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Proceedings of the Madras Government, Public Department,
29th July 1870.

No. 132. Read the following letter from the Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George, dated Calicut, 30th June 1870, No. 70:—

I have the honour to request instructions on the subject of the enclosed letter from the Cantonment Magistrate at Cannanore.

2. It appears that a European has appeared before him stating that he has no means of subsistence, and wishing to sign an agreement to leave India under Section 17 of the Vagrancy Act.

3. The form of agreement appended to the Act concludes with the words "In witness whereof I (by order of the Governor in Council, on behalf of the Secretary of State,) have set my hand, &c.," and it would, therefore, seem that special authority is necessary.

4. I request that the Cantonment Magistrate may be authorized to enter into an agreement with the vagrant, and that instructions may be issued as to defraying the expense of his transit to Madras and subsistence during such transit, as provided in paragraph 5 of the agreement, and as to the authority in Madras before whom he is to present himself.

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From the Cantonment Magistrate at Cannanore, to the Magistrate of Malabar, dated Cannanore, 28th June 1870, No. 87.

In reply to your telegram of this day's date, I have the honour to state as follows:—

On Saturday last, the 25th instant, an European, by name Francis Ogilvie, appeared before me stating that he wished to have the advantage of the Vagrant Act as he had no means of subsistence, and that he had endeavoured to obtain employment, but without success, and said further that he had known of instances in which men, similarly situated as himself, had been forwarded to Madras under escort, with a view to being shipped from India on signing the requisite agreement which he was anxious to do, and that he had come from Australia in charge of horses to Colombo where his services were dispensed with; he further said that he is willing to be sent to Melbourne, Sydney, or Mauritius.

2. Having observed lately in the *Fort Saint George Gazette* that, "under the provisions of Section 27 of the European Vagrancy Act, the Governor in Council directs that prosecutions under that Act shall be instituted and conducted ordinarily by Inspectors of Police, but in their absence by Police Station-house Officers," I was at first under the impression that the full Act was now in force, and, imagining that some order on the subject might possibly have escaped my notice, I telegraphed to you to make sure, as I could find nothing in my office to give me the required information.

3. It certainly appears a hard case to the unfortunate man to have to wander about the country without any money and no means of obtaining employment, and from the very fact of his coming straight to the Magistrate wishing for the benefit of the Act to be applied to him, I cannot but think that he is a fit subject to be dealt with in the way provided for in Section 17 of the Act in question. At the same time I am at a loss to know what to do with him, for he has not as yet committed any actual crime, and does not go about asking alms at people's houses.

4. I shall be glad of your opinion in the matter as, on reference to the Act, you will observe that my doubts as to how to act arise from the following circumstances:—

Section 17 authorizing a vagrant to enter into an agreement, &c., is by Section 2 in force through the whole of British India, whereas Sections 5, 6, 7, or 8 are not so in force as yet, as far as I am aware, which must account for my having troubled you with a telegram yesterday.

*Proceedings of the Madras Government, Public Department,
29th July 1870.*

No. 133.

ORDER THEREON, 29th July 1870, No. 943.

His Excellency the Governor in Council resolves, under the provisions of Section 17 of the European Vagrancy Act, to authorize the Cantonment Magistrate of Cannanore to enter into an agreement, in the form set forth in the second Schedule annexed to the Act, with Francis Ogilvie, the European referred to in his letter to the Magistrate of Malabar.

2. The Cantonment Magistrate will send Ogilvie to Madras, where arrangements will be made by the Commissioner of Police, in communication with the Acting Master Attendant, for providing him with a free passage to Melbourne, Sydney, or the Mauritius.

3. The Government direct that the expenses incurred for the transmission of Ogilvie from Cannanore to Madras be defrayed from the assignment made in the Budget for the current year for working the European Vagrancy Act. Bills of the expenses incurred by the Cantonment Magistrate and the Commissioner of Police, respectively, will be submitted to Government for sanction.

(True Extract.)

Under Secy. to Govt.

To the Magistrate of Malabar.

- „ Cantonment Magistrate of Cannanore.
- „ Commissioner of Police, Madras.
- „ Acting Master Attendant, Madras.
- „ Accountant-General.

Exd. J. Wright.

Gobt. of 1870 Madras.

PUBLIC.

To

THE MAGISTRATE OF MALABAR.

&c.,

&c.,

&c.

Dated July, 29th.

Recd.

Encl.

G. O., 29th July 1870, No. 943.

JULY.

Nos. 132-133.

Authorizing the Contonment Magistrate of Cannanore, after entering into the required agreement with Francis Ogilvie under the European Vagrancy Act, to send him to Madras, where steps are to be taken by the Commissioner of Police, in communication with the Acting Master Attendant, for providing him with a free passage to Melbourne, Sydney, or the Mauritius.

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sioner of Police in commun-
ication with the Acting
Master Attendant for pro-
viding him with a free
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ment made in the Budget
for the current year for
working the European Va-
cancy Act. Bills of the
expenses incurred by the
Cantonment Magistrate
and the Commissioner of
Police respectively, will be
submitted to Government
for sanction.

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To The Magistrate of Malabar
- Cantonment Magistrate of Cannanore
- Commissioner of Police, Madras
- ag. Master Attendant, Madras
- Accountant General.

Francis Ogilvie

Box. of 118 } Monday

To Public

The Magd. of Malabar

Dated, July 29

1870, No 9403

Recd.

Nos. 132. 133.

Authorizing the Superintendent
Magd. of Malabar, after
satisfying as to the required
agreement with Francis Ogilvie
under the European Vagrancy
Act, to send him to Madras,
where papers are to be taken
by the Commr. of Police in Con.