Number of pages 34
15.6.37

M.R.O. 1—82 409—23-11-90

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No. 1551-51A Press / Mis.

Dated 13-10- 1871.

Not to be folded or roughly handled

Read the following papers:—

No. 55. From G. A. BALLARD, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trevandrum, 19th September 1871, No. 64.

Adverting to paragraphs 22 to 26, Government Order, No. 296, dated 9th March 1871, regarding the nomination of persons to exercise certain powers under the European Vagrancy Act in Travancore and Cochin, I have the honour to state that, when I before addressed* Government on the subject, I conceived that the police of the country, under their general powers, and, indeed, in the discharge of their ordinary duties in these States, could and would produce European vagrants before the authorities, as they have done when necessity has arisen, without farther powers from the Vagrancy Act, and that I did not think it necessary to name particular police officers for the service, although it seemed to me the nomination of certain officers to act as Justices and Magistrates might make prompt action occasionally more easy and definite.

* No. 26, dated 9th March 1870.

2. As Government pointed out that I was in error, and referred the matter for farther report after Mr. Minchin's letter† had been received, communication was again held with the Dewans, and I may now be allowed to say that, on reconsideration, I do not think any action whatever under the Act is required in these States.

† No. 42, dated 26th April 1870.

3. As Mr. Minchin observed, "Under the provisions of the treaties passed with both Travancore and Cochin, these States are bound to apprehend and deliver to the Government all Europeans, of whatever description, who may be found within their territories without regular passports from the English Government, and the simplest means, therefore, of carrying out the intention of the Vagrancy Act is for both States to carry out strictly the provisions of their treaties, and to apprehend and hand over to the nearest British Magistrate any vagrant attempting to enter their territories. This they are prepared to do, and consequently the appointment of special officers within their territories does not seem necessary." Taking this view, I hardly understand why Mr. Minchin thought Alleppy need be exceptionally treated. I do not think it need be.

4. In fact, vagrants seldom do find their way to these States; and if they do, as above-said treaty engagements authorize and indeed require their being apprehended and handed over to the British Government. The Act may provide for their future disposal, but till then does not seem required.

No. 56. From W. M. CADELL, Esq., Officiating Political Agent at Poodoocottah, to the Chief Secretary to Government, Fort St. George, dated Vallam, 16th September 1871, No. 371.

I have the honour to acknowledge the receipt of the orders of Government under date the 9th March last, Public Department, No. 296, and to state that, after giving the matter my most careful consideration, I am of opinion that it would not be expedient to invest the Sirkele of the Poodoocottah State either with the powers of a Magistrate or of a Full Power Justice of the Peace under Act XXI. of 1869.

2. The Poodoocottah State is in itself so small, and Tanjore, where there is always a Full Power Magistrate at hand, is so near, that I do not see any necessity for doing anything more than merely nominating the Deputy Karbar, or Joint Magistrate of the town of Poodoocottah, to exercise the duties of a Police Officer under the enactment. I beg, therefore, to recommend accordingly.

3. I have to apologize for the delay which has taken place in replying to the order above quoted. I was under the impression that the matter had been disposed of by Mr. Morris on his return to the district.

No. 57. From J. H. MASTER, Esq., Acting Magistrate of Bellary, to the Chief Secretary to Government, Fort St. George, dated Ramandroog, 9th May 1871, No. 41.

With reference to the Proceedings of the Government, No. 296, dated 9th March, paragraphs 22, 23, and 27, I have the honour to recommend, as regards the plateau of Ramandroog, in the territories of the Jaghiredar of Sundoor, that Captain Cromer Ashburnam, Commandant of the Depôt, be appointed to exercise the powers of a Magistrate under Sections 14, 15, 19 to 23, and 25 of the European Vagrancy Act, 1869, and also to exercise the powers of a Full Power Justice of the Peace under Sections 4 to 9 and 24. The reason of my asking that he should be allowed to perform both functions is that there is no other officer available, he himself and the medical officer being the only permanent European residents.

2. The appointment of a separate police officer is not required as our own police are stationed on the plateau.

3. With regard to the Sundoor territories generally, I would similarly recommend the name of Mr. J. Macartney, Agent to the Jaghiredar, as the person to be invested with the powers of a Magistrate under Sections 14, 15, 19 to 23, and 25 of the Act, and with those of a Full Power Justice of the Peace under Sections 4 to 9 and 24.

4. To exercise the powers of a Police Officer in the Sundoor territories, I would beg to recommend Cauzee Abdool Raheem, the Rajah's Head Police Officer, who possesses a fair knowledge of English.

