

Rev (SPL) Dept

Seatt. II-48-21,640-19-1-17.

Home (1918) Department.

Miscellaneous

Ordinary SERIES.

G.O. No. 599

DATED 8. 8. 18

INDEXED

[Despatch Abstract.]

Service of warrants in the Wynaad Estates.

Recording the correspondence regarding the ~~the~~
alleged obstruction by certain planters in Wynaad to the ---

Go. No. 332 Statement of 3-4-18

1074 " 2. 9. 17

450 " 9. 5. 17

434 " 18. 12. 16

728 " 18. 3. 16

101 " 12. 1. 16

1835 " 7. 8. 15

1073 " 14. 5. 15

589 " 7. 3. 14

1622 " 11. 8. 13

1944 " 22. 4. 12

1315 " 17. 8. 12

1008 " 22. 6. 12

610 " 17. 4. 12

560 " 24. 3. 11

833 " 2. 6. 10

1063 " 14. 8. 09

1714 78 " 8. 12. 09

1912-15 " 22. 12. 09

E. F. BARBER.



Mr Gillman,

I am enclosing herewith a letter from P.B. Thomas

in regard to obstruction of service of warrants in the Wynaad.

Further, I enclose a letter from Waddington, Deputy Director

of the Labour Department to Windle, District Superintendent of

Police in North Wynaad. You will understand I do not like

having ^{to} put ^{it} forward that Planters are not playing the game

in the matter of service of warrants, but since this undoubtedly

is the case and has been going on for more than a year, I think

some action should be taken. I understand that both the men,

Gauld and Cheesman, referred to in Waddington's letter have been

appointed to attest contracts under Act I of 1903. This is a

concession which I believe was given to facilitate planters

getting contracts between the Maistries and coolies attested

and enables a man to attest the labour contracts on his own

estate without having to go to a neighbour to get it done.

Under the present circumstances I think it would be a good

thing if these attesting powers were withdrawn, for I do not

think that such powers should be held by any man, who will

obstruct a public servant in doing his duty.

Thomas in his letter to me suggests that Police

on the West Coast should apply for warrants under section 87

of the Criminal Procedure Code, and in my reply I have agreed

that he might do this under any circumstances.

I am

2.

I am sorry to bother you about this, but I feel it is a matter that should be put before you at once so I have avoided the delay of sending it through the Secretariat.

Yours sincerely,

J.B. Bunker

The Hon: Mr. H.F.W. Gillman, C.S.I., I.C.S.,
Member of Council,
Serles Garden,
MADRAS.

Enclos:- 2.

c.

3
COPY.

Office of the
Deputy Inspector-General of Police,
Western Range,
Camp.- Cannanore, 23-11-1917.

My dear Barber,

Some time last year you wrote ~~me~~ ^{me} demi officially to the Inspector General of Police on the subject of the execution of labour warrants the execution of which ^{the} by Police had not been universally satisfactory, particularly in North Malabar. The matter was referred to me and I went to it closely in Malabar and South Canara both with the Police and the labour Agents. I also examined the details of a very large number of cases at many different Police stations in that area. The Police have since been devoting special attention to the matter, especially in North Malabar, and Windle, in particular, has gone out of his way to assist the Labour Department.

2. I do not think that we have left anything possible undone, or that the execution of warrants, in general, is now unsatisfactory. But we are having considerable difficulty over the execution of warrants on certain Estates, owing to the action of the Planters themselves.

3. It was arranged some time ago that, when the Police obtained information that a warrantee was living on any particular Estate, the Police should ask the Planter to find him. This was done in order to avoid friction likely to be caused by the search of Estate cooly lines etc and the consequent disturbance of labour conditions. ~~The Police~~

The Police have kept their part of the agreement and have always accepted the word of a Planter that any particular Warrantee supposed to be on his Estate was not to be found there.

4. I regret to say that the Planters have not invariably kept their part of the agreement, and a considerable number of cases have recently occurred in which particular planters have certified that warrantees were not on their estates, though, as a matter of fact, they were publicly known to be there. In several of these cases, this has been proved, and it has been established beyond doubt either that the Planter did not take any trouble to make enquiries, or that he gave the Police a certificate which was deliberately incorrect. This is notorious in the case of one particular planter, and the Labour Department could give any details required.

5. It seems to me that this is a difficulty which the Planters own association ought to be able to settle, and I am therefore writing to you to ask if this cannot be done. If it cannot be thus settled, the Police will have to take such steps as may be necessary to enforce the execution of these warrants and this might be followed by unpleasant results which have hitherto been avoided in most places by a straight forward adherence on both sides to the agreement described above.

6. If there is any further difficulty, I intend to direct the Police on the West Coast to apply for warrants under section 87 of the Criminal Procedure Code. The possession of such a warrant would enable them to deal with any ordinary difficulty under section 187 of the Indian Penal Code.

se, however, that the matter can be settled otherwise.

Yours sincerely,

/SD/ P. B. Thomas

Dy. Inspector General of Police, W.R.

O.E.Windle

(2)

(IV) Of the Gudalur Magistrate's Court C.C. 315/16 Ch...
C.C. 316/16 Moth...
You will recall these cases, in which defaulters were
on the Cootacovil Estate. Warrants received 6th
by Police unserved "Not on Estate as certified by
who was the khava aforementioned Mr. J.P.Gauld who
Angodda/Cootacacovil. We knew the accused were
my special Agent we arrested the woman on the
new warrant C.C. 422/17 was issued 18th July 1917
it was returned again unserved 7th August 1917 by
Mr. Copeland who had succeeded Mr. Gauld in char...
ant the amount due.

(V) Of Pollachie Magistrate's Court C.C. 1036/19
Reported to be on the Cherakara Estate. War...
1917 and returned unexecuted on the 27th idem...
faulter was on the Estate I returned you the war...
other effort to be made and you arrested him stating
Rehim has evidently been screening the man as far...
from the Police report and his own endorsement on...
asking me to take steps to deal with him. Without...
not know what steps to take, as you have the detail...
report.

(VI) Of the Gudalur Magistrate's Court C.C. 560/17 Leto...
C.C. 561/17 Sipi...
C.C. 562/17 Nar...
These are unfinished cases, in as much as I have no
defaulters yet. Warrants were received here 22nd
you same day, returned unexecuted on the 12th Sept...
the Superintendent of the Sentinel Rock Estate, Mr...
defaulters were not on the Estate. However the Co...
ceived a letter from the Estate dated 16th August...
ing coolies were there and offering to pay up what...
I have dispatched once again my own Agent and hope...
arrests have been effected.

These six cases I cite cover the matter of...
in all, of which the employees of the Estates have...
discretion that warrants shall not be served, altho...
were present in all cases. It seems absurd that we...
liged to accept this position, and that either we mu...
drop or that this Department in most cases is put to...
pense of sending a special Agent from Coimbatore if...
defaulter must be arrested.

You, I understand, have personally attended...
Planters Association and have received their ass...
would not obstruct service of warrants? It see...
planters who are not carrying out that assu...
ing on that general...
n was

O.E.Windle.

(3)

26-9-17.

I should like to see action taken against the Rahim of Cherakara, because it is a recent case and because it is so the false statements made by the writers on Estates that leads Planters to wrongly endorse a warrant. Against the Periasawmy of Aramangalam in the first case of six warrants mentioned, because I cannot help thinking, from the record we have of both Coovil and Aramangalam since he went there, that the Maistreys are taking a line from what they believe to be the attitude of Mr. Gaud as regards shielding warrantees.

But I believe we shall find in nearly all cases the great difficulty in proving a charge. A warrant is endorsed "Man not" and on proof we should probably find it was true that he had been sent to a neighbouring Estate until the Police cleared off. But excuses are subterfuges, a Estate does not pay off a man's debt unless he is there. So in this last case No. (V) if I can get proof that accused were there, at time Mr. Cheeseman endorsed warrant were not, I want to get that case taken up also.

