PROCEEDINGS OF THE PLAGUE COMMISSIONER.

(1899)

MISCELLANEOUS.

No. 566

Dated 1-3-99

Despatched 2·3·99

[Despatch Abstract.]

Miscellaneous

Communicating, to Presidt M.C G. O (L & M) stating that on a consideration of all the circumstances of the case of acquittal of Mrs Smith, the Govt does not consider that an application for revision should be made to the High Court

BACK PAPERS.

No.	Date.	No.	Date.

FURTHER PAPERS.

No.	Date.	No.	Date.

PLAGUE COMMISSIONER'S OFFICE.

(1899)

CURRENT No. 2574

Chos 1115, 1326, & 2574 of 1899

From The L & M Deptt.

Progs No. 566

~~**Order**~~

1/3

Communicated
to the President, Municipal
Commission, Madras

No. 291 P. Mis

Dated 24-2-99

Received 28-2-99

Registered 28-2-99

Enclosures C Nos 1115 & 1326 retd.

Spare copies

1/3

1/3/99

SUBJECT.

Stating that on a consideration of all the circumstances of the case of the acquittal of Mrs Smith the Govt does not consider it to be one in which an application for revision should be made to the High Court.

E
28/2

To the President M.M.C.
L & O

Despd 2. 3. 99

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

C No 2574

LOCAL AND MUNICIPAL DEPARTMENT.

P. C.
28 FE

92

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper :—

From the Plague Commissioner Ref. on C. No. 1115, dated 1st February 1899, submitting with correspondence letter from the President ~~letter~~ Municipal Commission, Madras, requesting him to move Government on the subject of the revision of the case in which the Presidency Magistrate acquitted Mrs. Smith against whom prosecution was instituted for infringement of the plague regulations and stating that he agrees with the President in his opinion about the Magistrate's remarks expressed in his letter and with the Magistrate in acquitting the accused in the case.

Order No. 291-P Misc. dated 24th February 1899.

On a consideration of all the circumstances of the case, the Government does not consider it to be one in which an application for revision should be made to the High Court.

(True Extract.)

A Edgington

For Secretary to Government.

To the Plague Commissioner with ten enclosures. returned.

93
25/3/99

PLAGUE COMMISSIONER'S OFFICE.

(1899)

VA

[illegible]

[illegible]

CURRENT No. 1115 - 12

Legislative Section

Sharp
26/1 '03

Put up Penal Code.
& Crim. Proc. Code.

Put up

12

Progs.
Letter
Ref.

P. C.
26 JAN. 1899

From

President,
Municipal Commission
Madras

H. No. 1336/B.P.

Dated 26 January 1899

Received 26-1-1899

Registered 26-1-1899

Enclosures 7

Spare copies

SUBJECT.

Forwarding papers connected with the prosecution of Mrs Smith, strongly objecting to the whole tenor of the Magistrate's strictures thereon and asking that Government be moved to call for a revision of the case.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

CN 1115

Genl. Dept.
13.

H. No. 1336
B.P.

MUNICIPALITY OF MADRAS,
Health Department,
Madras, 26 January 1899.

From

THE HON'BLE LIEUT.-COL. SIR GEORGE MOORE, KT., C. I. E.,
President, Municipal Commission.

To

The Plague Commissioner,
Madras.

SIR,

Enclosures
7

Passport No.D 1795 original.
do do duplicate.
do No.D 1794 original.
do do duplicate.
Statement from Overseer 6 S.W. d/ 20-1-99.
Letter No.213 d/ 26-12-98 from Ag.Plague Inspector 6th Divn. to Health Officer.
Calendar No.1293 of 1899.

In forwarding the marginally noted papers, I have the honour to state that Mr. and Mrs. Smith arrived at Perambore by S.W. Mail Train on 20th December 1898.

A passport was issued to Mr Smith and he informed the Sanitary Inspector on Plague duty that his wife was asleep in the train and that he would sign the passport for her - Out of consideration for Mrs.Smith the Sanitary Inspector allowed this.

It will be seen from the original Passport that Mrs. Smith was inspected on 21st & 22nd December but was absent on 23rd, 25th & 26th December.

The incident on the 25th December which the Magistrate considers it immaterial to express any opinion upon is explained in letter 213.

The Passport Inspector was perfectly right in not leaving his Office. His statement is borne out by the

the remarks on passport D 1794, made by Mr Smith.

The Magistrate quotes regulation 22 under the Epidemic Diseases Act Fort St.George Gazette September 6th 1898. He is evidently ignorant of Notification 831 Fort St.George Gazette of 18th October 1898 which amended that one.

The pass^t should have [illegible]

However that is immaterial - I will deal with the regulation quoted by the Magistrate - which is the one on the passport.

No where is there any mention of signing - the regulation merely says "Shall be released with a passport binding him to present himself daily for inspection for a period of IO days". It is evident from Mrs. Smith having presented a passport on the 21st & 22nd that she was in possession of a passport - If she was in possession of a passport she must have received it.

[illegible]

Was it necessary for the prosecution to prove a self evident fact?

Further when Mrs.Smith's case was taken up Mr Smith informed the Magistrate that he had signed the passport for her as she was asleep (Statement from Overseer).

The Magistrate's argument appears to me to be so utterly irrational that I do not think it worth while to deal with it further.

[illegible]

It is true that the Magistrate sent word to me by the Overseer asking me to take legal advice as to whether the passport signed by Mr Smith for his wife could be held to be legal.

I refused to do so as I considered that that was a point for the Magistrate to decide himself, and I did not feel justified in expending Municipal Funds because the Magistrate was unable to form an opinion of his own.

To

To the Magistrate's concluding remarks I take the strongest exception.

What stronger proof could there be than the possession of the passport the conditions of which made attendance binding.

It seems to me that it is the Municipality that has cause for complaint in having such pronouncements made on its cases.

I strongly object to the whole tenor of the Magistrate's strictures and I must ask that Government be moved to call for a revision in the interests of that justice which the Magistrate avers the Municipality ignores.

Cho 1089.
x. Papers in connection with Mr Karel Walderman submitted for the orders of Govt.

I have already brought to notice two cases of a somewhat similar nature - My letter No.$\frac{1328}{B.P.}$ x dated 25th January 1899.

