

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1283	Press Mis.
Dated	13-10	1870

Not to be folded or roughly handled

9/14/37

13th October 1870.

Read the following papers:—

No. 76. From the Officiating Commissioner of Police, Madras, to the Chief Secretary to Government, Fort Saint George, dated Madras, 7th September 1870, No. 42.

I have the honour to bring the following circumstances to your notice:—

1. Some weeks ago, a passage to Melbourne was ordered to be provided for a vagrant, named Ogilvie, who had, under the Vagrancy Act, entered into an agreement with the Cantonment Magistrate at Cannanore. The man's expenses to Madras were paid, and the Commissioner of Police was directed to make further arrangements, which was done, and Ogilvie directed to attend at this office on the 1st September, the day before the expected arrival of the steamer. He failed to attend, and, on the arrival of the steamer, he was nowhere to be found, and is said to have gone towards the north, having told a friend of his that he intended to go to Calcutta.

2. I have sent Descriptive Rolls of the man to the Northern Districts, and, if he is apprehended, I will prosecute him for breach of his agreement. I am mainly induced to address you on the subject, as I observe other vagrants have been similarly ordered to be provided with passage, &c., and I am not aware of anything to prevent their absconding in the same way as Ogilvie has done.

3. Ogilvie refused to go to the Vagrants' Home, and I have no power to control the movements of these men, should they refuse to place themselves under surveillance.

4. The loss to Government in this case is Ogilvie's expenses from Cannanore to Madras, Rupees 4 given to him here, and half the passage money forfeited, unless he is apprehended and sent by some other P. and O. steamer.

No. 77. From the Acting Commissioner of Police, Madras, to the Chief Secretary to Government, Fort Saint George, dated Madras, 22nd September 1870, No. 45.

In continuation of my letter, No. 43, dated 9th instant, I have the honour to report, for the information of Government, that Francis Ogilvie was prosecuted yesterday before the Magistrate of the Town Police Court, for breach of the agreement entered into by him with the Magistrate of Cannanore, under Section 17 of the Vagrancy Act, and was convicted and sentenced to six months' rigorous imprisonment.

2. I herewith forward his agreement.

No. 78. ORDER THEREON, 13th October 1870, No. 1282.

To be recorded.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

Exd. J. H. Burns.

sydney navi navi navi navi

Cost. of 1870} ~~St. John~~

PUBLIC.

Dated October, 18th.

Recd.

Ind.

G. O., 18th October 1870, No. 1282.

OCTOBER.
Nos. 76-78.

Recording letter from the Commissioner of Police,
reporting the result of the prosecution of the
vagrant Francis O'Leary for breach of the agree-
ment executed by him under the Vagrancy Act.

Articles of Agreement made this 17th day of August 1874.
Between the Secretary of State for India in Council of the
one part and Francis Ogilvie of Sydney of the other part.
Each of the parties hereto / so far as relates to the action his own
part to be performed / hereby agrees with the other of them as
follows:-

1. The said Francis Ogilvie shall proceed forthwith to the
port of Madras.
2. The said Francis Ogilvie shall there embark on board
such ship and at such time as an Officer appointed in this
behalf by the Local Government shall direct.
3. The said Francis Ogilvie shall remain on board such
ship until she shall have arrived at her port of destination.
4. The said Francis Ogilvie shall not return to India un-
til five years shall have elapsed from the date of such em-
barkation, unless specially permitted so to return by the said
Secretary of State.
5. The said Secretary of State in Council shall defray
the cost of the transit of the said Francis Ogilvie to the said port,
and of his lodging and subsistence during such transit and
during his detention / if any / at the same port, and shall contract
with the owner of the said ship or his agent for the passage of the
said Francis Ogilvie on board the said ship, and for his sub-
sistence during the voyage for which he shall embark as
aforesaid.

In Witness whereof Captain George Briggs, Canton-
ment Magistrate of Cannanore by order of His Excellency
the Governor of Fort Saint George in Council on behalf of the said
Secretary of State in Council and the said Francis Ogilvie of
Sydney have hereto set their hands the day and Year first
above written.


Francis Ogilvie

No. 43.

COMMISSIONER'S OFFICE,
Madras Police,

FROM

9th September 1870

Major A. D. Clarke

Offg. Commissioner of Police,

Madras,

TO

THE CHIEF SECRETARY TO GOVERNMENT,

~~East India Company~~

Cotacmand

SIR,

With reference to my letter No. 42
dated 7th Instant, I have the
honor to report that Agilvie has
been arrested at Kellere and will
be sent here in custody.

