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Government of Madras.

Judicial DEPARTMENT.

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Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 24th March 1857.

No. 9. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated Calicut, 27th February 1857, No. 29.

SIR,

With reference to Extract from the Minutes of Consultation under date the 10th June 1856, I have the honor to forward the Plaintiff and Decision in a case of abuse of authority on the part of the Tahsildar of Wynaad. As the charge is one which reflects gravely on the official and moral character of this Officer, I likewise forward the defence† he made, to my hand notes on which I beg to draw attention.

2. The case is one of a very disreputable character, and I regret to add, that I have not the slightest doubt that in its main features it is too true. A petty Police case in which the head of Police fined the husband of the woman, I reversed.

3. The head of Police, Mr. H. Schmidt, a young East Indian, was formerly a Writer in the Civil and Sessions Court, Tellicherry, and is a quick, clever man, and good translator, but his conduct was not such as gave satisfaction, and in one instance the Judge had to reduce him I understand. In 1856, he passed the Pleaders' and Moonsiffs' examination, and obtained Certificate, and Mr. Clarke wishing to place in Wynaad a person who could speak English and communicate with the growing Coffee Planting Society, gave him the appointment. Mr. Clarke had, I believe, come to the conclusion that he had made a mistake before he left the District, and after a month spent in the Talook and completion of the tour over every part of it, I must add, that irrespective of the grave case here brought to notice, I have come to the conviction that he is utterly unfit to be in the responsible office he holds. In the conduct of Revenue and Police business, he has had no experience. His deficiency in the former point of view, I have never seen equalled, and I propose, as soon as I can throw together the facts of some matters in detail, to request the permission of the Board of Revenue to reduce him to a post of less responsibility, where he may learn his duty under a good Tahsildar, and will do less harm by unsteadiness.

(Signed) W. ROBINSON,
Acting Magistrate.

MOSES DANIEL,

Versus.

1. JOHN HENRY SCHMIDT,

Head of Police of the Wynaad Talook.

2. BYRAVEN.

3. GOODOO.

4. BHEEMA.

5. SHEENIVAS.

6. MOOTOOSWAMY.

7. KUNYEN.

Abuse of Police authority and Adultery.

In having, about 3 A. M., of the 10th September 1856, sent the Defendants 2nd to 7th, to the house of the Prosecutor, and on the frivolous plea that he (Complainant) had shirked his duty as a Village Patrol of the night, had him and his wife, Christina, brought to the Talook Cutcherry, in which 1st Defendant dwells, and there confined the 1st Defendant for the rest of the night, while he had his wife, the above Christina, introduced into the part of the Cutcherry which he (Defendant) used as his private dwelling, and kept her, defiled her, and subsequently held a course of adulterous cohabitation with her.

The statements of Prosecutor show that about 3 A. M. of the morning, laid in the charge, the Peons came and summoned the Complainant, at the 1st Defendant's instance, to the Cutcherry, as well as Christina his wife, on the plea that he, Complainant, had neglected to take his turn as

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a Village Patrol, 1st Defendant's object being to get Complainant's wife for his own base purposes, that on arriving at the Cutcherry with his wife, he (Complainant) was placed under confinement at the end of the Cutcherry building, where the public Office is held; while the wife was introduced into 1st Defendant's bath-room at the other end of the building to which there is an entrance from without, that they were both so retained in custody till day-light, that about sun-rise 1st Defendant came out and dismissed him with a pretended warning, allowing likewise his wife to depart at the same time, after having forced her to gratify his base passion. That from and after that time, the intrigues of 1st Defendant with his wife continued unknown to him, till she was induced about 6 days after the above occurrence of her own accord to go out on a feigned excuse, and spend a whole night with 1st Defendant when he (Complainant) was forced to throw her off, and reported the circumstance to the Head of the Caste, &c., that the woman who had two years previously come to maturity, and remained childless, is now with child to the 1st Defendant, who for some time after he (Complainant) sent her away, had habitually cohabited with her, but has now cast her off.