In conclusion I have only to say that it is impossible for me to carry out the Regulations so long as the law is administered in this manner.

I have the honour to be,
Sir,
Your most obedient servant,

Moore Lt.-Col.

President, Munl.Commn.

1/Cno 233 P 499

Col

B.

PASSPORT No. 5796 — **ORIGINAL.**
பயணச்சீட்டு நெம்பர். — அசல்.

(To be issued to a person arriving from a plague-infected locality under Regulation 22 under the Epidemic Diseases Act, published in the "Fort St. George Gazette," dated September 6, 1898.)

1898ஆ செப்டெம்பர்மீ 6உ போர்ட் ஸெய்ன்ட் ஜார்ஜ் கெஜட்டில் பிரசுரிக்கப்பட்ட பெருவாரிவியாதி ஆக்ட்டின் 22-வது ரெகுலேஷன்படிக்கு பெருவாரிவியாதி வியாபகமாகிய இடத்திலிருந்து வரும் நபருக்கு கொடுக்கவேண்டியது.)

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1. District. Madras
ஜில்லா.

2. Station of issue. Perambur
பிறப்பிக்கும் இடம்.

3. Date of arrival. 10 11 98
வந்து இறங்கின தேதி.

4. Name of person and occupation. Mrs W Smith
நபரின் பெயரும் தொழிலும் Wife Esq.

5. Father's Name. —
தகப்பன் பெயர்.

6. Caste. European
ஜாதி.

7. Age. 24
வயது.

8. Whence coming. London via Bangalore
எவ்விடத்திலிருந்து வந்தான்.

9. Destination and residence during the next ten days (give District, Taluk, Village, Street and Number or Name of the owner of the house).
முடிவாகப்போயிருக்குமிடமும், அடுத்த பத்துநாளைக்கு இருக்கப்போகிற வாசஸ்தலமும், (ஜில்லா, தாலூக்கா, கிராமம், தெரு, வீட்டின்நம்பர் அல்லது சொந்தக்காரருடைய பெயர். ஆகிய இவைகளை யெழுதுக).

C/ Traffic Manager
M.R.

I declare the above information to be correct, and I do hereby bind myself to appear for examination, daily, for a period of ten days from this date before the Plague Inspector......C.Ds where I may be for the time being.

மேற்கூறிய சங்கதி சரியானதென்று நான் உறுதியாகச் சொல்லுகிறேன்; மேலும் 226 டிவிஷன் பிளேக் இன்ஸ்பெக்டர் முன்பாக இந்த தேதிமுதல் பத்துநாளைக்குத் தினந்தோரும் பரிசோதனைக்காக ஆஜராவதாய் இதனால் நான் உடன்படுகிறேன்.

Mrs W Smith
Signature or mark of traveller.
பிரயாணியின் கைபெழுத்து அல்லது குறி

Date 10 11 98
தேதி.

Declared and signed before me.
என்முன்பாக உறுதிமொழிகூறிக் கையெழுத்து செய்யப்பட்டது.

Signature and designation of officer issuing the passport.
பிரயாணச்சீட்டைப் பிறப்பிக்கும் உத்தியோகஸ்தருடைய கையெழுத்தும் உத்தியோகமும்.

Date 10 11 98
தேதி.

(SEE REVERSE.)
(பின்பக்கம் பார்க்க.

THOMPSON AND CO., PRINTERS, MADRAS.

B.

Endorsement of the Inspecting officer.

	Date.	Signature.	Designation.
1st day.			
2nd „	21-12-98		A.P.I 6D
3rd „	22-12-98		
4th „	23-12-98		
5th „	24-12-98		
6th „			
7th „			
8th „			
9th „			
10th „			

Absent

Forwarded to the President, Municipal Commission, Madras, the passenger having been duly inspected.

Date 31/12/98

Signature and Designation of the Examining officer.

Regulation 22 under the Epidemic Diseases Act, published in the "Fort St. George Gazette," Part I-A, dated September 6, 1898, page 260.

Every person arriving from a plague-infected place, who is not detained under the provisions of the preceding Regulation 12 or of Regulation 15 of the Regulations, published on pages 1117-1119 of Part I of the *Fort St. George Gazette*, dated 31st August 1897, shall be released with a passport binding him to present himself daily for inspection for a period of ten days before the officer named in the passport, and he shall be bound so to present himself. In case he has to leave Madras City within ten days from the date of his arrival, he shall forthwith give intimation to the inspecting officer, who shall report the fact to the local authority* of the new place of residence. On the expiry of ten days, the passport-holder shall deliver up his passport to the inspecting officer for transmission to the President, Municipal Commission, Madras.

Provided that, where it appears desirable, the President, Municipal Commission, Madras, or the Health Officer may, by endorsement on the passport, exempt any person from personal attendance and permit him to be inspected at his residence.

N.B.—Any person disobeying or evading the above or any other Plague Regulation or any order made in pursuance thereof renders himself liable to prosecution for an offence punishable under section 188 of the Indian Penal Code with imprisonment of either description for a term which may extend to six months or fine which may extend to Rs. 1,000 or both.

Offices of the Passport Examiner.

1st Dn. Births and Deaths Registration Office, Mannarsamy Coil St., Royapuram.
~~2nd do do~~ do Police Tanna, China Bazaar Road.
3rd do Municipal Office, Errabalu Chetty Street, Black Town.
4th & 5th Dns. Births and Deaths Registration Office, Smithfield Market, Vepery.
6th Dn. Police Station, Anderson's Bridge, Pantheon Road.
7th do Births and Deaths Registration Office, Police Tanna, Wallaja Road, Triplicane.
8th do do do Cutcherry Road, Mylapore.

2
233 P

Hours of Attendance.
Morning 7 to 10.
or Evening 5 to 6-30.

