almost <sup>now</sup> provided for in Sec: 13.  
 VI. To give the Police the  
 power of arrest in respect  
 to offences committed against  
 the Act, as at present all they  
 can do is to take down the  
 No., name and address of  
 the offending party & take  
 out a summons against him.  
 Col. Swanton states that in  
 Bombay and Calcutta the  
 Police arrest without warrant,  
 and Col. Bloet thinks that  
 as power is now given under  
 the Act in sections 18 & 25 it  
 might be extended to some  
 others but not to all offences  
 under the Act.  
 VII. That licenses for drivers  
 should be made to expire  
 on a fixed day just as licenses  
 for

I am in the power  
 of any person it all  
 the power it is to be to  
 take possession of the man  
 body in case of misadventure

notice Sec 18.  
 but for 2 years  
 for less than 2 years

for carriages. Col. Swanton  
proposes the 30 of June and  
thinks with different pat-  
terns of badges for different  
years, the Police will be  
able easily to detect a driver  
who has not renewed his  
license. Col. Heaton thinks  
the proposal convenient  
in many ways though  
some drivers would have  
to pay full fee for broken  
periods.

VIII. That drivers be compelled  
to carry their licenses as well  
as their badges. No reason  
is given for this.

IX. That Section 25 be so  
amended as to authorize  
the Police to take away  
from

& Sec: 4 & 5.

A fixed day & only  
one will be found  
inconvenient - as the  
licenses could not be  
renewed in  
a day. & the persons  
would inconvenience the  
traffic by withdrawing all  
the men on the same day -  
If made exp: in one  
of 4 quarter days. The  
obj: it would be attained  
with inconvenience - and  
if the broken period with  
cannot exceed 1/4 of the term  
in. No legislation is necessary  
an applicant on 15<sup>th</sup> Jan 78  
would get a license carrying  
him on to 31<sup>st</sup> March

Sec: 22. 1882 -  
Renewal license would  
be the same quarter day  
No  
No advantage apparently  
for

Sec: 25.

64/78

from any master the badge  
of a dismissed driver. Col.  
Closé looks on this provision  
as involving trouble.

Sections 31 to 34.

may be  
amended

I. That sections 31, 32, 33 & 34  
be cancelled and the pro-  
posed section substituted  
as the present cards of fares  
issued to drivers are found  
not to answer. The former  
proposed section doubles  
the fine now fixed and  
quadruples the amount  
of imprisonment awardable  
for failure to comply with  
the section.

vide Sec: 33.

Sec: 40.

II. That Section 40 be  
amended ~~etc.~~ to pro-  
vide for settlement of  
disputes

disputes between driver and  
hires, when latter is quitting  
Madras by rail or steamer.  
That Bombay has a section  
to meet such cases. Col.  
Stearns thinks the procedure  
proposed cumbersome and  
one that will not be appreciated  
by the hires.

XII. That compensation, tho'  
sufficiently provided in the  
Act in the case of owners and  
drivers of hacks (Sections 41,  
42 & 49) is nowhere provided  
for complainants who are compelled  
to resort to a Court at the loss  
of much valuable time.

XIII. That the Commr. & Co.  
gives power to make subordi-  
nary rules under the Act  
subject to the sanction of  
Govt.

Sentimentally against the ~~proposed~~

Secs: 41, 43 & 49.

The rules merely indicate  
the conditions of the license  
which will require to be  
fulfilled before he will be  
entitled to fix that a license  
can properly be issued.  
Otherwise he enforces it.  
I don't believe any of the  
question is disturbed.

By Bel

Cent. 100

This is not a matter for  
an Hacking Commission but for a Police or Municipal light  
regulation - Bel

Government, as the rules  
now in force are nowhere  
sanctioned in the Act and  
may be successfully contested  
at some future time.

XIV. To regulate the question  
of lighting in some satis-  
factory way, as at present  
clause 3 Section 50 of Act  
8 of 1867 which provides  
that "whoever drives any  
vehicle of any description  
without sufficient light,  
does not specify what is  
"sufficient light" & the section  
is defeated by the driver leading  
his horse and not driving  
it from the box. Col. Chauncey  
also proposes that hand  
carts should carry a

436  
25

Madras Machinery  
Company Ltd.