This statement is corroborated by that of Christina, the wife, a comely, modest looking girl of about 16 years of age, she adds that on being introduced into 1st Defendant's bath-room by the Peons, he (1st Defendant) came to her and took her to his bed, and there committed on her reluctant person the offence charged, that she is 6 months gone with child, which she swears to be the consequence of this adulterous connexion. She states that the intrigue was continued, and that she was induced to spend a whole night with 1st Defendant, 6 nights later, and in consequence was discarded by her husband, that 1st Defendant then supported her till his (1st Defendant's) own wife joined him, (1st Defendant was at the time laid in the charge, living away from his wife) when he discarded her.

1st Witness, mother-in-law of Complainant, states that she was from home on the night laid in the charge, and does not therefore swear to any fact connected, and the first opportunity taken. She returned home the day following that as laid in the charge, when the whole circumstances were related to her by Complainant and her daughter. Her daughter likewise confided to her that 1st Defendant had taken advantage of the opportunity, and humbled her when he got her into his dwelling. She states that subsequently the intrigue continued till Christina having slept out a whole night with 1st Defendant, was discarded by her husband, and that she and her daughter then proceeded to a separate house, where they resided under the protection of the 1st Defendant, till he likewise discarded the young woman.

The female is 5 or 6 months gone with child, which her husband, mother and she herself swear to be the consequence of this illicit connexion. She had lived between 2 and 3 years with her husband since puberty, without this consequence resulting.

The head of the Caste Ingmootoo who acts in the absence of the Priest in such matters, (the parties are Roman Catholics) corroborates the statement, the Complainant having duly brought the matter before him.

1st Defendant denies the charge, and attributes it to enmity, caused by his having fined† Complainant, and the instigation of enemies, stating that the night in question, the last of the Moharrom was spent in the company of certain witnesses whom he cites. That the night being a feast night, he and the Deputy Post Master, and a writer on the Pew Estate were out, and about the town of Manantoddy till about 3 A. M., when they all returned to the Cutcherry, where at the request of 1st Defendant, the Deputy Post Master and the writer instead of returning home, took a shake-down at the Cutcherry till morning, another witness Amboo lay down in the verandah.

The evidence of these witnesses is corroborative of this statement, the witnesses stating that had any thing of the nature alleged occurred, they would have observed it.

There appears little doubt that 1st Defendant with the Deputy Post Master and Mr. Affonço, spent a part of the night in question together at the Cutcherry, which the Head of Police inhabits, and in strolling about Manantoddy. After the Taboots had passed about 3 A. M., they were preparing to go to their respective homes, but it is alleged that at 1st Defendant's suggestion they again adjourned to the Cutcherry, and lay down there on such accommodation as it afforded. On this latter point, the Acting Magistrate has the greatest doubt. The houses of the witnesses are near at hand, and he thinks the convenient story of the shake-down, &c. at the Cutcherry is impro-

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bable. The fact that these men spent the greater part of that night together in the excitement of the Moharrom, &c. and the 1st Defendant's admission that he was up till the morning hours and returned about 3 A. M. to his house at the Cutcherry, give to the Acting Magistrate's mind a strong circumstantial appearance of truth to the Complainant's charge, that about that time 1st Defendant sent Peons for him and his wife, and had them both brought up to him as alleged. It is precisely under circumstances of this nature that men are led to commit irregularities of the nature charged.

Defendants 2nd to 7th deny the charge, and ignore the circumstances alleged. If they acted as is averred, it was under the influence of 1st Defendant, that these too easy tools in the disreputable acts of their superiors, did so. No undue violence &c., is charged against them.