1
No 23

நாளது 1898ஹு செப்டம்பர்மீ 13உயிலும் அதற்குப் பிறகும் பாஸ்போர்ட் சீட்டுக் கொடுக்கப்பட்டவர்கள் பிரதிதினமும் காலே 7-மணிமுதற்கொண்டு 10-மணி வரையிலும், மாலேயில் 5-மணிமுதற்கொண்டு 6½ மணிவரையிலும் அடியிற்கண்ட இடங்களில் பரிசோதனைக்காக ஆஜராகவேண்டியது,

இராயபுரம் மன்னார்சாமி கோயில் தெருவில் இருக்கும் ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
~~சைனாபஜார் ரோட்~~ போலீஸ் டாணுவில் இருக்கும் ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
சென்னபட்டணம் எராபாலுசெட்டித் தெருவில் இருக்கும் முனிசிபல் ஆபீஸ்.
வேப்பேரி ஸ்மித்பீல்ட் மார்கட்டுக்கடுத்த ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
பாந்தியன்ரோட் அண்டரசன் வாராவதிக்கடுத்த போலீஸ் டேஷன்.
திருவல்லிக்கேணி வாலாஜாரோட்டுப் போலீஸ் டாணுவிலிருக்கும் ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
மைலாப்பூர் கச்சேரிரோட்டு ஜனனமரண ரிஜிஸ்டேஷன் ஆபீஸ்.

1898-ம் வருஷம் செப்டம்பர்மீ 6-தேதி போட் செயின்ட்ஜார்ஜ் கெஜட்டு 1-வது பாகம் எ. 260-வது பக்கத்தில் வெளிப்படுத்தப்பட்ட தொற்று வியாதிச்சட்டநிருணயத்தின் 22-வது நிபந்தனை:—

1897-ம் வருஷம் அகஸ்டுமீ 31-ம் தேதி போர்ட் செயின்ட் ஜார்ஜ் கெஜட்டு முதலாவது பாகம் 1117-வது முதல் 1119-ம் பாகம் வரையிலும், வெளிப்படுத்தப்பட்ட 12-வது அல்லது 15-வது சட்ட நிபந்தனைகளின்படி, பெருவாரிவியாதி வியாபித்திருக்குமிடத்திலிருந்து தடுக்கப்படாமல் வரும் ஒவ்வொரு மனிதனுக்கும் பிரயாணச்சீட்டு கொடுக்கப்படலாம். அப்படி பிரயாணச்சீட்டுப்பெற்ற 10-நாள் வரையிலும் ஒவ்வொரு தினமும் அதில் கண்டிருக்கும் அதிகாரிக்குமுன் பரிசோதனைக்கு வந்து ஆஜராக வேண்டியது. சென்னபட்டணத்தில் வந்து இறங்கின 10-நாளுக்குள்ளாக ஊரைவிட்டுப் போகவேண்டியிருந்தால் அவ்விஷயத்தைப் பரிசோதனை யதிகாரிக்கு உடனே தெரியப்படுத்திப் போகவேண்டும்; அவ்விஷயம் அவன் புதிதாய்ப் போகுமிடத்திலிருக்கும் அதிகாரிக்குத் தெரியப்படுத்தப்படும். பிரயாணச்சீட்டு வைத்திருப்பவன் மேற்கண்ட 10-நாள் கழிந்தபிறகு, தன்னைப் பரிசோதிக்கும் அதிகாரியினிடம் அச்சீட்டைக் கொடுத்துவிடவேண்டியது. அச்சீட்டை அவர் சென்னப்பட்டணம் முனிசிபல் பிரஸிடெண்டு துரையவர்களுக்கு அனுப்புவார்.

ஆனால், தகுதியென்று தோன்றும் விஷயத்தில், மதராஸ் முனிசிபல் பிரஸிடெண்டு துரையவர்களாவது அல்லது ஹெல்த்ஆபீசர் துரையவர்களாவது பிரயாணச்சீட்டு பெற்ற ஒருவனை அச்சீட்டின் பேரில் எழுத்துமூலமாய்ச் சோதனை ஆபீசர் முன்பு அவனேவந்து ஆஜராக வேண்டிய கட்டளையை நீக்கி அவனிருப்பிடத்திலிருந்துகொண்டே சோதனை கொடுக்கும்படி உத்தரவு செய்யலாம்.

குறிப்பு.—மேற்கண்ட நிபந்தனைகளையும் அல்லது அவைகளுக்கு அனுசரணையாக ஏற்படுத்தப்பட்டிருக்கும் மற்றெந்த ஒழுங்குகளையும் மீறி நடப்பவன், இண்டியன் பினல்கோடு 188-வது செக்ஷன்படிக்கு குற்றஞ் சாட்டப்படுவதற்கு ஏதுவாய், 6 மாதத்திற்கு மேற்படாமல் இருவகைத்தாகிய காவலில் ஒருவகைக்கும், அல்லது ரூபா 1000-க்கு அதிகப்படாத அபராதத்திற்கும், அல்லது இரண்டிற்கும் உள்ளாவான்.

சென்னபட்டணம்,
முனிசிபல் ஆபீஸ்
1898ஹு செப்டம்பர்மீ 19உ.

ஆர். இ. எல்லிஸ்,
ஆக்டிங் பிரிஸிடெண்டு,

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* *Vide* Mufassal Regulation 17 (*i*), Notification No. 444, *Fort St. George Gazette*, dated 27th May 1898, Part I-A, page 137.

B.

PASSPORT No. 51794
பிரயாணச்சீட்டு நெம்பர்.

ORIGINAL.
அசல்.

(To be issued to a person arriving from a plague-infected locality under Regulation 22 under the Epidemic Diseases Act, published in the "Fort St. George Gazette," dated September 6, 1898.)

(1898ஹு செப்டெம்பர்மீ 6உ போர்ட் ஸெய்ன்ட் ஜார்ஜ் கெஜட்டில் பிரசுரிக்கப்பட்ட பெருவாரிவியாதி ஆக்ட்டின் 22-வது ரெகுலேஷன்படிக்கு பெருவாரிவியாதி வியாபகமாகிய இடத்திலிருந்து வரும் நபருக்கு கொடுக்கவேண்டியது.)