No. 58. ORDER THEREON, 13th October 1871, No. 1551.

In their letters, which are noted in the margin of paragraph 23 of the Order of Government dated 9th March 1871, No. 296, the Resident in Travancore and Cochin, the Political Agent at Poodoocottah, and the Magistrate of Bellary submitted the names of the persons recommended by them to be appointed, under Section 33 of the European Vagrancy Act, to exercise in Travancore, Cochin, Poodoocottah, and Sundoor the powers conferred by that Act on Magistrates and Justices of the Peace, respectively. As they omitted, however, to state specifically what powers each of the nominees should exercise, they were directed, in paragraph 28 of the Order of Government above referred to, to supply the omission, reporting at the same time the names and official designation, if any, of the persons whom they would nominate to perform, in the Native States above named, the duties of a

Police Officer under Section 33 of the Act. The letters above recorded are the replies received with reference to that Order.

2. The Resident in Travancore and Cochin reports that, having reconsidered the subject in communication with the Dewans of those States, he does not think any action whatever, under the European Vagrancy Act, is required either in Travancore or Cochin. Mr. Ballard quotes the opinion expressed by the late Acting Resident, Mr. Minchin, that, as under the provisions of the treaties entered into with both Travancore and Cochin, these States are bound to apprehend and deliver to the Government all Europeans, of whatever description, who may be found within their territories without regular passports from the English Government, the simplest means of carrying out the intention of the Vagrancy Act is for both States to carry out strictly the provisions of their treaties by arresting and handing over to the nearest British Magistrate any vagrant attempting to enter their territories; and that, as they are prepared to do this, the appointment of special officers within their territories under Section 33 of the Act is not necessary.

3. In this opinion the Government concur; and, with the view of giving effect to the proposal above referred to for carrying out the intention of the Vagrancy Act, they resolve to direct that the Magistrates of the British Districts bordering on Travancore and Cochin will, in communication with the Resident, make the necessary arrangements for receiving and taking charge, at the frontiers of those territories, of persons of European extraction who may be apprehended as vagrants in those territories, and for having them brought up before the nearest Magistrate, Full Power Justice of the Peace, or Superintendent of Police for the purpose of being dealt with under the Vagrancy Act.

4. The Magistrate of Bellary recommends that the Commandant of the Convalescent Depôt at Ramandroog and Mr. James Macartney, the Agent to the Jaghiredar of Sundoor, be appointed under Section 33 of the Act, the former to exercise and perform, within the plateau of Ramandroog, the powers and duties conferred and imposed by the Act on a Magistrate and Full Power Justice of the Peace, and the latter to exercise and perform similar powers and duties in the Sundoor territories generally; and that Cauzee Abdool Raheem, the Jaghiredar's Head Police Officer, be appointed to exercise and perform the powers and duties of a Police Officer under the Act in those territories.

5. The Officiating Political Agent at Poodoocottah does not consider it expedient that the Sirkele of that State should be invested with either the powers of a Magistrate or those of a Full Power Justice of the Peace under the Act. He states that as the Poodoocoottah State is in itself so small, and as Tanjore, where there is always a Full Power Magistrate at hand, is so near, he does not see any necessity for doing anything more than merely nominating the Deputy Karbar, or Joint Magistrate of the town of Poodoocottah, to perform the duties of a Police Officer under the Act.

6. The Government approve of these recommendations; and an application will accordingly be submitted to the Government of India for the appointment of the several persons nominated by Messrs. Master and Cadell, as required by Section 33 of the Vagrancy Act.

Proceedings of the Madras Government, Public Department,
13th October 1871.

7. Ordered that the following letter be despatched :—

(Here enter letter, No. 1551-A, dated 13th October 1871.)

(True Extract.)

R. S. ELLIS,
Chief Secretary.

To the Resident in Travancore and Cochin.
,, Magistrate of Malabar.
,, ,, of Coimbatore.
,, ,, of Tinnevelly.
,, ,, of Madura.
,, ,, of Bellary.
,, ,, of Tanjore.
,, Inspector-General of Police.

Exd. J. Wright.

Govt. of {1871} Madras.

PUBLIC.

To

THE RESIDENT IN TRAVANCORE AND COCHIN,
&c., &c., &c.

Dated October, 13th.

Recd. Encl.

G. O., 13th October 1871, *No.* 1551.

OCTOBER.
Nos. 55—59.

Passing orders respecting the appointment of special officers under the European Vagrancy Act in the Native States in this Presidency.

PUBLIC DEPARTMENT.

No. 1551-A.

FROM

THE HON. R. S. ELLIS, C.B.,
Chief Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FOREIGN DEPARTMENT.