On the whole, the Acting Magistrate has not the slightest doubt the 1st Defendant was guilty on the occasion charged, of a very gross abuse of the official influence and power for the basest of purposes in the first instance, and that having obtained this his first opportunity, the adulterous connexion has been kept up, and the cruellest injury has been done to the Complainant, and the Acting Magistrate had thought of committing on the charge, but a criminal conviction could not probably be obtained from deficiency of direct evidence; and under the circumstances of the delay on the part of the Complainant in bringing forward the case, a delay unhappily too easily accounted for. The subsequent acquiescence of the female weakens the criminal charge. As a criminal charge it is therefore dismissed. A case for civil damages may possibly be made out.

But it is needless to show how seriously the character of the public Officer is compromised by the circumstances thus brought to light, as well as by those which are noticed in the review of the case noted in the margin. This will be considered separately with reference to the steps necessary to take in the matter generally.

Christina alias Taye,
Versus.
Moses Daniel.
Charge.
Abusive language.

(Signed) W. ROBINSON,
Acting Magistrate.

True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

Calicut, 18th February 1857.

From J. H. SCHMIDT, Tahsildar; to W. ROBINSON, Esq., Acting Collector of Malabar, dated Manantoddy, 11th February 1857.

SIR,

1. I beg most respectfully to submit the following explanation to the charge brought against me, by the Prosecutor Moses Daniel, and his wife the Prosecutrix Christina.

2. I am accused of having at 3 o'clock on the morning of the 10th September 1856† sent 9 Peons and dragged them from their house to the Cutcherry; of having confined Moses Daniel in one room, and his wife in another, and that my own, for the basest purpose. The woman further alleges

NOTES BY THE ACTING MAGISTRATE.

1. The reverse. This young woman behaved and deposed in the most modest manner and with great reluctance alluded to matters involving her shame, and only so far as was unavoidable under the nature of the complaint and enquiry.

One reads with feelings akin to indignation this unmanly, heartless allusion to the modesty of a poor young married girl of scarcely 16 years of age, by a man who was, as far as human probabilities go, her first defiler, under circumstances amounting to gross abuse of authority and official influence and position, at all events under conditions capable of being used advantageously to immoral purposes. The poor girl has been rejected by her husband, her conduct as an adulteress brought before her co-religionists and her Priest, in connexion with this official's name. That she then cohabited with her while it suited him, does not admit of a doubt. She will shortly give birth to an infant, which she swears is the fruit of the adulterous liaison with this man, and the statement is corroborated by the oath of her husband and mother and all the attendant circumstances, and she is now cast into the street by her adventurer, laugh! want of modesty!!

they are gross falsehoods concocted by my enemies, instigated by the disaffected, and propelled on by the parties themselves, with whom I had to deal in my official capacity.

I beg, in the first place, to deny these charges, and to state that

which

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The date of the charge is the 10th September, the last day of the Mohorrum, as I find by the Madras *Athenæum* Calendar for the year 1856, and I am fortunate, that the Prosecutor choosed that day of all others, as the one in question, for owing to the festival, I can recollect facts which transpired 6 months ago. On that day, or, properly speaking, on the evening of that day, about 7 o'clock, the Deputy Post Master of this District, Mr. Jacob Rodrigues, and a writer of the Pew Estate, Mr. Affongo, came to my quarters. We sat talking till about 11 or 12 o'clock, waiting the procession of the Taboots, and when we saw these reach below the Cutcherry Bungalow, we also stepped down and accompanied the procession as far as the Buffalo village, and returned in company till the place where we joined them, from whence we retraced our steps to the Bungalow. This was about 3 or 4 o'clock, and these two individuals came with me, as I pressed them to come and take a dish of coffee, as it was already day-break. Mr Affongo was accompanied by a Blacksmith of the Pew Estate, and a Tien named Coondah, who stops close by his house, and these two, at the injunction of Mr. Affongo, stopped in the verandah, while we three entered into my room and laid ourselves down on the mattress and carpets we could find, until my servants prepared the coffee. We were obliged, three of us, to occupy the same room, as it was the only one available for that purpose; for, the middle room of the Bungalow was then my Cutcherry room, the one next where the Goomastahs carried on their work, and it was only after the arrival of my family here that I made the present arrangement, by taking the three rooms to myself, and removing the Cutcherry to the one next the three, as was originally during the time of Mr. Conolly, and later still, during the time that Messrs. Crozier and Chatfield were Sub-Collectors of Malabar. Mr. Rodrigues and Mr. Affongo, only left the house after day-break, so that, if any thing like what the Prosecutor and his wife state did actually take place, these two individuals, as well as the two persons who accompanied the latter, would certainly have known it. Their evidence have been recorded, they distinctly state that no such thing occurred, and though I am a party too interested to form or express an opinion as to the merits of their evidence, yet I beg to observe, that Messrs. Rodrigues and Affongo, are men of character, holding respectable posts, and as far as I know, held in good consideration by their superiors.