I have the honor to be,
Sir,

Your Most Obedt. Servant

A. D. Clarke Major

Offg. Commr of Police

In Pub. No. 1308 of 1870

Pres. 13th Oct 1870 in No. 76

Public Office Reports
From 13th October 1870

From *offg*
The Commissioner of Police,
Madras,

Mr. 1282
To The Chief Secretary
to Government,
Colacawund
~~Fort St. George,~~
No. 43

Dated 9th } September 1870.
Received 12th }

ENCLOSURES.

No. 1685
Reports that
Ogilvie has been
arrested at Koller.

No. 45

COMMISSIONER'S OFFICE,

Madras Police,

22nd Sept 1870.

FROM

Major A. D. Clote

Commissioner of Police,

Madras,

TO

THE CHIEF SECRETARY TO GOVERNMENT,

~~Fort St. George.~~

Cotacamund

SIR,

In continuation of my letter
No. 43 dated 9th Instant I have the
honour to report for the information of
Government that Francis Ogilvie
was prosecuted yesterday before
the Magistrate of the Town Police
Court for breach of the Agreement
entered into by him with the Magistrate
of Cannanore under Section 17 of
the

The Vagrancy Act and was convicted
and sentenced to six months rigorous
imprisonment.

2. I herewith forward his
agreement.

I have the honor to be,

Your most Obedt. Servant,

H. J. Clarke

Ag. Commr. of Police

Public Dept.

Mem. for Orders

Letter from the Off. Commr.
of Police — 2/7th & 9th Sept. 1870.

The Off. Commr. of
Police reports the case
of one Opilvie, whose remo-
val from India at the
expense of the State under
Section 17 of The European
Vagrancy ~~Act~~ was sanctioned
by G.O. 26th Aug 1870. N. 1077,
and who absconded from
Madras before the arrival
of the Steamer in which
his passage was engaged.

2. In this case the only
remedy available is, proce-
dure under Section 21.

Sec. 21. Any person entering into an agree-
ment under S. 17 & failing to proceed in
pursuance thereof to the port therein men-
tioned,

or refusing to embark when directed
to do so under the same Section,
or escaping from the ship in which
he has so embarked before she shall have
reached her port of destination,

shall be punishable with rigorous
imprisonment for a term which may extend
to six months.

of the Act. This Section
it will be seen, does not
expressly provide for cases
of

of absconding before embarkation. But Osilvie was directed to attend at the Police Office on the 1st Sept, the day before the expected arrival of the steamer; and the fact of his failure to attend on the day appointed, coupled with that of his having absconded from Madras, will, doubtless, be held to constitute a refusal to embark within the meaning of the Section.

3. To provide against similar cases of absconding, it is thought that a rule may be made under Section 34 of the Act, empowering Police Officers to control the movements of persons who have entered into agreements under Section 17. —

The Inspector General of Police may be requested to send in

+ in continuation of the draft Rule submitted with Letter dated 27th May 1870. N^o 665. —

+ Sec 34. "The Gov^r General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement."

9
a draft of such a rule, for submission to the Gov^t of India. It will be necessary, to secure the enforcement of the proposed rule, as well as of any other Rules under the Act, that the Act should contain a clause prescribing a penalty for wilful disobedience of such rules. A suggestion to this effect may be made to the Supreme Gov^t —

In the meanwhile, and pending the publication of Rules under Section 34 by the Supreme Gov^t, it is submitted that the Local Gov^t may issue an Order directing Police Officers to exercise the necessary surveillance over persons under agreement for removal from India under the Act, to prevent their absconding before embarkation. The terms of the Agreement prescribed by

By Section 17, under which
such persons bind themselves,
to "proceed forthwith to the
port of embarkation" and
there to "embark on board
such ship and at such
time as an officer appointed
in this behalf by the Local
Govt shall direct" - are,
it is thought, sufficient
to warrant the passing
of such an Order as a
temporary expedient.---

Public (1870) Sept.

From

The Commissioner of Police,

Madras,

To

The Chief Secretary

to Government,

Fort St. George,

No. 15

Dated 22

Received

September 1870.

ENCLOSURES. 1

~~1870/179~~
Reports that the Vagrant
Francis Agilvie was
sentenced to 6 months
Rigorous Imprisonment
for breach of the
agreement executed
by him under the
Vagrancy Act.

Read letter from the Offs. Commr. of Police
27.7.70 & 22.8.70.

18 October 1870 No. 1282
- Received.

Recd.