1. District. ஜில்லா. Madras
2. Station of issue. பிறப்பிக்கும் இடம். Perambur
3. Date of arrival. வந்து இறங்கின தேதி. 20-12-98
4. Name of person and occupation. நபரின் பெயரும் தொழிலும் W. Smith Esqr Engineer
5. Father's Name. தகப்பன் பெயர். —
6. Caste. ஜாதி. European
7. Age. வயது. 31
8. Whence coming. எவ்விடத்திலிருந்து வந்தான். London via Bangalore
9. Destination and residence during the next ten days (give District, Taluk, Village, Street and Number or Name of the owner of the house). அடுத்த பத்துநாளைக்கு இருக்கப்போகிற வாசஸ்தலமும், முடிவாகப்போயிருக்குமிடமும், (ஜில்லா, தாலூக்கா, கிராமம், தெரு, வீட்டின்நம்பர் அல்லது சொந்தக்காரருடைய பெயர். ஆகிய இவைகளை யெழுதுக). c/o Traffic Manager

THOMPSON AND CO., PRINTERS, MADRAS.

Forwarded to the P.I. 2 D

20-12-98

Signature and designation of officer issuing the passport.

Date 20/12/98

(SEE REVERSE.

Forwarded to the 6D 7D
as the party lives in Richmond Hall
Mount Road.

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B.

Endorsement of the Inspecting officer.

	Date.	Signature.	Designation.
1st day.	21-12-98	MV	App 3 6 Dn
2nd „			
3rd „	22.12.98	MV	
absent 4th „	23.12.98	MV	
5th „	24 12 98	nil	
6th „			
7th „			
8th „	27 12 98		
9th „	28 12 98		
10th „			

Approach to office too far and [illegible] inspector refused [illegible] 25/12/98

Forwarded to the President, Municipal Commission, Madras, the passenger having been duly inspected.

Date 31. 12. 98

Signature and Designation of the Examining officer.

Regulation 22 under the Epidemic Diseases Act, published in the "Fort St. George Gazette," Part I-A, dated September 6, 1898, page 260.

Every person arriving from a plague-infected place, who is not detained under the provisions of the preceding Regulation 12 or of Regulation 15 of the Regulations, published on pages 1117-1119 of Part I of the *Fort St. George Gazette*, dated 31st August 1897, shall be released with a passport binding him to present himself daily for inspection for a period of ten days before the officer named in the passport, and he shall be bound so to present himself. In case he has to leave Madras City within ten days from the date of his arrival, he shall forthwith give intimation to the inspecting officer, who shall report the fact to the local authority* of the new place of residence. On the expiry of ten days, the passport-holder shall deliver up his passport to the inspecting officer for transmission to the President, Municipal Commission, Madras.

Provided that, where it appears desirable, the President, Municipal Commission, Madras, or the Health Officer may, by endorsement on the passport, exempt any person from personal attendance and permit him to be inspected at his residence.

N.B.—Any person disobeying or evading the above or any other Plague Regulation or any order made in pursuance thereof renders himself liable to prosecution for an offence punishable under section 188 of the Indian Penal Code with imprisonment of either description for a term which may extend to six months or fine which may extend to Rs. 1,000 or both.

Offices of the Passport Examiner.

1st Dn. Births and Deaths Registration Office, Mannarsamy Coil St., Royapuram.
2nd do do do Police Tanna, China Bazaar Road.
3rd do Municipal Office, Errabalu Chetty Street, Black Town.
4th & 5th Dns. Births and Deaths Registration Office, Smithfield Market, Vepery.
6th Dn. Police Station, Anderson's Bridge, Pantheon Road.
7th do Births and Deaths Registration Office, Police Tanna, Wallaja Road, Triplicane.
8th do do do Cutcherry Road, Mylapore.

Hours of Attendance.
Morning 7 to 10.
or Evening 5 to 6-30.

நாளது 1898ஹ செப்டம்பர்மீ 13உயிலும் அதற்குப் பிறகும் பாஸ்போர்ட் சீட்டுக் கொடுக்கப்பட்டவர்கள் பிரதிதினமும் காலை 7-மணிமுதற்கொண்டு 10-மணி வரையிலும், மாலையில் 5-மணிமுதற்கொண்டு 6½ மணிவரையிலும் அடியிற்கண்ட இடங்களில் பரிசோதனைக்காக ஆஜராகவேண்டும்.

இராயபுரம் மன்னார்சாமி கோயில் தெருவில் இருக்கும் ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
சைனாபஜார் ரோட போலீஸ் டாணாவில் இருக்கும் ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
சென்னபட்டணம் எர்ராபாலுசெட்டித் தெருவில் இருக்கும் முனிசிபல் ஆபீஸ்.
வேப்பேரி ஸ்மித்பீல்ட் மார்கட்டுக்கடுத்த ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
பாந்தியன்ரோட் ஆண்டரசன் வாராவதிக்கடுத்த போலீஸ் ஸ்டேஷன்.
திருவல்லிக்கேணி வாலாஜாரோட்டுப் போலீஸ் டாணாவிலிருக்கும் ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.
மைலாப்பூர் கச்சேரிரோட்டு ஜனனமரண ரிஜிஸ்ட்ரேஷன் ஆபீஸ்.

1898-ம் வருஷம் செப்டம்பர்மீ 6-தேதி போர்ட் செயின்ட்ஜார்ஜ் கெஜட்டு 1-வது பாகம் எ. 260-வது பக்கத்தில் வெளிப்படுத்தப்பட்ட தொற்றுவியாதிச்சட்ட நிருணயத்தின் 22-வது நிபந்தனை:—

1897-ம் வருஷம் அகஸ்டுமீ 31-ம் தேதி போர்ட் செயின்ட் ஜார்ஜ் கெஜட்டு முதலாவது பாகம் 1117-வது முதல் 1119-ம் பாகம் வரையிலும், வெளிப்படுத்தப்பட்ட 12-வது அல்லது 15 வது சட்ட நிபந்தனைகளின்படி, பெருவாரிவியாதி வியாபித்திருக்குமிடத்திலிருந்து தடுக்கப்படாமல் வரும் ஒவ்வொரு மனிதனுக்கும் பிரயாணச்சீட்டு கொடுக்கப்படலாம். அப்படி பிரயாணச்சீட்டுப்பெற்ற 10-நாள் வரையி[illegible] பரிசோதனைக்கு [illegible] ஆஜராக வேண்டி[illegible] மேற்கண்ட 10-நாள் கழிந்தபிறகு, தன்னை பரிசோதிக்கும் அதிகாரியினிடம் அச்சீட்டைக் கொடுத்துவிடவேண்டியது. அச்சீட்டை அவர் சென்னபட்டணம் முனிசிபல் பிரசிடெண்டு துரையவர்களுக்கு அனுப்புவார்.