These are the facts I have to state, I trust I shall now be permitted to enter a little on the evidence for the prosecution, if evidence there is,

2. Secrecy was not attempted. The woman was brought upon a frivolous pretext by Peons. The Commanding Officer alludes to it as "fact so glaring." The affair was known to the Deputy Post Master (Defendant's own witness) in fact, is as notorious, I believe, as possible.

3. Not so.

interested in the case, and moreover the statement of the witness Ignacio Mootoo, whose evidence is likewise mere hearsay, and that from the most prejudiced source, the Prosecutor himself. Besides this one individual whose statement has been recorded, I find that the Prosecutor named another, a woman^{4A} called Chavalakarthi, whom he represented as the person cognizant of the whole matter, and though her statement was not taken down, as those of others, yet from the English note made of what she stated, I find

4. Who in the absence of the Priest is the official channel and head, in all Ecclesiastical matters and before him the matter came in his official character. The Prosecutor, as was natural, complained of the adulteries of his wife to the church and the caste and connected the Tahsildar's name with it. Ignacio Mootoo was afraid to move against this unscrupulous officer.

4A. Of this attempt to buy off the case, the Acting Magistrate has not a doubt, though the old woman, an old procuress, denied it.

that "she knows nothing of the circumstance, &c." and that "she never took the wife of the complainant to the Tahsildar." Now this woman was the likeliest person to have given evidence against me, if there was the least shadow of truth in the complaint, for she is a person whom I once had occasion to fine, as the records of my Cutcherry bear evidence. She observes, however, that she heard that 50 Rupees had been offered to hush up the matter, but from whom? from the complainant of course, as can be clearly gathered from his own statement. I am quite certain that the complainant would have been the last person to refuse the offer of 50 Rupees, if such

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offer was made, or what is more probable, he would have at once closed with the bargain and produced the money as evidence, nor would he have lacked advice to that effect.

The improbability, &c. in the charge I allude to arise from the very fact of my staying in the Cutcherry and the inconsistent statement of the Prosecutor and Prosecutrix. Here I am keeping my quarters in the Cutcherry itself,

5. In no country are these very convenient men more pliable than in Wynaad.

surrounded by a host of Peons, every one of whom cannot be supposed to be in my interest, nor is it possible for the Head of an office, considering the usual course of things, to have secured the co-operation or complicity of all his Subordinates, especially when that Head has been but new in the Cutcherry. But even granting a counter supposing, granting that all the Peons, &c. where blind instruments of my will, and that to a degree rarely exemplified, yet I have still

6. Nothing to do with it. The place where the woman was taken is at the other end of the long building used as a private dwelling.