If we find there is no clause of the P.Code which meets the question, do you not think we might jointly approach the District Magistrate and if we can convince him that our complaints are reasonable, there are steps he could take under local regulations as regards Act 1 of 1903 that would probably put a stop to the abuse. I hope to be in Calicut about 4th to 6th proximo when I will consult you on this matter.

Yours sincerely,

House of
(His)

For the w.s

In G.O. nos 1008 judl

M.P. D the 22.6.12 and 1835 judl D the 7.8.

Messrs Gauld and Sheesman were authorised under section 4 of the Madras Planters Labour Act, 1903 to witness the execution of labour contracts. Submitted that as suggested by Mr Barber the authorisation granted to Messrs Gauld and Sheesman may be withdrawn if considered necessary.

— Vide section 15 of the Madras General clauses Act, 1891. Before however action is taken in this direction it is for consideration whether it is not desirable to ask the D.H. of Malabar for his remarks in the first instance. No orders seem called for on the proposal of the Dy S.G. of Police that the police on the west coast should be directed to apply for warrants of arrest under section 87 of the Cr Procedure Code. If any orders are required on the matter the S.G. will come up separately.

p 1 ante

Para 6, p 4CF

S.

I have then we need
 work the D.M. Malabar with
 this. If you agree I will
 have the question of dealing with
 Messrs Gould & Cheesman
 further examined.

Yes; please. ^{gr.} Urgently

Wm 10/12/17

For the W.D.

This appears to be the
 first instance in which an
 authorisation granted under section
 4 of the Act is proposed to be withdrawn.
 No special procedure has been laid
 down for the withdrawal of such
 authorisations. If it is considered
 necessary that Messrs Gould and
 Cheesman should be given a
 hearing before the authorisations
 are withdrawn, the D.M. of Malabar
 will have to be asked to ascertain
 & report why in the circumstances
 brought to notice by Mr Barber the
 authorisations should not be withdrawn.

If however it is considered unnecessary to make a reference to the D.H on the point a draft notification withdrawing the authorisations will be submitted for approval.

11.12.17.
Pach.
11.12.17

S. I am not clear as to what shd. be done here.

Certainly.

presume him Jones & Chusman must be given some opportunity of speaking in their defence. The case we have against them is by no means clear & it will be very hard to get local evidence.

For orders

11.12.17

A memo to DM: state shortly what has been reported & ask him to forward explanations with his remarks

11/12/17

For the w.s

A draft memo is submitted

for approval.

13.12.17
Hed

S. 11/12/17

May the memo issue!

13/12/17

H.M.

See letter subsequently received from
from W. Warburton -

Defers action for the present -

15.12.17



For the W.O.

Submitted for perusal with
reference to the W.O.'s instructions in
the Areas List.

13.2.18

J.D.

Dear Sir James, On 12.12.17 I was asked by Mr. W. Warburton

with ref. to your W.O. 6. The Chairman

of 9.12.17 asking that action might be deferred
till the reply of Mr. P.B. Thomas to

a W.O. resolution, I am directed
to enquire whether Mr. Thomas' reply
has yet been received and if so, to report
that fact may be forward with any further
information. Yours sincerely J.D.

It is too early for
Mr. W. Warburton
The W.O. asked
W.O. 6. To be
over 15 March

15/12/17

May I send this?

J.D.

H. F. BARBER.

13

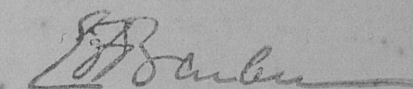
COTACAMUND,

6th December 1917.

My dear Gillman,

Further to my letter of the 2nd. instant
I enclose a copy of a letter from the Deputy Director of
the Labour Department.

Yours sincerely,



The Hon: Mr. H.W.Gillman, C.S.I., I.C.S.,
Member of Council,
Serles Gardens,
Madras.

Encos:- 1.

c.

Labour Department.

(Colm) 14

Deputy Director's Office,
Coimbatore.

4th December 1917.

My dear Barber,

Obstruction to Service of Warrants in Wynaad.

On Sunday when at Ooty you showed me letter from P.B.Thomas, I should like a copy of that if you can send me one.

On my return here yesterday I found a letter from Bulkley, who has taken Windle's place as D.S.P. North Malabar making another complaint against Gauld. He states in accordance with Resolution No.2305 of the Wynaad Planters Association dated 6-6-17 and passed at a Meeting at which Gauld was present. Gauld was asked to note on six warrants whether the coolies to be arrested were on the estate or not. This Mr.Gauld refused to do.

It is not much good reporting such breaches of the arrangement made by the Planters with Police to me, as I have no power to do anything in the matter.

Yours sincerely,

Sd. H.Waddington.

Sec. 187 I.P.C. Whoever....intentionally omits to give such assistance if demanded for the purpose of executing any processissued by a Court shall be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs.500 or with both.

I hope yours of 2nd. reached Wynaad in time for today's meeting.

9 December.

Percy Lodge,
Ootacamund.

My dear Gillman,

Obstruction of Warrants.

Thank you for your letter.
I am glad you are making
inquiries, but I shall be
obliged if you will take
no action until ^{P.B.} Thomas
has replied to a Warrant
Resolution on the matter.
They have asked him to give
specific instances of obstruction.
This I hope he will do.

Yours sincerely

J. B. B. B.

Just off to Calcutta but
shall be back in Madras on Saturday.

Misc
813
Regd 538



Office of the
Inspector-General of Police,
Madras, 4.3.1918.
Camp



Dear Sir,

I enclose copy of
report from Thomas. I
recommend that Evans be
asked to hold an inquiry in
the matter.

S.
Please put up
two or three
copies - I think
Mr. Evans will have
to be asked to
an inquiry too
Yours sincerely,
[Signature]
218

Office of the
Deputy Inspector-General of Police,
Western Range,
Coimbatore, 1st March 1918.

My dear Moore,

I enclose some correspondence which speaks for itself.

- (1) My letter to Barber. A
- (2) Abbott's letter to me. B
- (3) My letter to Abbott. C
- (4) Barber's letter to me. D
- (5) -do- E

I took up this matter and wrote to Barber in an endeavour to get the whole matter settled quietly by the Association, and I have made no mention of any definite case. Barber has tried to get things settled accordingly, but the Wynaad Planters Association has been very quarrelsome and obstinate and the result is, as Barber says, that matters are at a deadlock, and he and the Labour Department are placed in a false position.

I presume that it ^{is} the policy of Government to support the Labour Department as far as possible, and I

think that an enquiry should be held into the matter by an independent Government Officer. I should suggest the Collector of Malabar.

You have already written to Government in connection with G.O.1074/1917.

I think that Evans should enquire into the case of the planter Gauld who has been the cause of all the troubles. We can prove at least one clear case against him, and if this is proved to Evan's satisfaction, the Wynaad Association could have nothing more to say.

They really have nothing much to say now. All I have done is to tell Barber that as the means we have employed to get warrants executed in the past have proved insufficient, we intend to use stricter means in future. Nobody can contradict that. I have refused throughout the correspondence to commit myself to any details as you may see from my letter marked "C" in which I shut up Abbott when he tried to draw me into further correspondence.

It would not be necessary to act now except for the

fact that, if no enquiry is held, Barber and the Labour Department, in general, will suffer, and that would be a very bad thing all-round.

Government have, I understand, already got a letter from Barber asking them to withdraw powers of witnessing contracts from the planter Gauld on the ground that he has been obstructing the Police. Government could easily order Evans to make an enquiry into this, and the whole affair could be dealt with in the course of this enquiry.

Yours sincerely.

Reginald Thomas

A 20
Same as p/p
3-5 anti

Office of Dy. Insp. - Genl. of Police, W.R.
Camp. - Cannanore, 26-11-17.