ஆனால், தகுதியென்று தோன்றும் விஷயத்தில், மதராஸ் முனிசிபல் பிரசிடெண்டு துரையவர்களாவது அல்லது ஹெல்த்தாபீசர் துரையவர்களாவது பிரயாணச்சீட்டு பெற்ற ஒருவனை அச்சீட்டின் மே[illegible]ல் எழுத்துமூலமாய்ச் சோதனை ஆபீசர் முன்பு அவனேவந்து ஆஜராக வேண்டிய கட்டளையை [illegible] அவனிருப்பிடத்திலிருந்துகொண்டே சோதனை கொடுக்கும்படி உத்தரவு செய்யலாம்.

குறிப்பு.—மேற்கண்ட நிபந்தனைகளையும் அல்லது [illegible]டிருக்கும் மற்றெந்த ஒழுங்குகளையும் மீறி நடப்பவன், அவைகளுக்கு அனுசரணையாக ஏற்படுத்த[illegible] குற்றஞ் சாட்டப்படுவதற்கு ஏதுவாய், இண்டியன் பினல்கோடு 188-வது செக்ஷன்படி, 6 மாதத்திற்கு மேற்படாமல் இருவகைத்தாகிய காவலில் ஒருவகை[illegible]கும், அல்லது ரூபா 1000-க்கு அதிகப்படாத அபராதத்திற்கும், அல்லது இரண்டிற்கும் உள்ளாவான்.

சென்னபட்டணம்,
முனிசிபல் ஆபீஸ்
1898ஹ செப்டம்பர்மீ 19உ.

ஆர். இ. எல்லிஸ்,
ஆக்டிங் பிரசிடெண்ட்,

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* Vide Mufassal Regulation 17 (*i*), Notification No. 444, Fort St. George Gazette, dated 27th May 1898, Part I-A, page 137.

C.

PASSPORT No D1794 **DUPLICATE**
பயணச்சீட்டு நெம்பர். நகல்.

(To be sent forthwith to the officer appointed to conduct the 10 days' inspection.)

1. District. Madras
2. Station of issue. Perambur
3. Date of arrival. 20-12-98
4. Name of person and occupation. W. Smith Esqr Engineer
5. Father's Name. —
6. Caste. European
7. Age. 31
8. Whence coming. London via Bangalore
9. Destination and residence during the next ten days (give District, Taluk, Village, Street and Number or Name of the owner of the house.)

C/o Traffic Manager ~~Birmingham Hotel~~ M.R.

I declare the above information to be correct, and I do hereby bind myself to appear for examination, daily, for a period of ten days from this date before the Plague Inspector...2nd...Dn. where I may be for the time being.

மேற்கூறிய சங்கதி சரியானதென்று நான் உறுதியாகச் சொல்லுகிறேன்; மேலும், 2nd டிவிஷன் பிளேக் இன்ஸ்பெக்டர் முன்பாக இந்த தேதிமுதல் பத்துநாளைக்குத் தினந்தோறும் பரிசோதனைக்காக ஹாஜராவதாய் இசைவில் நான் உடன்படுகிறேன்.

Since to Birmingham Hotel Mount Road 23/12/98

Date. 20 12 98

E. Wyche Smith

Signature or mark of traveller.
பிரயாணியின் கையெழுத்து அல்லது குறி.

Declared and signed before me.

Forwarded to the P. I. 2 Dn.

20-12-98

Signature and designation of officer issuing the passport.

Date 20 12 98

Forwarded to the 6 D. 7 D. Dn. as the party lives from Birmingham Hotel Mount Road. K. [illegible] 69 : 2. D. 23-12-98

(SEE REVERSE.

THOMPSON AND CO., PRINTERS, MADRAS.

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Mudeliar,
20-1-99.

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C.

Instructions to the officer appointed to conduct the ten days' inspection.

1. The officer shall daily inspect the passenger and initial the original passport in token of the inspection.

2. He shall daily ascertain from the passenger whether there is any sickness or death in the house in which he is or has been residing. *If* the passenger is found to exhibit any symptoms of plague, or *if* any sickness or death is reported in his house, or *if* the passenger does not appear for examination on any day, the fact should be immediately reported to the President or the Health Officer of the Municipality.

3. If the passenger intimates or it is otherwise known that he desires to leave Madras within the period of ten days, the particulars of his future residence should be obtained and the fact communicated without delay to the local authority of the place of the new residence. Intimation of departure to any Railway Station in the province of Mysore should be telegraphed to the—

   (a) Assistant Surgeon on plague duty, Yesvantpur, when the destination is a station on the Mysore State Railway;

   (b) Residency Surgeon, Bangalore, when the destination is a station within Mysore Province on the Madras Railway.

4. The inspecting officer should maintain a register in the following form :—

   (1) Date of receipt of intimation.
   (2) Name of traveller.
   (3) From what infected area arriving.
   (4) Date of arrival of traveller.
   (5) Number, date and place of issue of passport.
   (6) How long kept under observation.
   (7) State of health of the traveller and other persons living in the house in which he is or has been residing.
   (8) Date of departure if occurring within ten days.
   (9) Destination.
   (10) Date of intimation of departure to the local authority of the place of destination.
   (11) Date of despatch of the passport to the President, Municipal Commission, Madras.

Statement.

On the 17th Inst. Mr. E.W. Smith was prosecuted and fined Rs. 10/- When Mrs. Smith's case was taken up, Mr. Smith informed his Worship that Mrs. Smith, who travelled with him on the same date was asleep at Perambore Station and he, in consequence, signed the pass-port on her behalf (vide original and Duplicate Pass-ports).

2. Mr. W.E. Clarke, the Chief presidency Magistrate, doubted whether the pass-port signed by Mr. Smith could legally bind Mrs. Smith to appear for inspection. The Magistrate told me that he would adjourn the case to the following day, and in the meantime I should get a legal authority to argue the point on behalf of the prosecution as I am quite incapable of dwelling on this technical point.