7. Regiment has left.

8. None alleged and he would not take notice of persons under the charge of belted Peons en route to the Tahsildar's Cutcherry.

and that with lighted torches to drag the Prosecutor and his wife to the Cutcherry, and had they obeyed my behest with such unceremonious zeal as is represented, it is more than likely that the parties would have made some noise,⁹

9. The girl, however reluctant, made no noise.

which would have immediately drawn to the spot all the Military Sepoys not actually on duty, especially as the Main Guard Room had to be passed before reaching the Cutcherry, and in whose hearing, Moses and his wife would have loudly complained of the treatment they received at my hands, and the circumstance immediately communicated by the Sepoys to their Officer, and by that Gentleman to my honorable Master. In one word, the prevention easy, and the exposure complete, but not only no such thing did take place, and what is more, the complainant remained silent all this time, and although the Head Assist. Magistrate, Mr. Puckle, made a long stay at Manantoddy, and I was absent from the place, and therefore unable to use any influence to suppress the matter, yet strange to say, this accusation was not brought. To palliate this remarkable omission, the Prosecutor observes, that it was owing to his having been

10. I heard of this matter long before reaching Manantoddy on circuit.

employed under the Commanding Officer! I find, however, on enquiry, that it was after three or four days after Mr. Puckle's arrival here that the present Officer Commanding reached the place, and subsequently employed the complainant as his cook. Within an equal time, that is three or four days, after the arrival of the Huzzoor here, this complaint was laid. But let these facts speak for themselves. The very excuse which he urges for not complaining to Mr. Puckle, exists to prevent him to complain to you, as will appear by his answer to my question, in which he admits that he is still under the Commanding Officer's employ.

11. The Commanding Officer knew of the matter, and was impressed of the truth from what he had heard from other European Gentlemen at Manantoddy.

I beg also the liberty very briefly to notice the inconsistencies in the statement of the man and his wife, or the discordant nature of the same.¹² First, I am represented as having had recourse to force, and then by a sudden transition from one extreme to another, that she stayed with me by her free will.¹³ The suspicious

12. Explained in a very natural manner.

13. The first opportunity gained and her fall completed, the secret intrigue continued till she was cast off, when she naturally sought the support of her seducer.

agreement in the statement of these two, as well as of the woman's mother, lead to the inevitable conclusion of privity between them throughout in evidence, they stay together even now, and if report is to be credited, the husband¹⁴ lives at times on the pliancy of his wife's virtue.

14. He cast her off when defiled by this official. This does not give an appearance of truth to this cruel insinuation by the man who having injured the husband, as such seduction only does injure one, adds insinuation of the vilest and most dishonorable nature.

I thought at first that the complaint arose from the ill-feelings of the Prosecutor alone, because in all the cases, and they were frequent, in which the husband and wife came before me,

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14. A. For sad, and in this case, immoral purpose. I generally took the side of the weak ¹⁴ A. against the strong, and lastly, sent away the parties reconciled, until lately when I was obliged to incur a small fine, but I have been subsequently undeceived on that head, and in my own case had a personal experience of the truth of the Torture ¹⁵ Commissioner's Report that the Huzzoor Subordinates often injure an independent Tahsildar. Ever since I openly declared ¹⁶ against the custom of propitiating such Subordinates, or gaining their good will by practices acknowledged to have existed ¹⁷ in this Talook, and threatened to report all such matters if it ever came to my knowledge, and communicated to all with whom I came in contact, how decidedly you had set your face against it and recorded a minute, the particulars of which I heard before I had received a copy of it, I incurred the deep animosity of these parties. My last report against my Head Goomastah ¹⁸ was thesecond step, for it completely, I am led to suspect, upset all the arrangements made to pass over the matter. My refusal to allow the services of one and two Peons to every one, my inability to procure suitable and comfortable houses for all to stay, my independent carriage, my reluctance to fawn, or succumb, raised unto me a host of enemies in the most powerful quarter. The services of the worst character were put in requisition, and the present charge was concocted against me. The common talk is that "even the pillar of the Huzzoor Cutcherry was against me," and I know ¹⁹ that some had even the impudence to attempt to tamper with my witnesses, in whose hearing my doom was also pronounced.

15. The Torture Commission was for the exposure of such abominable abuses of official influence as has been the subject of inquiry.

16. Which he never has done.

17. By all of which I believe this young man to have profited and removed none. I believe him to be an avaricious man and by no means above the practices here alluded to.

