

Proc.
PROCEEDINGS OF THE PLAGUE COMMISSIONER.

(1899)

MISCELLANEOUS.

No. 562

Dated 1-3-99

Despatched 2-3-99

[Despatch Abstract.]

to Dr. K. L. (L & M)
Communicating *to Dr. K. L. (L & M)* stating that the Government does not consider it desirable to take any action in the case against Mr Karl Walderman as he has left Madras for Europe

BACK PAPERS.

No.	Date.	No.	Date.

FURTHER PAPERS.

No.	Date.	No.	Date.

PLAGUE COMMISSIONER'S OFFICE.

(1899)

CURRENT No. 2573

Chas 1089 + 2573

From The L & M Dept.

Order
Prop

No. 286 P. Mi

Communicated

to the resident, Madras Dated 23-2-99

Communicated Madras Received 28-2-99

Registered 28-2-99

Enclosures 4 to an 1099th

Spare copies

1/2/99

1/3

SUBJECT.

Stating that the Govt does not consider it desirable to take any action as the accused person Mr. Karl Walden has left Madras for Europe.

1/2/99
2. Heubner & Co
with 4 encls

Depd 2. 3. 88

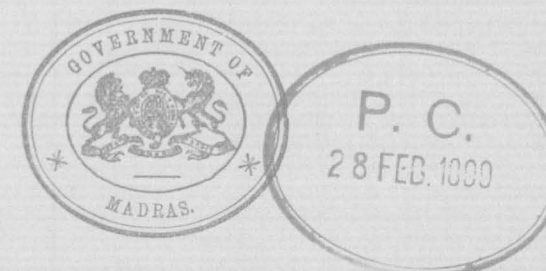
BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

LOCAL AND MUNICIPAL DEPARTMENT.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper :—

From the Plague Commissioner Ref. on C.No.1089, dated 26th January 1899, submitting for the orders of Government, letter from the President, Municipal Commission, Madras, requesting the Plague Commissioner to lay before Government the case in which the Presidency magistrate, Egmore, declined to issue summons against Mr. Karel Walderman, a passenger from an infected place and stating that notwithstanding the unsound reasons of the Magistrate for the refusal of the same, further action is impossible on account of the passenger's departure to Europe on the 27th December 1898.

Order No.286-P Misc. dated 23rd February 1899.

The Government does not consider it desirable to take any action in the matter as the accused person has left the country.

(True Extract.)

A. Edington

For Secretary to Govt.

To the Plague Commissioner with 4 enclosures returned. ✓

20/2/1899

PLAGUE COMMISSIONER'S OFFICE.

(1899)

CURRENT No. 1087

From President
Municipal Commission
Madras.

Ref on Cno 1087 of 26.1.99.
Order

No. 1328.
B.P.

Dated 25th Jan'y 1899.

Received 26-1-1899

Registered 26-1-1899.

Enclosures 4

Spare copies

SUBJECT.

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

Submitted for the order of Government.
2. No doubt it would have been better that action should have been taken at once on the first default; but I agree with the President, Madras Municipal Commission that in this case the grounds for refusing to issue a summons appear to be unsound.

3. Further action seems impossible, as the defaulter is said to have left for Europe on 27th Decemr 1898.

(Sd) L.E. Buckley.

Plague Commissioner

Dec 27/1898
at 1.15 p.m.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

O.C. C.No. 1089.

H. No. 1328
H.P.

Municipality of Madras
Health Department,
Madras 25th Jan. 1899.

From

The Hon. Lieut.-Col. Sir George Moore, K.C., C.B.,
President, Municipal Commission.

To

The Plague Commissioner,
Madras.

enclosure
4

Sir, In forwarding the marginally
noted papers, I have the honor to request
Passport No. 9/1231 original, that the matter
Report from San'y. Overseer, may be brought
7th Divn. of 25-12-98. to the notice
Charge sheet and order of of Government.
Magistrate of 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 & 17th.

I fail to see how the Magistrate's
contention that he "was led into com-
mitting 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 Magis-
trate mentioned.

It seems to me that the
Magistrate strained the provisions of
(Section

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 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. of 21st Nov. 1898.

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

I have the honour to be,
Sir,

Your most obedient servant

(signed) George Moore Lt.-Col.

President Mumb Comm.

P.L.

In the Presidency Magistrate's Court,

Egmore, Madras.

Application No. 12656 of 98.

Before Mr. E. Clarke Esq. Ag. Chief Presidency Magistrate.

Complainant.

Municipal Commissioners
for the City of Madras

S. Parankusam Naidu
Municipal Overseer

Accused.

Mr. Harel Wardelman,
Branch Buckingham
Hotel,
Mount Road,
Madras.

Charges.

That he on or about
13th 18th + 20th dates of
December 1898 did not present
himself for inspection before
the plague inspector 7th division,
being the local authority,
under Regn. 22 of the
Epidemic Diseases Act
and thereby committed
an offence punishable
under section 188 of
S. P. Code.

Order.

In this case I must decline to issue
summons as in my opinion there is
no sufficient ground for proceeding. It
appears the accused absented himself
from inspection on 13th December and
if this was thought to deserve prosecu-
tion he could easily have been summoned
before this court closed on 17. 12. 98; but
no steps were taken against him between
13th and 17th instants, between which
dates he seems to have attended;
he again absented himself on the 18th +
20th but appeared apparently on 19th + 22th;
no steps, however, were again taken against
(him)

him, thought it was publicly announced
 this Court would sit on 24-12-78, until
 nearly 3 P.M. of the 24th before which time
 the Court had risen; and now I am
 informed the accused is about to
 leave for Europe on 27th Inst; this Court
 does not again open till January 2nd 1899.
 In the above circumstances it seems to me
 that it would be improper to issue
 a summons which would probably
 have the effect of detaining the
 accused in India, when, probably,
 he may have arranged to leave it
 before the Court reopens. I therefore,
 decline to issue process in this case,
 and dealing with it under Section
 203 of the Criminal Procedure Code
 dismiss the Complaint.

24. XII 78.

(Sd) W. E. Clarke.

Jy. Chief Presidency Magistrate

Presidency Magistrates' Court.
 Egmore Madras }
 Dated 19th January 1899 }

Date of application 19th January 99

Date of Supp^y. 20th Jan'y 99

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