SIR,

I am directed to forward, for submission to the Government of India, the enclosed copy of the Proceedings of the Madras Government of this date, No. 1551, relative to the appointment of Officers in the Native States named in the margin under Section 33 of "The European Vagrancy Act, 1869;" and, with reference thereto, to request that His Excellency the Governor-General in Council will be pleased to make the following appointments, and to notify the same in the *Gazette of India*, under the provisions of the section above cited:—

Sundoor.
Poodoocottah.

(1.) The Commandant of the European Convalescent Depôt at Ramandroog to exercise and perform within the plateau of Ramandroog, in the territories of the Jaghiredar of Sundoor, the powers and duties conferred and imposed by Act XXI. of 1869 on Magistrates and Justices of the Peace exercising the full powers of a Magistrate, respectively.

(2.) Mr. James Macartney, Agent to the Jaghiredar of Sundoor, to exercise and perform similar powers and duties in the aforesaid territories generally.

(3.) Cauzee Abdool Raheem, Head Police Officer in the service of the Jaghiredar of Sundoor, to exercise and perform, in the Sundoor territories, the powers and duties conferred and imposed by the Act on Police Officers.

(4.) The Deputy Karbar of the Town of Poodoocottah to exercise and perform, in the territories belonging to the Poodoocottah State, the powers and duties conferred and imposed by the Act on Police Officers.

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

Captain, R. E.,
Acting Joint Secretary, P. W. D.,
for *Chief Secretary.*

OOTACAMUND,
13*th October* 1871.

Exd. J. Wright.

1871.

FOREIGN DEPARTMENT.

From

The Chief Secretary to Government,

Fort St. George,

To

The Secretary to the Govt. of India,

Foreign Department.

Dated 13*th October* 1871.

Recd. No. 1551-A.

Enclosure.

Forwarding ~~Proceedings of this Government~~ relative to the appointment of special officers under the European Vagrancy Act in the Native States in this Presidency.

No 291 Kurrachee Magistracy
12th September 1871

From

J. A. A. Charee Esquire
Magistrate of Kurrachee

To

The Chief Secretary
to Government
Bombay

Sir

With reference to docket No
dated 8th September 1871, I have the
honor to inform you, that with regard
to Government order No 296 dated
9th March 1871, paras 22 and 29, requiring
no reply from me, because in the
latter para Government agree with
me that it is unnecessary to appoint
any one to the Bangaree Petty
Estate.

2. With reference to para 23 I
would call your attention to my
letter No 46 dated 9th February 1870 in
which I stated all the Sections
of Peace in the District of Kurrachee
the full powers of a Magistrate

and that the two Police Officers should have the full powers of a Justice of the Peace conferred upon them.

3. The present Police Officers are Captain Frederick James Hicks Superintendent. and William James Augustus Sullivan Esqr. Asst. Superintendent.

I have the honor to be Sir Your most obedient Servant

J. Clarke

Brazenose

Mr. Secretary Phillipps

Police Magistrate

Police Regulations & Commissioners Office

S.O. No. 1551. 1/11

Noted

Police Office 1st Novr. 1871

No. 291

1/11/71 Hatton Garden

Magistrates Letter dated 30th Octr. 1871 requesting the assistance of a Police Officer called here & dated 30th Octr. 1871

Sgt. Hall 29 1/11

Entered

Political Agents Office
Vallam, Tanjore Sala
16th September 1871

From,

W. Mc Cadell Esq
Offg Political Agent
for Pandacottah

To,

The Honorable R. S. Ellis C.S.
Chief Secretary to
Government, Calcutta

Sir,

I have the honor to acknowledge the receipt of the order of Government, under date the 14th inst. Public Department, No 24, and to state that after giving the matter my most careful consideration, I am of opinion that it would not be expedient to invest the Sirkale of the Pandacottah State either with the Powers of a Magistrate or of a full Powered Justice of the Peace under Act No. 2 of 1869.

2. The Pandacottah State is in itself so small and Tanjore

where there is always a full Power
Magistrate at hand is so near,
that I do not see any necessity
for doing anything more than
merely nominating the Deputy
Harbour or Joint Magistrate of
the Town of Pondicottah to Execute
the duties of a Police Officer
under the Enactment. I beg therefore
to recommend accordingly.

I have to apologise for
the delay which has taken place
in replying to the order above quoted,
I was under the impression that
the matter had been disposed of
by Mr Morris on his return to the
District.