My dear Barber,

Some time last year you wrote demi-officially to the Inspector-General of Police on the subject of the execution of labour warrants, the execution of which by the Police had not been universally satisfactory - particularly in North Malabar. The matter was referred to me and I went into it closely in Malabar and South Kanara both with the Police and the Labour agents. I also examined the details of a very large number of cases at many different Police stations in that area. The Police have since been devoting special attention to the matter, especially in North Malabar, and Windle, in particular, has gone out of his way to assist the Labour Department.

2. I do not think that we have left anything possible undone, or that the execution of warrants in general is now unsatisfactory. But we are having considerable difficulty over the execution of warrants on certain Estates owing to the action of the Planters themselves.

3. It was arranged some time ago that when the Police obtained information that a warrantee was living on any particular Estate, the Police should ask the Planter to find him. This was done in order to avoid friction likely to be caused by the several of Estate cooly lines etc and the consequent disturbance of labour conditions. The Police have kept their part of the agreement and have always accepted the word of a Planter that any particular warrantee supposed to be on his estate was not to be found there.

4. I regret to say that the Planters -
have

This is notorious in the case of one particular planter and the Labour Department could give any details required.

5. It seems to me that this is a difficulty - which the Planters own Association ought to be able to settle, and I am therefore writing to you to ask if this cannot be done. If it cannot be thus settled, the Police will have to take such steps as may be necessary to enforce the execution of these warrants, and this might be followed by unpleasant results which - have hitherto been avoided in most places by a straightforward adherence on both sides to the agreement described above.

6. If there is any further difficulty, I intend to direct the Police on the West Coast to apply for warrants under section 87 of Cr.P.C. The possession of such a warrant would enable them to deal with any ordinary difficulty under section 187 of the Indian Penal Code.

I hope, however, that the matter can be settled otherwise.

Yours sincerely.
Sd./ P.B. Thomas,
Dy. Insp. - Genl. of Police, W.R.

(Copy).

C.E. Abbott.

Nepradi, 7th Decr. 1917.

P. B. Thomas, Esq.,
Dy. Insp. - Genl. of Police,
Coimbatore.

Sir,

The Police & Planters.

I have the honour to state that the Hon'ble -
Mr. E.F. Barber has sent me a copy of your semi-
official letter of 23rd ult. This was read at our
Meeting on the 5th instant together with a covering
letter from Mr. Barber dated the 2nd.

2. I was instructed to write to you and say
that the Association very much regrets that your
complaint should be necessary after the courteous
treatment Planters have received from the Officers
and all ranks of the Police. We trust that it will
be proved on investigation that there is some mis-
understanding. I was to ask you to give me the -
names of the Planters whose conduct is complained of
to enable the Association to enquire into the cir-
cumstances.

3. Mr. Windle was good enough to come to see
me some time ago, and explained the method he intend-
ed to adopt in serving warrants. At our July meeting
we accepted his proposals and thanked him for the
trouble he had taken. Since then I have heard of no
complaints and I regret that the Association was not
informed of what had happened.

4. I would point out that it is often very -
difficult for a planter to know if a particular cooly
named in a warrant is on his estate. He has probably
given a false name and even signed a contract under
it. The Maistry ^{may} even hide the cooly away.

I have the honour to be etc.
Sd./ C.E. Abbott.

(Copy).

Meppadi, 7th Dec. 1917.

C.E. Abbott.

P. B. Thomas, Esq.,
Dy. Insp. - Genl. of Police,
Coimbatore.

Sir,

The Police & Prisoners.

I have the honor to state that the Hon. Mr. B. Barber has sent me a copy of your letter of 24th Dec. 1917. This was read at our meeting on the 27th inst. together with a covering letter from Mr. Barber dated the 2nd.

I was instructed to write to you and say that the Association very much regrets that your complaint should be necessary after the courteous treatment which has been received from the Officers and all ranks of the Police. We trust that it will be proved on investigation that there is some misunderstanding. I am to ask you to give me the names of the Prisoners whose conduct is complained of so enable the Association to enquire into the circumstances.

Mr. W. W. Williams was good enough to come to see me some time ago, and explained the method he intended to adopt in serving warrants. At our July meeting we accepted his proposals and I think him for the trouble he has taken. Since then I have heard of no complaints and I regret that the Association has not informed of what has happened.

I would point out that it is often very difficult for a prisoner to know if a particular copy named in a warrant is on his estate. He has probably given a false name or even signed a contract under it. The Prisoners will hide the copy away.

I have the honor to be,
Sd. C.E. Abbott.

(Copy).

Office of the
Dy. Insp. - Genl. of Police, W.R.
Coimbatore. 22-12-17.

C.E. Abbott, Esq.,
Hony. Secretary, Wynaad P.A.,
Meppadi.

Dear sir,

With reference to your letter dated 7th December, I do not think I have anything to add to what I wrote to Mr. Barber demi-officially.

I have no wish to disturb the existing arrangement, and I hope that the Police will not find it necessary to take the steps indicated in my letter to Mr. Barber either in the Wynaad or in the other localities where they have been confronted with the same difficulties.

I am not concerned with individual cases which are in the hands of the local District Superintendents of Police. But, as some of those officers have informed me of the difficulties alluded to in my letter to Mr. Barber, I have thought it necessary to indicate to them the steps they should take to overcome any such as may arise in the future.

Yours sincerely,
Sd. P. B. Thomas,
Dy. Insp. - Genl. of Police, W.R.

(Copy).

"Lake House,"
Coimbatore, 18th Feb. 1918.

My dear Thomas,

Further to my letter of 2nd December last
replying to yours of 23rd November.

I have now had the opportunity of discussing the question between Police and Planters with the Wynaad Planters Association. I find that the Association as a whole has no knowledge, other than what has come through you, of the matter and in regard to the specific case of 6 warrants returned unexecuted in September last, the statement of the Police that they received no assistance from the Superintendent concerned has received his flat denial. He says - that he gave every assistance to the Police, that he was never asked to endorse the warrants and that he advised the constables that the coolies intended to bolt and told them how to make their dispositions, if they wanted to catch them.

The Wynaad Association are anxious that there should be a full enquiry into the alleged cases against Planters, and I am of opinion that such an enquiry is necessary and will relieve further friction.

Yours sincerely,
Sd. / W.F. Barber.

(Copy).

Office of the
District Officer,
Coimbatore, 18th Feb. 1918.

O. W. Abbott Esq.,
Hon. Secy. Wynaad P.A.,
Coimbatore.

Dear Sir,

With reference to your letter dated 23rd November, I do not think I have anything to add to what I wrote to you on that date.

I have no wish to disturb the existing arrangement, but I hope that the Police will not find it necessary to take the steps indicated in my letter to Mr. Barber either in the future or in the other localities where they have been confronted with the same difficulties.

I am not concerned with individual cases which are in the hands of the local District Magistrate or Police. But, as some of those officers have informed me of the difficulties alluded to in my letter to Mr. Barber, I have thought it necessary to inform you of them so that you should take to overcome any such as may arise in the future.

Yours sincerely,
Sd. / W.F. Barber.
District Officer, Coimbatore.

(Copy)

24

E

"Lake House,"
Coimbatore, 18th Feb. 1918.

My dear Thomas,

I am sending you a D.O. through Waddington in regard to the warrant business. As the matter now stands, we are at a deadlock, and both Waddington and myself are placed in a bad position unless you can see the matter through. The Wynaad Association ask for an enquiry and that the evidence should be put before them. If the matter is not going any further, I do not think that such evidence as we have should be withheld, but if there is to be an enquiry it should be done properly before some impartial person, and in this case the evidence should be held up so as to be properly sifted at the enquiry.

