

Local & Munl. (1899) Department

MISCELLANEOUS.

G.O., No. 286 Pdnis ✓

DATED 23/2/99

[Despatch Abstract.]

Prosecution of Mr. Karel Waldeman.

Considering that it is undesirable to take any action
in the matter of the acquittal of Mr. Karel Waldeman
who was prosecuted by the Madras Munl. for failure to
^{report} present himself at the observation station according
to passport rules.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Local & Munl. (1897) Department.

CURRENT No. 1837.

Is there not another
ref. from C.R. Moore about
a Mrs Smith who was acquitted
Order *MA 30.1.99.*

H.M.

Please see Mag^s judgment.

His action was not legally
justifiable, perhaps, but it
was ~~rather~~ sensible. The
man ^{g^d} have been prosecuted
more promptly.

order No 2867 mis of 23.1.99.

The J^d does not consider
it desirable to take any

action in the matter, as
the accused person has
left the Country.

H.T.
27.1.99.

(As no action is recommended,
this has not been sent to
J^d.)

To The Plague Commr
with 4 enclos^{es} returned.

From

The Plague Commissioner
when it comes, this

Mrs Smith's papers
are linked herewith
Refer C No. 1089

Dated 26.

Received 27.

Registered 27.

Enclosures 4

Spare copies.

SUBJECT.

Submitting for the orders of Govt letter
from the President, M.C. Madras -
requesting the Plague Commr to lay
before Govt the case in which the Presy
Magistrate, Egmore, declined to issue
summons against Mr Karel Walter
man a passenger from an infected place,
and stating that notwithstanding the un-
sound reasons of the Magistrate for the re-
fusal of the same further action is im-
possible on account of the passenger's de-
parture for Europe on the 27th Decr 198.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

PLAGUE COMMISSIONER'S OFFICE.

(1899)

CURRENT No. 1089



Progs.

Letter

Ref. one No. 1089 d/26/1/9

From

President,
Municipal Commission,
Madras

H. No. 1328
B.O.

Dated 25 January 1899

Received 26-1-1899

Registered 21-1-1899

Enclosures 4

Spare copies nil

SUBJECT.

Forwarding papers in the case in which the Chief Presidency Magistrate, Egmore, declined to issue summons against his Karel Waldesman, a passenger from a plague infected place and requesting to lay the case before Government.

Submitted for the orders of Government.
2. It must it would have been better that action should have been taken on the first default, but agree with the President Members Municipal Commission that in this case the grounds for refusing to issue a summons appear to be known.

3. Further action seems impossible as the defendant is said to have left for Europe on 27th Dec.

26 January

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

URGENT.

MUNICIPALITY OF MADRAS,
Health Department,
Madras, 25 January 1899.

H. No. 1328
B.P.

From
The Hon. LIEUT.-COL. SIR GEORGE MOORE, K.T., C. I. E.,
President, Municipal Commission.

To
The Plague Commissioner,
M a d r a s.

SIR,

In forwarding the marginally noted papers, I have the honour to request that the matter may be brought to the notice of Government.

Enclosures
4

Passport No.C/1231 original.
Report from Sany.Overseer,7th Divn.
dated 25-12-98.
Charge sheet and order of Magistrate
dated 24-12-98.

It will be seen from the endorsement on the Passport that the party absented himself on the 13th December and attended on the 14th, 15th, 16th and 17th.

I fail to see how the Magistrate's contention that he "was led into committing the same offence" holds.

There is no mention of this in the order, nor is there any remark as to the great dissatisfaction to the Public which the Overseer states the Magistrate mentioned.

It seems to me that the Magistrate strained the provisions of Section 203 of the Code of Criminal Procedure - Admitting that he was not prosecuted for the first and second offence, is that any reason why he should never be prosecuted.

The

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

URGENT.

MUNICIPALITY OF MADRAS.

Health Department,

Madras, 25 January 1899.

H. No. 1328
B.P.

From

The Hon. LIEUT.-COL. SIR GEORGE MOORE, KT., C. I. E.,

President, Municipal Commission.

To

The Plague Commissioner,

Madras.

Sir,

In forwarding the marginally noted papers, I

Enclosures

4

Passport No. C/1231 original.

Report from Sany. Overseer, 7th Divn.
dated 25-12-98.

Charge sheet and order of Magistrate
dated 24-12-98.

notice of Government.

have the honour
to request that
the matter may be
brought to the

It will be seen from the endorsement on the
Passport that the party absented himself on the 13th
December and attended on the 14th, 15th, 16th and 17th.

I fail to see how the Magistrate's contention
that he "was led into committing the same offence" holds.

There is no mention of this in the order, nor
is there any remark as to the great dissatisfaction to
the Public which the Overseer states the Magistrate men-
tioned.

It seems to me that the Magistrate strained
the provisions of Section 203 of the Code of Criminal
Procedure - Admitting that he was not prosecuted for the
first and second offence, is that any reason why he should
never be prosecuted.

The

The Magistrate never raised any question as to the offence being committed - he merely refuses to issue the summons.

It is impossible for me to carry out the Plague regulations if offenders are allowed to escape in this manner.

It encourages the public to disregard the rules and discourages the subordinates.

This is not the first occasion on which I have had to complain of the administration of justice - a notable instance was Mr Curtis' case disposed of under G.O.No.1466 P. Mis dated 21st November 1898.

I would therefore ask you to lay the case before Government.

I have the honour to be,

Sir,

Your most obedient servant

W. Moore Lt.-Col.

President, Muhl. Commn.

25/11/89

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O. No.
189

DATE

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B. -

A = Copy in full.
B = Not to be copied.
C = Copy abstract only.
D = Copy heading only.