I have the honour to be
Sir
Your most Obedt Servt

W. M. Leslie

Offg Political Agent

Public 1871

Application

From

The Chief Secretary to Government

To

The Resident Cochin

Dated 7th March 1871

Rec'd 9th do

Answered

S.O. Nos 55 & 56

7130

Sir,

I have the honor to acknowledge the receipt of your letter No 64 dated 19th September 1870 and to intimate that the Government approve of the Magistrates appointed by you in your letter under reply.

I have &c

(Sd) T. Pycroft

Chief Secretary

Mr Commandeg

This arrangement will require to be notified

56

Residency Office

Trevandrum 19th September 1870.

No 64.

From

G. A. Ballard Esquire

Resident in Travancore & Cochin

To

The Honorable R. S. Ellis C.B.

Chief Secretary to Government

Fort St George

Ootacamund.

Sir,

Adverting to paras 22 to 26 Government Order No 296 dated 9th March 1871 regarding the nomination of persons to exercise certain powers under the European Vagrant Act in Travancore and Cochin, I have the honor to state that, when before addressed Government on the subject, I conceived that the Police of the country, under their general powers, and, indeed, in the discharge of their ordinary duties in these States, would produce European Vagrants before the authorities, as they have done when necessity has arisen, without further powers from the Vagrancy Act - and that I did not think it necessary to name particular Police Officers for the purpose, as this would be to name the nomination of certain Officers to act as Justices and Magistrates might

* R. 26 dated 9th March 1870.

make

make prompt action occasionally more
easy and definite.

2. As Government pointed out that I was in error and referred the matter for further report after Mr. Minchin's letter had been received, communication was again held with the Dewans and I may now be allowed to say that on reconsideration I do not think any action whatever under the Act is required in these States.

No. 142 dated 26 April 1870

As Mr. Minchin observed "under the provisions of the Treaties passed with both Travancore and Cochin these States are bound to apprehend and deliver to the Government all Europeans of whatever description who may be found within their territories without regular pass ports from the English Government, and the simplest plan and therefore of carrying out the intention of the Vagrancy Act, is for both States to carry out strictly the provisions of their Treaties, and to apprehend and hand over to the nearest British Magistrate any vagrant attempting to enter their territories - this they are prepared to do, and consequently the appointment of special officers within their territories does not seem necessary

necessary". Taking this view I hardly understand why Mr. Minchin thought Allepey need be exceptionally treated. I do not think it need be.

In fact Vagrants seldom do find their way to these States - and if they do, as above said treaty engagements authorize and indeed require their being apprehended and handed over to the British Government. The Act may provide for their future disposal, but till then does not seem required.

I have the honor to be
Sir
Your most Obedient Servant

[redacted]
Resident

Public Department.

PROCEEDINGS of the MARDAS GOVERNMENT.

Read the following letters:-

From the Resident of Travancore and Cochin - dated 19th Sept 1871, No 64.

" the Offg Political Agent for Pondocottah - " 16th Sept 1871, No 371.

" the Magistrate of Bellary - " 13th May 1871, No 41.

Order of Court recommd 13 October 1871. No 1551

In their letters which are noted in the margin of para 23 of the order of Govt dated 9th March 1871 No 296, the Resident in Travancore and Cochin, the Political Agent at Pondocottah and the Magistrate of Bellary submitted statements of the persons recommended by them to be appointed under section 33 of the European Vagrancy Act, to exercise in Travancore, Cochin, Pudnad

and

and Sundor the powers
conferred by that Act on
Magistrates and Justices
of the Peace respectively.
As they omitted, however, to
state specifically what powers
each of the nominees should
exercise they were directed,
in para 28 of the order of
Government above referred to,
to supply the omission repeating
at the same time the names
and official designation, if
any, of the persons whom they
would nominate to perform
in the Native States above
named, the duties of a Police
Officer under section 33 of the
Act. The letters above
recorded are the replies
received with reference to
that Order.

2. ..... The Resident
in Travancore and Cochin
reports

reports that having reconsidered
the subject in communication
with the Dewans of those
States, he does not think
any action whatever under
the European Vagrancy Act
is required either in Travancore
or Cochin. Mr Ballard
quotes the opinion expressed
by the late Ag Resident
Mr. Minchin that as under
the provisions of the Treaties
entered into with both
Travancore and Cochin
these States are bound
to apprehend and deliver to
the Government all Europeans
of whatever description who
may be found within their
territories without regular
passports from the English
Government, the simplest
means of carrying out the
intention

intention of the Vagrancy Act is for both States to carry out strictly the provisions of their Treaties by arresting and handing over to the nearest British Magistrate any Vagrant attempting to enter their territories, and that as they are prepared to do this, the appointment of special officers within their territories under Section 33. of the Act is not necessary.