I hope you will agree with the W.P.A. that there should be an enquiry, but at the same time insist that it should be a properly constituted enquiry.

When I saw Gillman in Madras in December I understood that he was quite prepared to have the matter enquired into, and I should be glad if you would press for this through Moore.

Yours sincerely.
Sd./ E.F.Barber.

(Copy).

S. E. F. BARBER

acknowledged. My dear Gillman,
to be put up with
annexed papers
7.3.18.

Min. C. No 86587

26 OOTACAMUND,

5th March 1918.

POLICE AND WARRANTS.

Further to our correspondence and conversation on this matter which ended with your letter of 12th December, saying that you would defer making enquiry until I had heard more about the matter.

I attended a Wynaad Planters' Meeting on 23rd January and the charges made by the Police in one case were flatly denied.

The Wynaad Association ask in a Resolution that the cases mentioned in my letter "should be thoroughly gone into and that all the evidence held by the Labour Department should be put before it."

I understand that Waddington the Deputy Director of the Labour Department has consulted Thomas on the matter, and he does not think that Waddington ought to produce the Police Reports, but that that should be done by a Police Officer he would appoint, and that he would prefer the enquiry to be an official one.

Yours sincerely,

E. F. Barber

The Hon'ble Mr. H.W.F. Gillman, C.S.I., I.C.S.,

Member of Council,

c.

Serles Garden, ADYAR.

27

Series Gardens,
Adyar.
7th March 1918.

My dear Barber,

I am in receipt of your letter of the 5th
inst. about Police and warrants.

Moore, the I.C. of Police, has just made a
recommendation to Government that Evans should be
asked to institute an enquiry. Orders have not been
passed yet as I am waiting for some papers from office.

Yours sincerely,

To

The Hon'ble Sir W.P. Barber,

Ootacamund.

^{Indy}
For Secretary

Submitted that it appears desirable to address Mr Evans d.o in the matter. A draft d.o letter is accordingly submitted for consideration. Draft d.o replies to Sir E. P. Barber and Mr P. L. Moore are also submitted for approval.

Fe
7.3.18

Indy
8.3.18

S. L.
13.3.18

May 13 / 18

H.M.

Wat
12.3.18



Recd
Cmte Grant
4-30-18

Three drafts for
issue

D.O. letter dated the 2-12-17
from the Hon'ble Sir E.F.
Barber to the Hon'ble Mr.
H.F.W. Gillman, with en-
closures.

D.O. letter dated the 1-3-18
from Mr. P.B. Thomas to
Mr. P.L. Moore.

Hb 1-2 drafts

Hb 6-8 drafts

Hb 17-25 drafts

D.O. signed by Secy

Home Department,
(Miscellaneous).

29

D.O. (Ct 813)
No. 3995/7-1, 27 12. 3. 18

Dear Wans.

I am directed to forward a copy of the marginally noted correspondence in which it has been brought to the notice of Government that a number of cases have recently occurred in North Malabar in which certain planters, Mr. T.P. Gould of the Aramangalam estate in particular certify that warrantees under the Madras Planters' Labour Act, 1903 were not in their estates though as a matter of fact they were there, and that these planters gave the police certificates which were either deliberately incorrect or carelessly inaccurate. You will observe from the correspondence that the Wynaad Planters' Association have no knowledge of the allegations and that they are anxious that there should be a full enquiry. ~~the alleged cases~~ ^{matter} The Governor in Council considers it desirable in the circumstances that an enquiry should be held ~~and~~ ^{and} I am desired to request you to take such action as you may deem fit ~~is considered advisable~~ for carrying out the wishes of the Government in this regard and to ~~inform them of the action taken~~ ^{refer} the result of the inquiry that will be made. The Hon'ble Sir E.F. Barber and Mr. Thomas will doubtless be willing to place at your disposal any information or papers that may be required by you in this connection. It is desirable that you should put yourself in communication with ~~them~~ ^{Mr. Thomas} in the first instance as to the nature of the enquiry and any preliminary required lines on which the enquiry should proceed

To
F.B. Evans Esq., I.C.S.,
District Magistrate of
Malabar, with

Copy of Hb 1-2, 6-8 +

Hb 17-25 of notes. 8-3-18

Yours faithfully
J. B. Evans

to
D.O.

Best with
encl
MR
1918

Jan
7.3.18

Encl
Cmte Grant
1918

2/30 (cl 813)
D.O. No 3995/17-2 Home (Misc.) Dept.
12-3-18

Dear Sir Fairless, Barber

I am desired to forward for your information a copy of a D.O. letter addressed today to Evans on the alleged obstruction to the police in the execution of Labour Act Warrants in North Malabar.

T.C.N.
7-3-18.

Yours sincerely,

P.S.R.
8-3-18.

H.B.
9-3-18.

To The Hon. Sir E. F. Barber, Kt.,
Ootacamund,
with copy of D.O. letter
on the previous page.

D.O. No 3995/17-3, dt 12-3-18
(cl 813)

Dear Moore,

With reference to your D.O. letter of the 4th instant addressed to the Hon. Mr. H.F.W. Gillman, I am desired to forward for your information a copy of a D.O. letter addressed to-day to Mr. Evans on the cases of alleged obstruction of service of warrants of arrest under the Madras Planters Labour Act.

Yours sincerely,

T.C.N.
7-3-18.

H.B.
9-3-18.

P.S.R.
8-3-18.

To P.L. Moore Esq., C.I.E.,
I.G. of Police,
with copy of D.O. letter
on the previous page.

Home dep.
(Hid)

D.O No 3995/17-49 23-5-18

Dear Sir,

I am directed to
invite a reference to
the Hon'ble Diwan Bahadur
R. Ramachandra Rao's d.o
letter NO 3995/17-1, Home(Hid),
d. the 12.3.18, regarding
a number of cases which
occurred in North Malabar
in which certain planters
certified that warrantees
under the Madras Planters
Labour Act, 1903 were not
on their estates though as
a matter of fact they were
there and to request to
be informed when a reply
may be expected.

To
20.5.18.
P.S.
20.5.18

For the U.S.
D.O. remained submitted
with reference to U.S.'s instructions
in the Annex list.

To
20.5.18.
P.S.
20.5.18

To
F.B. Evans Esq I.C.S.
D.H. of Malabar.



32 Cm. 1668 H. H. H.
29.5.18

D.C. No. 3995/17-4.

Home (Miscellaneous) Department
Cotacamund,
Dated the 23rd May 1918.

Dear Evans,

I am directed to invite a reference to the Hon'ble Diwan Bahadur R. Ramachandra Rao's Demi-official letter No. 3995/17-1, Home (Miscellaneous), dated the 12th March 1918, regarding a number of cases which occurred in North Malabar in which certain planters certified that warrantees under the Madras Planters Labour Act, 1903, were not on their estates though as a matter of fact they were there and to request to be informed when a reply may be expected.

Yours sincerely,

Diwan Bahadur R. Ramachandra Rao

To
F.B. Evans Esq., I.C.S.,

District Magistrate of Malabar.

I hope to send
a reply in a
fortnight.
J. B. Evans
26.5.18

Ref 1060 - D.I.S.

33

Cm 1808 Sh

14.6.18

Malabar Collector's Office,

Calicut, 10th June 1918.