3. On the following day the 18th Inst. when the case was recalled I informed the Magistrate that the Municipality is not disposed to engage a Lawyer and leave the matter entirely in his Worship's hands.

(Sd) A.M. Vaiyapuri Mudeliar,
Ovr. 6 S. W. 20-1-99.

The President. for information.

(Intd) J.W.C.
20-1-99

(True copy) J. W. Cornwall
Lieut I. M. S
Health Officer
26/1/99.

6
…no 2337 of 59

5
1115 of 1899

No.213.

TO

The Health Officer,
Madras Municipality.

Sir,

P.P. No 2/1794
2/1795

A gentleman by name Mr W.Smith Engineer came by walking with Mrs. W.Smith for presenting themselves for observation yesterday evening at about 6 O'Clock in the evening. They did not come into the office room. Standing on the other side of the road he shouted "Inspector" "Inspector" "Come and examine me and this lady here". I did not go and sent my peon to tell them that I would not and cannot come out of my office room during office hours. Then muttering something which I did not exactly hear he came into the office and spoke to me in a loud disrespectful ~~misbehaviour~~ tone and manner. I chose to pocket his misbehaviour and asked him to give me his passport. He declined to give it to me and asked me to examine. I told him that I was here to examine those who produce passports and not those who do not present them. Then he showed me a paper (a passport given to inspect foreign places or so) with which I told him I had not to do anything. He grew still more angry and saying that the pen I had was a public pen took it and wrote down something in the plague passport which he took from his pocket only then and went away. Further I beg to report that he did not present himself for observation on the 23rd Instant.

There is nothing in the rules to justify this

On that 23rd evening too he sent his and Mrs.W.Smith's passports through his butler..They did not come in person and he sent words through his butler that they would come. I marked them absent on that evening since they did not come at all. I therefore under these circumstances beg you would be good enough to order me how to proceed.

I beg to remain,
Sir,
Your obedient servant,
(Sd) M. Varathachary,
Ag.P.I. 6th Divn.
26-12-98

Prosecute.

(Intld) J.W.C.
26-1298.

Forwarded to P.I. 6 Dn.

(Intld) V.B.M.
27-12-98.

Sir,

Mr. Smith was fined Rs 10/- and Mrs.Smith was acquitted.

(Sd) A.M. Vaiyapuri Mudr.
Oversr. 6 S.W.
19-1-1899.

(True copy) J. W. Cornwall
Lieut I.M.S
Health Officer
26/1/99

Exd

1/Cho. 233 P of 99

7/1125 of 1899

In the Presidency Magistrates' Court,
Egmore, Madras.
(Application No.   )
Before W.E. Clarke Esquire Ag.Chief Presidency Magistrate

Calendar No.1293 of 1899.

Complainant.	Charge.
A.M. Vyapuri Mudelly.	Failed to appear for examination before the Plague Inspector on the 23rd, 25th and 26th December 1898 contrary to Regulation No.22 under the Epidemic diseases Act of 1897 Section 188 I.P.C.
Accused.	
Mrs. W. Smith, by Mr Palman, Atty.-at-Law.	

18" Jan,899. The facts of this case are somewhat peculiar. Accused appears to have arrived at Perambore from Bangalore on 20-12-98 with her husband and it is said a passport was granted under the plague regulations which rendered it imperative for her to appear for inspection for 10 days at a Police station in the F/2 division. She did not it is alleged appear for inspection on December 24th, 25th and 26th and in consequence she is said to have rendered herself liable for prosecution under section 188 of the Penal Code.

The prosecution has proved that Mrs.Smith did not appear for inspection on 23rd and 26th December but it seems she did appear on the 25th although she was not examined as the Inspector on duty refused to leave his office and advance a distance of 20 feet (as he says) to examine her; if then Mrs.Smith was bound to attend for inspection under the regulations she must be found guilty of not appearing on the 23rd and 26th
any rate; it seems to me under existing circumstances

immaterial to express any opinion as to the incident which occurred on the 25th December. The question I have to decide is whether Mrs.Smith was legally bound to appear for inspection and has committed an offence by not doing so. The law governing the matter is embodied in regulation 22 under the Epidemic Diseases Act Fort St.George Gazette September 6th 1898. This states that every person coming from a plague infected place not detained under certain provisions of another regulation, shall be released with a passport binding him to present himself for inspection &c. In this case Mrs. Smith was released but not with a passport binding her to present herself for inspection for she is not proved either to have received or signed any passport and the prosecution has not chosen to produce any evidence to show the circumstances under which the passport produced and which purports to have been signed by one E.Smith for Mrs.W.Smith was either issued or signed. I am unable under such circumstances to find whether Mrs.Smith was legally bound to attend for inspection or not. I must perforce acquit the accused as the prosecution has not proved or attempted to prove its case. It seems to me the fact of Mrs.Smith having attended for inspection cannot be taken into account against her so as to make her guilty of an offence unless it first be proved Mrs.Smith was legally bound to attend for inspection and the prosecution failing to prove such legal necessity the case must fail.

In conclusion I cannot refrain from expressing my regret that this prosecution has been conducted as it has been done. yesterday I intimated to the prosecuting Inspector that great difficulty would arise if it were not proved that the passport issued (and on which this case is based) was binding on the accused and yet no steps have been taken to strengthen the prosecution in this respect and the action is allowed to proceed in Court without any attempt being made even to prove that Mrs. Smith had a passport granted to her at all or that under it she bound herself to present herself daily for inspection. If the think it worth while to prosecute in cases of this on that body both in the

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interests of the public and of justice to see that when it presents a case before a Court there is evidence to establish the prosecution, otherwise accused persons are unduly harassed and valuable public time absolutely wasted.

(Sd) W.E. Clarke,
Ag.Chief Presidency Magistrate.

(True copy)
(for private use).

(Sd) F. Kelly
Chief-Clerk.

Date of application..... 19-1-99
,, copy delivery .. 23-1-99
No. of words 670
Fees Rs 2--o--o.