FOR ORDERS

to be forwarded to  
—  
—

60/59 436/61.

Madras Hackney  
Carriage Act

26  
16 P  
Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

37  
Insp. Genl. Phil dated 8 Nov 80 no 7888  
(Enclosures)

Order thereon 24 Feb 81 no 136

The amendments suggested by  
the Acting Commissioner of  
Police in the Madras Hackney  
Carriage Act III of 1879  
involve very material  
modifications of the principles  
which were deliberately ap-  
proved by the <sup>Legislative Council</sup> ~~Govt~~ for  
the purpose of the Act.

MR

2. The amendments appear  
to resolve themselves <sup>into</sup> under  
two <sup>classes</sup> heads, first, those af-  
fecting the principle of  
the Act, secondly, in  
matters of detail  
3. As to the first class: the  
omission of Hackney

carriages let out for a  
term, and not plying  
at public stands was  
advisedly provided;  
and the propriety & expediency of  
~~the proposed~~ extending  
the Act to hand carts &  
goods vehicles is <sup>considered</sup> highly  
inconvenient & very questionable.

The proposal to render the  
animals drawing registered  
carriages liable to inspection  
& license does not commend  
itself to Govt, who agree with  
Col Hearn that it would  
be quite impracticable  
to ~~enforce~~ <sup>enforce</sup> it.

4 The alterations recom-  
mended in matters of  
detail are not approved.  
~~themselves to Govt.~~ To collect  
a fee for renewal of numbers  
on carriages would afford  
opportunities for petty  
extortion which Govt wd  
not give. To raise the  
license fees on carriages  
drawn by two bullocks;

24

Require notice of sale;  
to empower the Police to  
arrest without warrant;  
to make <sup>all</sup> drivers licenses  
terminable on the same  
day; to compel drivers  
to carry their licenses as  
well as their badges, &  
owners to deliver up  
badges of dismissed  
drivers; & to provide for  
the award of <sup>special</sup> compensation  
to complainants pro-  
secuting ~~coaches~~ coach-  
men are proposals  
of which the necessity  
or advantage does  
not appear  
to be sufficiently  
demonstrated.  
With reference to Col.  
Swanston's tenth sug-  
gestion as to cards of  
fares, the Govt. considers

the present practice  
should have a longer  
trial. The procedure pro-  
posed for the settlement  
of disputes between  
drivers & hirers, when the  
latter is quitting Madras,  
is cumbersome and seems  
to supply a remedy worse  
than the disease.

The Commissioner's doubts  
regarding the validity of  
the present subsidiary  
rules for promoting the  
objects of the Act are  
not well founded. These  
rules merely indicate  
the conditions which the  
licensing officer will  
require to be fulfilled  
before he will be satisfied  
that a license can  
properly be issued;  
no Court would question  
his discretion.

41

Questions as to sufficiency  
of light, or the circumstances  
in which different vehicles  
are to be provided  
with lights do not come  
within the scope of a  
Hackney carriage Act,  
but fall to be dealt  
with by Police or Municipal  
Regulation. - X

x <sup>however</sup> ~~not~~ fully recognize the dangerous consequences to be apprehended from the present practice of allowing hand carts ~~and vehicles~~ to be drawn along crowded thoroughfares at night without being provided with a light, and will direct the attention of

3. In these circumstances Govt. consider further legislation <sup>apparent</sup> unnecessary.

(Franklin)

11/2

To Messrs M<sup>r</sup>  
or Com<sup>r</sup> of M<sup>r</sup>  
- President Municipal  
Com<sup>r</sup>  
Mayor

Act & V of 1878.

10/6/82

436.  
29



22-2-26

1-6-06.

30

Govt. of (1887) Madras.

*Just*



*the*  
G.O., 24 July 1881, No. 436

Nos. 88-89

Madras Machinery for  
riage Act. ~~the~~ Intimate  
with view to certain  
amendments suggested  
by the Ag. Comm. of Police  
in this Act, that for  
consider further legis-  
lation at present  
unexpedient.