Dear Mr. Ramachandra Rao,

p 29 ante

Your D.O. No. 3995/17-1 dated 12th March about the service of warrants in the Wynaad estates. I consulted Mr. Thomas and Mr. Waddington and decided that the best thing would be to enquire formally into the cases C.C. Nos. 906-911 of the Coonoor Magistrate's Court referred to in the beginning of Mr. Waddington's letter No. 888 dated 26th September 1917. This batch of cases was selected as being apparently the worst and as being one of the two in which Mr. Gauld was concerned. As there seemed prima facie to be evidence of offences falling under sections 182, 187 or 216 I.P.C. I issued summonses for a preliminary enquiry under the C.P.C. Unfortunately Mr. Gauld had by that time left for England and I was unable to examine him. I enclose a copy of my notes of the investigation.



pp 37-41 infra

Enticement
of labour under
labour contract

2. It will be seen that I think that there is evidence sufficient to prove that Mr. Gauld offended against section 36 of Act I of 1903; but not to justify a charge of any offence under the I.P.C., and I doubt if any such offence could be successfully established against the Maistry Periasami. From the nature of the case specific evidence is difficult to obtain in such a matter. As regards Mr. Gauld's behaviour to the police I consider that he failed to give that active assistance which, in my opinion, was incumbent upon him in the circumstances. But it is not in my opinion proved either that he obstructed the police or that he failed to comply with any specific request or that he "gave" "certificates which were either deliberately incorrect or "carelessly inaccurate". In the absence of any opportunity of examining either Mr. Gauld or the Labour Department peon I am ~~diff~~ diffident of expressing any definite opinion as

due to
misreporting

to what actually happened in detail when the police went to execute the warrants in question; but I will venture to say that if Mr. Gauld had really been anxious that the warrants should be served he could have made the maistry Periasami produce the warrantees on the 21st or 22nd September, and the facts proved justify at least the suspicion that he abetted the maistry in harbouring them.

3. The Wynaad Planters Association have assured me that they did not and do not want an official enquiry, and in the circumstances I do not think it worthwhile to wait for Mr. Gauld to return, which will not be for at least another six months. At their meeting on the 3rd April after hearing a statement from Mr. Gauld the Association passed a resolution in the following terms. "Resolved (1) that from the statement made by the planter concerned this association is satisfied that he not only did not obstruct the police in the case referred to but on the contrary he assisted them as far as he could, and pointed out to them how the warrantees could be arrested, (2) that while from the correspondence that took place with Mr. Windle the District Superintendent North Malabar there is no undertaking on the part of Members to endorse warrants, we consider that it would be advisable in future for planters to endorse them, and when away from their estates to leave written authority with some person to do so." As I have said I am not prepared to hold that Mr. Gauld "assisted the police as far as he could", but I have not had the opportunity of hearing Mr. Gauld. On the other hand Mr. Abbott, Secretary of the Wynaad Planters Association, admitted that he and his brother planters hardly realised the obligations that are laid on private persons in the matter of assisting a police man who has a warrant to execute. My view of the law is that if a policeman serving a warrant on an estate chooses for instance to request a Superintendent specifically to muster all his coolies at once, to produce all

the check rolls, to guard all the entrances to the estate etc. the Superintendent is bound to comply on pain of committing an offence under section 187 I.P.C. He is also bound to answer questions put to him on pain of offending under section 182 I.P.C. - while if a warrantee is found hidden in his estate there would be a presumption of abetment of harbouring against him. In fact of course warrants are entrusted to ordinary constables and from the nature of the case they are only too ready to leave it to the Superintendent to take such action as he thinks necessary. It would be possible to instruct the police to be much more strict in their procedure; but I doubt whether it would be a success: and I consider that in practice the responsibility must rest mainly with the Superintendent of the Estate. The Association says there has been no express undertaking on the part of its members to endorse warrants, but it has usually been done; and the association has now recorded its opinion that it is advisable in future for planters to endorse them. If it is clearly understood that this involves the planter taking upon himself the responsibility of saying definitely whether the warrantee is or is not on his estate at the time in question, and if the planters will accept this responsibility there should be no trouble in future and I venture to think that the matter may be left at that. As a matter of fact taken as a whole the present system is not working badly and Mr. Waddington has himself recently expressed his satisfaction with it.

4. The correspondence which has led up to the Government's reference has suffered I think from some misunderstandings on both sides. I have seen all the parties and I think I am correct in saying that none of them wish the matter to be pursued further. If the Government permit

K
cf 40426
85/18

I will send them copies of this letter (extracts).

Yours sincerely,

Mr. P. S. Roy

Notes of investigation.

Warrants in C.C. 906/17: Coonoor; and connected cases.

Issued on (7-9-17) - received by Labour Department on 10-9-17 and by District Superintendent of Police 16-9-17 and sent to Vayitri. Attempts to execute on 19-9-17, 21-9-17, 22-9-17, and 24-9-17 on Achur Estate were unsuccessful. (5 other warrants were dealt with together with this: and the same evidence applies to all e.g. 906/17 was against the head-man of the 6 coolies).

2. On 6-9-17 Mr. Gauld, Superintendent of Achur wrote to Mr. Nicholson, Hallacarry Manager, whose maistry was complainant in C.C. 906/17, that the ⁶ coolies wanted were in Achur and offered to pay the amounts which they owed to Hallacarry. It is not insignificant that in his letter Mr. Gauld gave the names of the coolies as given in the warrants: but the Achur estate rolls show that 4 of the 6 were working in Achur under assumed names. Mr. Nicholson refused and wrote to the Labour Department to press for the execution of the warrant.

3. On 19-9-17 according to the constable entrusted with the warrant (P.C. 382 Krishnan Nayar) Mr. Gauld was not at Achur. His assistant told the constable to see the writer and to "arrest the men if he could find them;" the writer said that he did not know if the men were on the estate: but that they (the police constable and the Labour Department peon who was with him) could see at the muster. At the muster they were not found; some body (not quite clear who) said they had bolted. The writer refused to endorse the warrants to the effect that the coolies were not on the estate: he said that the Sahib must do that. The Asstt. Superintendent said that he would enquire further and let the police know. The estate rolls show that 5 of the 6 coolies were working on the estate on the 19th morning, 4 of them under assumed names; but there is no doubt of their identity. The headman of the 6 was working on the 18th; but not on the 19th.

4. On 21-9-17 police constable 464 Kannan Nambiyar was sent with the warrants to the estate. He saw Mr. Gauld who said "look for them and arrest them if you find them". He looked for them in Maistri Periasami's gang and Periasami told him that they were hiding, because Mr. Gauld had already written about them to Hallacarry. The constable ^{told} Mr. Gauld this; and he said "if you can't find the men what can I do". He refused to endorse the warrants.

5. On 22-9-17 police constable 191 Appu was sent. Again Mr. Gauld said "find them if you can"; and refused to sign the warrant. The writer and maistry "gave evasive answers".

6. On 24-9-17 police constable 190 Krishnan Nambiyar was sent with a letter from Sub Inspector to Mr. Gauld asking him to endorse the warrants definitely. Mr. Gauld gave the constable a chit to the writer and the writer told the constable to search in the lines or where he liked. The constable could not find the men. The writer told him that they had gone off to Coonoor 2 or 3 days before. Mr. ^{Gauld} again refused to endorse the warrants.

7. The warrants were then returned unexecuted.

8. The evidence of the constables is apparently corroborated by the Labour Department peon who accompanied them to identify the warrantees but he is now in Mesopotamia, and I could not examine him.

9. The writer Doney says that on the 19th Mr. Gauld sent him a chit telling him to help the constable to find the men at the evening muster and he did so; that Periasami said the men were there, though they were not; and that he sent Maistry Sadan to the lines to see but they could not be found. He is positive that all this happened on the 19th: but Mr. Gauld was at Calicut on the 19th. He also says that on 21st or 22nd he told the constables that all the six men had run away to Coonoor; but the evidence of the constables is that they were told this on the 24th. The writer is old and may be confused: but it seems obvious that he is inaccurate.

Warrants in C.O. 900/IV: Coonoor and connected cases.