(True copy)

J. W. Cornwall Lieut. I.M.S
Health Officer
26/1/99.

Exd

8
<No. 233 P of 99

1115 of 1899

Despatched
27/1/99

~~Ref on Case 1115/99~~

To the Chief Presidency
Magistrate. ✓

Sir

I h. th. to request that you will be so kind as to let me have, at the earliest opportunity, copies of all the records in ~~the~~ C.C. 1293/99 on your file in which Mr. Smith was prosecuted under the Epidemic Diseases Act. I shall be obliged ~~if~~ if you will comply with my request as early as possible. Any fees will be paid on hearing from you.

27/1

Desp. 27/1/99

NOTE FOR THE Plague Court

The Magte has applied to the Case a Regulation which was issued in G.O. No 8909 P dt 24-8-98 but which has been superseded by another issued in G.O. No 1314 P. dt 12-10-98. A decision based on an obsolete law is null & void.

2. The appt law applicable to the Case is:—

Every person arriving from a plague infected place ..... shall be bound to appear at a place provided for the purpose and obtain a passport binding him to present himself daily for inspection ....., and he shall be bound so to present himself

There are two obligations imposed by law — one to obtain a passport & another to present ~~him~~ oneself for inspection daily for ten days. I do not know whether lawyers would contend that the second obligation does not arise until the first obligat has been complied with. Assuming that it does (which is doubtful) the 1st obligation makes it incumbent on the passenger to obtain a passport & not on the plague authorities to issue a passport. ~~As~~ Mrs Smith failed to obtain a passport ~~with~~ and clearly she is punishable for a breach of the Regulation on the facts appearing on the record. And if the obligation to appear for examination is not contingent on the obtaining of a passport Mrs Smith committed a second offence in not appearing for examination.

3. In Mr Curtis's case too the Magistrate appears to have strained the law. He said ~~it~~ that if Reg 22 had stood alone he would have convicted Mr Curtis but that it had to be read along with Regulation exempting inoculated persons from detention when travelling. But he seems to have overlooked the fact mentioned in the very ~~Regulation~~ Regulation quoted by him that inoculated persons were "liable to have their clothes disinfected when travelling": ~~Inoculated persons cannot be discovered without the passengers~~ Now a certain amount of detention is necessary to discover whether the passenger is inoculated or not and to decide whether his clothes should be disinfected or not. If they are to be disinfected, then the inoculated person wearing them is subject to further detention under the Regulation until the clothes are disinfected. Inoculated persons are therefore subject to a certain amount of detention & the Magte appears to be wrong in assuming that an inoculated person was entirely free from detention & was therefore exempt from the passport system which he thought applied only to those who were liable to be detained.

4. It seems therefore that Mr Curtis' case & the present one are both open to revision

Sd

Ref on Cas 1115/98.

To the Chief Presidency Magistrate.

Sir,

I am to request that you will be so kind as to let me have, at the earliest opportunity, copies of all the records in Cr. C. 243/59 in your file in which the [illegible] prosecutor versus the [illegible] Curtis's [illegible] Act.

[illegible]

You will comply with my request [illegible]

[illegible]

PLAGUE COMMISSIONER'S OFFICE.

(1899)

CURRENT No. 1326

From The Chief Presidency Magistrate Madras

Order

No. 39

Dated 31-1-1899

Received 1-2-1899

Registered 1-2-1899

Enclosures 1

Spare copies

SUBJECT.

Forwarding copy of the record in connection with Mrs. W. Smith's case for failing to appear for examination before the Plague Inspector.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

In the Presidency Magistrates' Court, Egmore, Madras.

(Application no: 233)

Before W. E. Clarke Esquire Ag: Chief Presidency Magistrate

Calendar no: 1293 of 1899

Complainant	Charge.
A. M. Vaiyapuri Mudaly	Failed to appear for examination before the Plague Inspector on the 23rd 25th & 26th December 1898 contrary to Regulation no: 22 under the Epedemic Diseases Act of 1897.
Accused	
Mrs. W. Smith By Mr. C. J. Palmer attorney-at-law	Section 188 I.P.C.

17/1/99 Case is adjourned to 18/1/99

(Sd) W.E.C
17.1.99

A. M. Viayapuri Mudliar solemnly affirmed: —

Am an overseer of Municipality. I complained Mrs. Smith did not appear for inspection on 23rd, 25th & 26th December '98. I have been ordered to take out summons against her on report of Plague Inspector Vedachari

Cross-examined. –

I know nothing of facts.

1st Witness Vedachari solemnly affirmed. —

Was a Plague Inspector from 20th December '98 to 5.1.99

Mrs. Smith came to Madras from Bangalore on 20th Decr. She was given a pass-port at Perambur I know nothing about this, she appeared on 21st 22nd December. On 23rd she did attend but sent her pass-port with her boy telling him to tell me she ~~shee~~ would be there late. The boy at 6 P.m said Mrs. Smith would be present at 6.30 P.m. we close at 6.20 P.m. She did not come at 6.20 P.m. I did not see her that day. I remained till 6.40 P.m. I swear I looked at my watch and found it 6.40 P.m. On 24th She came. At 6 P.m on 25/1/99 Mr. & Mrs. Smith were standing on road and Mr. Smith asked me to come on road and examine him and his wife on road to save trouble of coming inside. He was 25 feet away. Mr. Smith did not say anything why he wanted examination on road, both were on road. I sent a constable saying I would not examine outside Office. Mr. Smith came and asked me why I refused I said I had no orders. Lady was not examined and remained on road. On 26th December Mrs. Smith did not present herself for examination.

Cross-examined: —

My Office was at Police station, Andrew's Bridge. I have no pass-port signed by Mrs. Smith I examined Mrs. Smith in the Office on 22nd December

I have no watch 2
I borrowed a watch whilst on duty. I am ordered if a person does not appear one day, to go and see them next day. I went to Birmingham Hotel between 1 and 3 P.m. I remained 2 or 3 minutes. On 26th morning I got order to attend on Smiths personally.

Why?

Prosecution closed.

Order

1. The facts of this case are somewhat peculiar.

2. Accused appears to have arrived at Perambur from Bangalore on 20/12/98 with her husband and it is said a pass-port was granted under the Plague Regulations which rendered it imperative for her to appear for inspection for 10 days at a Police Station in the F2 Division, She did not appear, it is said, for inspection on December 24th, 25th & 26th, and in consequence she is alleged to have rendered herself liable for prosecution under Section 188 of the Penal Code.