3. In this opinion the Government concur; and with the view of giving effect to the proposal above referred to for carrying out the intention of the Vagrancy Act, they resolve to direct that the Magistrates of the British districts bordering

bordering on Travancore and Cochin will, in communication with the Resident, make the necessary arrangements for receiving and taking charge, at the frontiers of those territories, of persons of European extraction who may be apprehended as vagrants in those territories, and for having them brought up before the nearest Magistrate, Justice of the Peace, or Superintendent of Police for the purpose of being dealt with under the Vagrancy Act.

4. The Magistrate of Bellary recommends that the Commandant of the Convalescent Depot at Ramandroog and Mr. James Macartney, the Agent to the Jaghiredar of Sundoor

Sundoor be appointed under section 33 of the Act, the former to exercise and perform, within the plateau of Rumandroog, the powers and duties conferred and imposed by the Act on a Magistrate and Full Power Justice of the Peace, and the latter to exercise and perform similar powers and duties in the Sundoor territories generally, and that Ramjee Shanbhog the Joghee Dass Head Police officer Rahiem be appointed to exercise and perform the power and duties of a Police officer under the Act in those territories.

The offg Political Agent at Poodoocottah does not consider it expedient that the Sirkele of that State should be invested with either the powers of a Magistrate or those of a Full Power Justice of the Peace under the Act. He states that as the Poodoocottah State is in itself so small, and as Tanjore where there is always a Full Power Magistrate at hand, is so near, he does not see any necessity for doing anything more than merely nominating the Deputy Karbar or Joint Magistrate of the Town of Poodoocottah to perform the duties of a Police officer under the Act.

The Government approve of these recommendations, and an application will accordingly be submitted to

to the Government of India for the appointment of the several persons nominated by Messrs. Master and Cadell, as required by Section 33 of the Vagrancy Act.

Ordered that the following Letter be despatched.

(H. E. Letter No.)

The Resident in Travancore & Cochin
The Magistrate of Madura
The Magistrate of Tinnevelly
The Magistrate of Salem
The Magistrate of Coimbatore
The Magistrate of Malabar

Govt. of {187} Madras

Public

To

The Secretary to Government and Legislation

Dated 8th Dec 1871 } 187, No. 637.
Recd.

Nos. 55-59.

Passing orders respecting the appointment of Special Officers under the European Vagrancy Act in the Native States in this Presy.

Circ

the following appointments,
and to notify the same
in the Gazette of India,
under the provisions of the
section above cited.

(1) The Commandant
of the European Convalescent
Depot at Ramandroog,
to exercise and perform within
the plateau of Ramandroog
in the territories of the Jaghire
of Sundoor, the powers and
duties conferred and imposed
by Act XXI of 1869 on Magis-
trates and Justices of the
Peace exercising the full
powers of a Magistrate,
respectively.

(2) Mr. James Macarthey,
Agent to the Jaghiredar of
Sundoor, to exercise and perform
similar powers, and duties
in

in the aforesaid territories
generally.

(3) Abdool Kareem the
Head Police Officer in the
service of the Jaghiredar of
Sundoor, to exercise and perform
in the Sundoor territories the
powers and duties conferred and
imposed by the Act on Police
officers.

(4) The Deputy Harbour
of the Town of Pondicherry
to exercise and perform in the
territories belonging to the
Pondicherry States, the powers
and duties conferred and
imposed by the Act on
Police officers.

Attested
13 Oct 71

dup 23/10
with Letter of Bom. 1551

29

Public Department.

No. 1557 A

To

The Secretary to Government

of India.

Foreign Department.

Sir,

I am directed to
forward for submission to
the Government of India
the enclosed copy of the
Proceedings of the Govern
under date the
No. 1551 , relative to the
appointment of officers in
the Statue Statutes named
in the margin, under
Section 33 of the European
Vagrancy Act, 1869,
with reference thereto, to req
that His Excellency the
Governor General in Council
will be pleased to make
the

A/A

S D S

Sundoor.
Poodoocottah.

18 , Department

No.

To

The Secretary to the
Government of

Department

Dated 187

187.

Foreign DEPARTMENT

From

The Chief Secretary to Government,
Fort Saint George,

To

The Secretary to the Govt. of India,
Foreign Department.

Dated 6th Feb. 187/.

Recd.

No. 55 & 56
Enclosure.

Nos. 55. 56.

Forwarding Proc. of this Govt.
Relative to the appointment
of Special officers under
the European Vagrancy
Act in the Native States
of this Presy.