Issued on (V-9-17) - received by Labour Department on 10-9-17 and by District Superintendent of Police 18-9-17 and sent to Vayittiri. Attempts to execute on 19-9-17, 21-9-17, 22-9-17, and 24-9-17 on Achur Estate were unsuccessful. (2) Other warrants were dealt with together with this: and the same evidence applies to all e.g. 900/IV was against the head-man of the 6 coolies).
 2. On 2-9-17 Mr. Gauld, Superintendent of Achur wrote to Mr. Nicholson, Hallacarry Manager, whose maistry was complainant in C.O. 900/IV, that the coolies wanted were in Achur and offered to pay the amounts which they owed to Hallacarry. It is not insignificant that in his letter Mr. Gauld gave the names of the coolies as given in the warrants; but the Achur estate rolls show that 4 of the 6 were working in Achur under assumed names. Mr. Nicholson refused and wrote to the Labour Department to press for the execution of the warrant.

3. On 19-9-17 according to the constable entrusted with the warrant (P.O. 508 Krishnan Nayar) Mr. Gauld was not at Achur. His assistant told the constable to see the writer and to "arrest the men if he could find them"; the writer said that he did not know if the men were on the estate: but that they (the police constable and the Labour Department peon who was with him) could see at the muster. At the muster they were not found; some body (not quite clear who) said they had pointed. The writer refused to endorse the warrants to the effect that the coolies were not on the estate: he said that the same must be that. The Assistant Superintendent said that he would enquire further and let the police know. The estate rolls show that 5 of the 6 coolies were working on the estate on the 19th morning, 4 of them under assumed names; but there is no doubt of their identity. The headman of the 6 was working on the 18th; but not on the 19th.

4. On 21-9-17 police constable 464 Kannan Nambiyar was sent with the warrants to the estate. He saw Mr. Gauld who said "look for them and arrest them if you find them". He looked for them in Maistry Periasami's gang and Periasami told him that they were hiding. Because Mr. Gauld had already written about them to Halliagerry. The constable Mr. Gauld this; and he said "if you can't find the men what can I do". He refused to endorse the warrants.

5. On 22-9-17 police constable 191 Appu was sent. Again Mr. Gauld said "find them if you can"; and refused to sign the warrant. The writer and maistry "gave evasive answers".

6. On 24-9-17 police constable 190 Krishnan Nambiyar was sent with a letter from Sub Inspector to Mr. Gauld asking him to endorse the warrants definitely. Mr. Gauld gave the constable a gift to the writer and the writer told the constable to search in the lines or where he liked. The constable could not find the men. The writer told him that they had gone off to Coonoor 2 or 3 days before. Mr. Gauld again refused to endorse the warrants.

7. The warrants were then returned unexecuted.

8. The evidence of the constables is apparently corroborated by the Labour Department men who accompanied them to identify the warrantees but he is now in Mesopotamia, and I could not examine him.

9. The writer Doney says that on the 19th Mr. Gauld sent him a gift telling him to help the constable to find the men at the evening master and he did so; that Periasami said the men were there, though they were not; and that he sent Maistry Gaden to the lines to see but they could not be found. He is positive that all this happened on the 19th; but Mr. Gauld was at Coonoor on the 19th. He also says that on 21st or 22nd he told the constables that all the six men had run away to Coonoor; but the evidence of the constables is that they were told this on the 24th. The writer is old and may be confused; but it seems obvious that he is inaccurate.

10. The Labour Department Agent, Kandasami Naidu, says that he saw Periasami with Tevan (the warrantee in C.C. No.906) at Achur some day before he knew that there was a warrant out for Tevan. He can't fix the date; but it may be fixable approximately from his reports to the Labour Department.

11. There is also evidence which I have not myself tested, that money was sent from Achur estate to the case of Coonoor Sub Magistrate for the payment of the amounts concerned in the cases on 28-9-17; and that the warrantees were smuggled away by road by Periasami.

12. Mr. Abbott says that Mr. Gauld's version of the affair is more or less as follows:-- he did not know of the issue of warrants when he wrote his letter to Mr. Nicholson: on receipt of Mr. Nicholson's letter he told the maistry Periasami to send the men to Coonoor: the maistry said that they would not go for a week or so: on the 21st he told his writer to help the police to find them if they were on the estate; but he thought they were in hiding: he subsequently told the police that they might catch them if they waited on the two roads by which they could get away.

13. There is no reasonable doubt that 5 at least of the 6 ~~men~~ were on the estate on the 19th and were smuggled away when the police came by Periasami, probably with the writer's connivance - but Mr. Gauld was not on the estate on the 19th. On the other days the evidence suggests that they were in hiding, probably, but not necessarily, on the estate till they went away to Coonoor. But there is nothing to prove that Mr. Gauld was privy to their actual hiding. No offence under 182 or 216 I. P.C. is therefore established against Mr. Gauld. Nor can his mere refusal to endorse the warrants to the effect that the men were not on the estate amount to an offence under 187 I.P.C. There is suspicion that he abetted the maistry in harbouring them after the warrants were out - but not proof. But assuming

them after the warrants were out - but not proof. But assuming there is suspicion that he abetted the Maistry in harboring were not on the estate amount to an offence under 187 I.P.C. were refused to endorse the warrants to the effect that the men P.C. is therefore established against Mr. Gauld. Nor can his was privy to their actual hiding. No offence under 182 or 186 I.P.C. was proved to prove that Mr. Gauld probably, but not necessarily, on the estate till they went the other days the evidence suggests that they were in hiding, nance - but Mr. Gauld was not on the estate on the 13th. On the police came by Periasami, probably with the writer's connivance were on the estate on the 13th and were smuggled away when 13. There is no reasonable doubt that at least of the 6 could get away.

might catch them if they waited on the two roads by which they they were in hiding: he subsequently told the police that they police to find them if they were on the estate; but he thought for a week or so: on the 13th he told his writer to help the the men to Coonoor: the Maistry said that they would not go of Mr. Nicholson's letter he told the Maistry Periasami to send warrants when he wrote his letter to Mr. Nicholson: on receipt is more or less as follows:-- he did not know of the issue of

12. Mr. Abbott says that Mr. Gauld's version of the affair by Periasami.

on 28-9-17; and that the warrants were smuggled away by road Magistrate for the payment of the amounts concerned in the cases that money was sent from Achar's estate to the case of Coonoor and 11. There is also evidence which I have not myself tested, ximately from his reports to the Labour Department.

10. The Labour Department Agent, Kandasami Naidu, says that he saw Periasami with Tevan (the warrantee in C.C. No. 908) at Achar some day before he knew that there was a warrant out for Tevan. He can't fix the date; but it may be likely appro-

40
Mr. Gauld's personal ignorance of the whereabouts of the men on 21st, 22nd and 24th September I consider it was his duty, if he really wished to assist authority to satisfy himself at once exactly where the men were and to endorse the warrants definitely, since he knew that they were men who were on his estate ^{from 6-9-17 to 18-9-17} and he at least had reason to believe that his Maistry Periasami was hiding them. To tell the police to 'go and look', and even to tell the writer to help them, was not in the circumstances an adequate compliance with what the police might reasonably expect. If the constable had made other definite requests for Mr. Gauld's personal aid and he had refused a case might have stood since the law lays wide obligation on any private person called ~~any~~ on by a policeman to do anything definite in such a matter. But it is hardly to be expected that a constable should assert himself very forcibly in such a case.

14. There is also no doubt that Mr. Gauld ^{is} guilty of ~~xxxx~~ an offence under section 36 of Act I of 1903 since the coolies were employed by him between 6-9-17 and 19-9-17, when he admittedly knew that they had violated their contract with Hallacarry.

15. As to the writer Doney, the constable's evidence is not very clear as to what he (writer) did exactly on the first day. Doney admits that he knew that the men were part of Periasami's gang; but he says that he did not know whether they were there that day. This may be doubted; but he seems to have put the constable off rather easily. Probably if the men had not been hidden or got away before the arrival of the warrants they were got away before the muster - with the Maistry's connivance. The writer's position as regards an offence against the law is much the same as that of Mr. Gauld though his personal knowledge of the actual whereabouts of the accused is more likely. He does not look the kind of man who would act in such a matter on his own, without the approval of the Superintendent.