The prosecution has proved that Mrs. Smith did not appear for inspection on 23rd & 26th December, but it seems she did appear on the 25th although she was not examined as the Inspector on duty refused to leave his office and advance a distance of 20 feet (as he says) to examine her; if then Mrs. Smith was bound to attend for inspection under the regulations, she must be found guilty of not appearing on the 23rd & 26th December; at any rate it seems to me under existing circumstances immaterial to express any opinion as to the incident which occurred on the 25th December. The question I have to decide is whether Mrs. Smith was legally bound to appear for inspection and has committed an offence by not doing so. The law governing the matter is ~~extended~~ embodied in regulation 22 under the Epidemic Diseases act Fort St. George Gazette September 6 1898; this states that every person arriving from a plague infected place not detained under certain provisions of another regulation shall be released with a passport binding him to present himself for inspection &c. In this case Mrs Smith was released but not with a passport binding her to present herself for inspection for she is not proved either to have received or signed any passport and the prosecution has not chosen to produce any evidence to show the circumstances under which the passport produced and which ~~passport~~ purports to have been signed by one E. Smith for Mrs W. Smith was either ~~issued~~ issued or signed. I am unable under such circumstances to find whether Mrs. Smith was legally bound to attend for inspection or not. I must perforce ~~against~~ acquit the

the accused as the prosecution has not proved or attempted to prove its case; it seems to me the fact of Mrs Smith having attended for inspection cannot be taken into account against her so as to make her guilty of an offence unless it first —— be proved Mrs Smith was legally bound to attend for ~~pro~~ inspection and the prosecution failing to prove such legal necessity the case must fail.

In conclusion I cannot refrain from expressing my regret that this prosecution has been conducted as it has been done. Yesterday I intimated to the prosecuting Inspector that great difficulty would arise if it was not proved that the passport issued (and on which this case is based) was binding on the accused, and yet no steps have been taken to strengthen the case for the prosecution in this respect — and the action is allowed to proceed in Court without any attempt being made even to prove that Mrs Smith had a passport granted to her at all or that under it she bound herself to present herself daily for inspection.

If the Municipality think it worth while to prosecute in cases of this nature it seems to me it is incumbent on that body both in the interests of the public and of justice to see that when it presents a case before a Court there is evidence to establish the prosecution otherwise the accused persons are needlessly harassed and valuable public time absolutely wasted.

/Sd/ W. E. Clarke
Ag Chief Presidency Magistrate

(True Copy)

Presidency Magistrate's Court
Egmore Madras
Dated this 30 day of January 99

Chief Clerk

Copy applied for on: 27. 1. 99
" delivered on - 30. 1. 99
Copying fees: Rs 3 - 6 -
No: of words. 1130.

9 / Cho. 2337 of 99

1 / 1B2 } of 1899

CM 1826

No. 39

P. C.
1 - FEB. 1899

Reported with papers

Presidency Magistrates' Court,

Egmore, Madras, 31st January 1899.

From

The ag: Chief Presidency Magistrate,
Madras,

To

The Plague Commissioner
Madras

Put up papers
Crim
1/2

Sir,

I have the honour to forward a copy of the record asked for in your letter No: 1115/99 dated 27th instant. The copying charges will be met from our contingent allowance, for which there is an allotment.

I have the honour to be,
Sir,
Your most obedient servant

W. E. Clarke
Ag: Chief Presy Magistrate

10
Chr. 283 Pog 11

Aparlens 1115
Bf 1/2

~~NOTE FOR THE~~
to Hon

I have the honour to bring the enclosed papers to the notice of Government.

2. The facts are
(1) Mr & Mrs Smith arrived at Perambur on Dec. 20th 1898.
(2) Mr Smith represented that Mrs Smith was asleep, & signed the passport for her
(3) Mrs Smith reported herself for 2 days for inspection & then failed.
(4) Mrs Smith was prosecuted & acquitted.

3. No doubt the Sanitary Inspector was wrong in allowing Mr Smith to sign for Mrs Smith, but he has a by no means easy task to carry out his occasionally delicate duties.

4. I am of opinion that a passport signed by a 3rd person (except as recently provided for in the case of ~~infants~~ minors & lunatics) cannot be binding, & that Mrs Smith was rightly acquitted.

thoroughly Lt Colonel
5. I agree, however, in Sir George
Moore's protest against the tenour
of the Magistrate's remarks.
The case was a summons
case. The procedure in a
summons case is laid down
in §§ 242, 243, & 244 & 245
of the C.P.C. Mr Smith
does not appear from the record,
copy of which I have obtained
from the Presidency Magistrate's
Court, & enclose, seems to have
been pursued in accordance with
the provisions of § ~~242~~ 243 C.P.C.
Had this been pursued, the
full facts of the case ~~of~~ wd
naturally have been placed
before the Magistrate by him,
& the Magistrate would have
had only to decide whether the
passport issued was a binding
one or not. There would have
been no occasion for any adjt.,
unless the Magistrate was
unable to make up his mind
on the legal point — ~~and it~~
~~[illegible]~~
~~there had been no adjournment~~
there would have been no ground
for the Magistrate's concluding

(cf. from Lt Col. Sir George Moore's
letter draws (to the fact)

To Ang. to send L & tn
with enclosure in ord
Chas 1115 + 1326 ✓

Despd. 2/2/99.

~~NOTE FOR THE~~

remarks. The Prest. of the
M.M.C. appears to have
been right in instituting a
test case on the facts.

1/2 WB

INDIAN TELEGRAPHS. Monthly Number.

Class.

To (Office) Telephone			From (Office) Message	
Words	Day 9	Hour. 13	Minute. 27	Official Instructions
To (Person) Plague Commr.			From (Person) President Mul. Commn., Madras	

What is the situation as regards that passports case Mrs Smith.

64 Word Form.

F. C 2.

Answer by telephone

I have laid the matter before Govt. I consider agitation right, but remain neutral for

9/3

(Take note after despatch)

Recd. from LN At Hrs. Mts. by

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14/3/99

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