For the U.S.

Please see the d.o report of Mr Evans at pp 33-36 ante. He is satisfied after investigation that Mr Gauld offended against section 36 of the Planters Labour Act, 1903, but he does not consider that there is evidence to justify a charge of any offence under the Indian Penal Code. It is for the planters concerned to take action if any against Mr Gauld for the offence under section 36 of the Act.

2 It is pointed out that the Wynaad Planters Association did not and do not favour an official inquiry into the matter and that they have recorded the opinion that it is advisable in future for planters to endorse the warrants. On the distinct understanding that such an endorsement involves the planter taking upon himself the responsibility of saying definitely whether the warrantee is or is not on his estate at the time in question, No

Para 2, p 33 ante
+ Para 7, p 41 ante

28767 volume
(put up)

Para 3, p 34 ante

Portion K, p 35 auth

Para 4, pp 35-36
auto

Evans thinks that there will be no trouble in future and that the matter may be dropped there. He requests permission to send extracts of his d.o report to the parties concerned.

3 It is for consideration whether a copy of the d.o letter may in the first instance be furnished to the Hon'ble Sir Fairless Barber and he asked whether the requirements of the case will be adequately met by adopting the suggestion of Mr Evans or whether he desires any further action taken.

4 In any case it is for orders whether in view of what is brought to light, Mr Gould should be permitted to continue to attest Labour Contracts under section 4 of the Act.

5 In the course of his report Mr Evans suggests that it would be possible to instruct the police to be much more strict in their procedure when executing warrants, but he himself doubts the utility of such instructions. It is

He was authorised
by the Labour
Contracts Act 1908 (M)
22612

p 35 auto

Yin

proposed by the Wynaad Planters Association, planters undertake the responsibility of endorsing the warrants in future on the understanding at K at p 35 ante it does not seem that there will be any need for the issue of further instructions to the police. For orders whether as suggested in para 3 supra the views of ^{Sir James} ~~the~~ Barber may be invited in the first instance.

p 43 ante

7/6

5

18.6.18.

paid
20.6.18

Para 3 & 4. We may send Sir James Barber a copy of the D.O. or ask him whether it is generally desired that action should be taken as suggested in para 4. ante
para 5: I think we may agree with Mr. Evans that no further instructions to the Police are necessary. There is no use prescribing actions which the ordinary constable would never perform.

L.S.D.
20.6.18

The whole question is the Labour

Department & the Wymed Planters' Association.

- 2 The results of the Enquiry are not definite but the Planters' Association is prepared to direct planters to endorse warrants. I wonder if this will satisfy the Labour Dept. Mr. Egan says that no one wishes to pursue the matter further.
3. Nothing very definite has been proved against Mr. Gould. We cannot very well deprive him of his authority to attest labour contracts.
4. Perhaps H.M. may like to discuss the matter with Sir Fawcett Barker.

HM

my
 22/6/18



There send a copy of Mr. Evans' letter to Sir Fawcett Barker and ask him to call if he accepts Mr. Evans' conclusion or has any suggestions to make.

me Oed [Signature]

Father's

A draft d.o. letter is submitted for approval.

Fe
 26.6.18.
 Fe
 26.6.18

[Signature]

Home Sept
(Mis)

Pr 3995/12-50 27.6.18

D. O.

Dear Mr. Fawcett
Please

Dear Please refer to the
Correspondence ending with
my d.o letter no 3995/17-2,
Houli (Kis), d the 12.3.18, on
the alleged obstruction to
the police in the execution
of warrants under the
Madras Planters Labour Act
in Wynad estates in
North Malabar. Mr Evans
has completed his investigation
of some of the worst cases
in which Mr Gauld was
concerned. I am to
forward a copy of his
d.o report and his notes of
investigation and to request
that you will be so good
as to state whether you
accept Mr Evans' conclusions
or have any suggestions
to make.

The Month of Fairies Barbed

Ostacumid.

with a copy 2 pp 33-41

Operates file

29. 6. 18

$\frac{1}{2}$ Denio
28
28.16

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26.61

Redd
26.6.28

E. F. BARBER.



Home (Mis)ct. 47
no 1928
pgr 2-220
OOTACAMUND.

8th July 1918.

Dear Mr. Hilton Brown,

p 46 ante
I am obliged to you for your letter of 27th ultimo enclosing a copy of Mr. Evan's demi-official report and notes of investigation on the matter of execution of warrants in the Wynaad. I accept Mr. Evans conclusions, which I think are fair and reasonable, and I will advise you later if I have any suggestion to make.

Yours sincerely,

C. Hilton Brown Esq., I.C.S.,

Home (Miscellaneous) Department,

Ootacamund.

For the U.S

Home dept
Mis.

c.

For adv whether this may lie over for a month pending receipt of suggestions if any from the Hon'ble Sir Fairless Barber.

7th

15.7.18

Recd 15.7.18

I think this may now be recorded after H. has seen this about B.

16.7.18 12/2/18

D.O.



48 * mcl (ms) 10
No 2064
Kyr 17-7-18
Camp Coimbatore,
13th July 1918.

Dear Mr. Hilton Brown,

In continuation of my reply to your letter of 27th ult. I have now had the opportunity of consulting Mr. Waddington in regard to Mr. Evans's Report. Mr. Waddington has written me a letter and I enclose a copy of this.

You will notice that he concurs in Mr. Evans's finding and he suggests that the report should be privately circulated in full, and not in extracts, for the information and guidance of Planters.

I shall be glad if this may be done, and ~~with~~ to express my thanks for the trouble that has been taken over a matter which, as Mr. Evans has pointed out, has led to considerable misunderstanding.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "J. B. Brown".

D.O.

Camp Colabatore,

13th July 1918.



Dear Mr. Milton Brown,

In continuation of my reply to your letter of 27th ult. I have now had the opportunity of consulting Mr. Waddington in regard to Mr. Evans's Report. Mr. Waddington has written me a letter and I enclose a copy of this.

You will notice that he concurs in Mr. Evans's finding and he suggests that the report should be privately circulated in full and not in extracts for the information and guidance of Planters.

I shall be glad if this may be done, and would to express my thanks for the trouble that has been taken over a matter which, as Mr. Evans has pointed out, has led to considerable misunderstanding.

Yours sincerely,

No. 512

11th July 1918.

Mr Barber,

I have to thank you for your letter of the 8th inst. enclosing Mr Evans's Report on his investigation into the complaints of the Police against Mr Gould.

The conclusions he arrives at, exactly coincide with my as far as I had studied the case, for I had not consulted Secs. 216 of the I.P.C. in connection with the affair.

There is one point, I think, the Wynad Planters' Association will want explained. - In the Notes of Investigation, Mr Evans reports that Warrant in C.C.906/17 was issued on 7-9-17, whereas, at Munnar, I stated that Warrant was taken out on the 5th idem. The records of the Magistrate, Coonoor, in all six cases are similar, i.e.

Date of filing of the case	5-9-17
Date of Hearing	5-10-17
Adjourned to:-	19-10-17: 6-11-17: 11-17: 5-12-17.
Date of Final Disposal	20-12-17.

It therefore appears to have been a delay between filing of case on the 5th and issue of warrant on the 7th.

Government are unlikely to take further action, on the information arrived at by Mr Evans that Mr Gould will assist the Police.

Yours faithfully,

Mr C

Hon'ble Sir F. Barber.

Page 2.

50
11/7/1918.

privately circulated in full and not by extracts, as proposed, and I hope you will obtain permission for that to be done, as I feel sure the trouble the Police have experienced, and I believe are experiencing, as regards service of warrants on Estates, is owing to Planters not understanding the obligation laid on private persons in the matter of assisting Policemen who have warrants.

Yours sincerely,

ble Sir Fairless Barber,
Ootacamund.

For the u. s

For orders whether the suggestion of Mr Waddington that the report should be circulated privately in full to all the planters concerned will be accepted. Mr Evans suggested that only extracts should be sent.

The latter suggestion seems to be preferable lest some planters should take objection to any portion of the report if it is sent in full to them. It may be left to the discretion of Mr Evans to send extracts or in the report in full.

17.7.18.

Paul: 6

S.

I think we may take the

H49-50
auto

on file Sir P. Barber.

Page 2.

privately circulated in full and not by extracts, as proposed, and I hope you will obtain permission for that to be done, as I feel sure the trouble the Police have experienced, and I believe are experiencing, as regards service of warrants on estates, is owing to planters not understanding the obligation laid on private persons the matter of assisting Police men who have warrants.

Yours sincerely,

Mr Sir Patrick Barber.

Colonial.

17-12-17.

State of Final Disposal.

Reports appear to have been a delay between filing of the 25th and issue of warrant on the 27th.

Government are unlikely to take further action, on the arrival of Mr Evans that Mr Evans has

assisted the Police.

at some

Mr C.

Continued.

at a copy of 25-41

17/12/18
D.O.
17/12/18

S.O.
18718

Amel (ms) 11
No 2077
Kvr 19-7-18

52

Camp Coimbatore

13th July 1918



Mr. Allman,

I am enclosing a copy of a letter from Waddington to
and of my D.O. to Hilton Brown covering this.

I feel that I should thank you directly for the trouble
as been taken. I do not think that the finding Evans has
at differs materially from the views of those (Waddington
mas) who handled the matter from the beginning.

The great misunderstanding has been removed, and now it
us that it is obligatory on a Planter to give every assist-
the Police, and an act of bad faith should he fail to do so.

You will remember that the original suggestion put forward
uch cases should be met by depriving a man of the con-
has by the right to attest Labour Contracts under Act I.

thinks, and I agree with him, that such a course would
have a salutary effect, but we would both like to see the W.P.A.
make a move in suggesting this should be done.

Yours sincerely,

the 5th and issue of warrant on the 7th.
Government are unlikely to take further action, on the
arrived at by Mr. Evans that Mr. Evans has
against the Police
Mr. C.

27/7/18
20/7/18
18/7/18

Camp Coimbatore,

13th July 1918.

I am enclosing a copy of a letter from Washington to

and of my D.O. to Hilton Brown covering this.

I feel that I should thank you directly for the trouble

as been taken. I do not think that the finding Evans has

at differs materially from the views of those (Washington

mass) who handled the matter from the beginning.

The great misunderstanding has been removed, and now it

is that it is obligatory on a Planter to give every assist-

the Police and an act of bad faith should be laid to rest.

You will remember that the original suggestion put forward

in cases should be met by depriving a man of the con-

has by the right to attest labour contracts under Act I.

thinks, and I agree with him, that such a course would

have a salutary effect, but we would both like to see the W.P.A.

make a move in suggesting this should be done.

Yours sincerely,

Government are unlikely to take further action, on the

assist the Police

of the

Mr C

The conclusions I arrives at, exactly
m, as far as I had studied the case, for I had consulted Secs.
2 & 216 of the I.P.C. in connection with the affair.

There is one point, I think, the Wynad Planters' Associa-
on will want explained.- In the Notes of Investigation, Mr Evans
reports that Warrant in C.C.906/17 was issued on 7-9-17, whereas, at
Munnar, I stated that Warrant was taken out on the 5th idem. The
records of the Magistrate, Coonoor, in all six cases are similar, i.e.

Date of filing of the case 5-9-17

Date of Hearing ... 5-10-17

Adjourned to:- 19-10-17: 6-11-17: 21-11-17: 5-12-17.

Date of Final Disposal. 20-12-17.

therefore appear to have been a delay between filing of
on the 5th and issue of warrant on the 7th.

Government are unlikely to take further action, on the
usion arrived at by Mr Evans that Mr Gault did not actively and
tly assist the Police, but it is doubtful whether, in view of
general tenor of the Report, and Mr Evans's finding, that he is
atisfied Mr Gault offended against Sec.36 of Act I of 1903, Govern-
ment and the Wynad Planters' Association will still consider him a
table person to retain the privilege of power to attest contracts
er that Act.

I hope that the Wynad Planters Association, after consid-
his Report will consider that the Police have proved their case
Planters were themselves to some extent responsible for non -
ce of warrants which lead to the original complaint conveyed by
in 1916 against the work of the D.S.P. North Malabar, otherwise
he only course would appear to be for a case to be instituted against
Gault on his return from England, which we should all greatly
ore.

I do not think this Report should be published in the
Chronicle, or other paper, but should like to see it

11/7/1918.

Page 2.

privately circulated in full and not by extracts, as proposed, and I hope you will obtain permission for that to be done, as I feel sure the trouble the Police have experienced, and I believe are experiencing, as regards service of warrants on Estates, is owing to Planters not understanding the obligation laid on private persons in the matter of assisting Policemen who have warrants.

Yours sincerely

The Hon'ble Sir Fairless Barber,
Ootacamund.

HW/S.

11/7/1918.

Mr. Sir V. Barber.

Page 2.

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experiencing, as regards service of warrants on Estates, is owing
to Planters not understanding the obligation laid on private persons
in the matter of assisting Policemen who have warrants.

Yours sincerely,

The Hon. Sir Fairless Barber,
Colonial.

W.H.

Box 28
Circ 23.7.18
Recd 26.7.18
17-8 (a)-160.004-16-1-17.

NOTES.

Page 56

For the U.S

Please see the U.S's note
at page 51 ante. It further d.o
Communication from the Hon'ble
Sir Fairless Barber has since been
added. No action is called for
on this communication.

For

19.7.18.
P. de R
19.7.18

Mr. Evans's note is
for orders. L. W. 28

For orders.

2. The slight delay of 2 days in the issue of
the warrant need not be pursued.
3. Mr. Gould need not be prosecuted unless
the Wynnad Planters Association agrees. And
it is not fair to deprive him of the
right to attest contracts, without getting
his explanation.
4. The Only point for orders is to the
communication of Mr. Evans report. Much
of the report is discursive. Perhaps it will
be enough if Mr. Evans be asked to
inform the W.P.A of the obligations of a
planter see K page 35.

W.H.
22/7/18



NOTES.

His. The following D.O. to Mr Evans is submitted for consideration. After

den no 599 of 8.8.18: issue the papers may be recorded
no 10. m. 3995/17-6 of 7.8.18.

Dear Evans,

I am desired to invite a reference to the correspondence ending with your D.O. letter no 1060 of the 10th June 1918, about the Service of Warrants in the Wynad Estates and to state that the Govt. agree with you that the matter need not be pursued further. They do not consider it advisable to send copies of your letter to ^{all those} those parties concerned. ^{They consider it will suffice if} I am, however, ^{well} to request you to be so good as to inform the Wynad Planters Association that its members should realise that the endorsement of future ~~warrants~~ ^{is a duty they should explicitly undertake} labour warrants and that such is tantamount to a responsible statement by an endorsement, involves the planter taking upon himself the responsibility of saying definitely ^{that} whether the warrantee was or was not on his estate at ~~that time~~ the time in question.

pp 33-36 ante

vide last part of (Kang 41) letter.

de portion K
pp 35 ante

To F.B. Evans Esq
3.5.18
Pach

NOTES

[Faint, mostly illegible handwritten notes in cursive script, covering the left page.]

even for copying

copied

examined

red

191

AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

A A A A A A A

N.B.—

A = Copy in full.

B = Not to be copied.

C = Copy abstract only.