18. This official did all in his power to pass over and screen the Head Goomastah and grossly neglected his duty in a case of fraudulent account; in the fabrication of which he may have had a hand; which at all events he signed and forwarded to the Huzzoor as correct. The fraud was detected in the Huzzoor, and the Tahsildar very discreditably neglected his duty as regarded the enquiry into the case, until the Acting Collector was obliged to take the whole matter out of the hands of this inefficient and inexperienced officer, whose conduct in this matter has given cause for grave censure and must call forth an adverse opinion on the person using such untruthful argument.

19. The tone adopted here is much to be regretted. Without entering into particulars of the character of native Huzzoor officials, the attempt here made at a general aspersion, comes ill from this young man, who has managed within the short period of a year to establish a character for unsteadiness and probable corruption, which will stand fairly by the side of the worst of these he in these general terms maligns. After a long sojourn in his Talook and experience of his business, I am satisfied that he is a receiver of money. His recommendations for employment all savour strongly of the "fee" and were, in few instances, such as could be confirmed and his other work, was most unsatisfactory savours of sinister motives and great remissness.

ed. I trust I will be believed when I say that it is with the extremest reluctance I have entered into these particulars, for, I know that it is as much as my position and appointment is worth, but as such a charge has been brought against me, and that charge the result of a combined machination, I thought I would be the bitterest enemy to my ownself and family, if I remained longer silent.

That the Head Sheristadar should have been dissatisfied with the Revenue work of this officer and perhaps expressed himself so, is not to be wondered. Long as I have been in Revenue employment, much as has been the inefficiency &c. that has come before me in examination of Jummabundy account &c. I have never seen the Jummabundy and Revenue business, accounts, and records in such confusion and in so unsatisfactory a state as they are in this officer's Talook. And business generally bearing so little the mark of care, attention to business and vigorous active discharge of duty.

In conclusion, I again beg to assure you, do the justice to believe me Sir, that I neither brought the woman forcibly to my house nor seduced her. I have only been Tahsildar 9 months, the appointment was given to me by Mr. Clarke, and within four months of the same, I would not have hazarded character, appointment, future prospects, nay, all what a man holds dear in life, by such gross abuse of authority and moral depravity. I crave, with all submission, that you will forgive one expression of my feelings, when I beg to observe, that rather than have to struggle against complaints at the caprice or ill-will of the commonest man, rather than have to meet such combined machination, I think I would prefer to seek a more humble occupation, or a less invidious post; but, however, I shall form no decision on the point until the present case is disposed of, and I trust I may expect that the nature of the same will be communicated to me.

(Signed) J. H. SCHMIDT,
Tahsildar.

(True Copy.)

(Signed) W. ROBINSON,
Acting Collector.

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Complaint of Moses Daniel, son of Samson Daniel, Parrian, aged about 40 years, Cook, inhabitant of Porasavakom, Chinah Patnom, Madras, made on solemn affirmation, in the Malialim language, before the Acting Magistrate of Malabar, on the 1st Koombhom 1032, or 10th February 1857.

On the night of Wednesday, the 10th September 1856, while I and my wife Christina were in my house at Manantoddy, this Talook Tahsildar, Mr. Schmidt's Kolkar's ¹Goodoo, ²Beema, ³Vayraven, ⁴Shreensvassen, ⁵Mootoossamy, and ⁶a Coorchen Kolkar, whose name I know not, came there at about 3 o'clock A. M., with a lighted lamp, and standing at the northern door of the house, called me. I asked why they did so. They answered, "it is the Tahsildar's order to take you, your wife, and her mother to the Talook Cutcherry, where the Tahsildar lives." I then asked, "Why should I and my wife, &c., be taken thither at this night time?" Upon this they observed, "We got a warrant yesterday to take you, but we have not now brought it here, you must therefore come with us." At this time my mother-in-law was not at home. I said, "I am unable to walk, being sick in my legs." But as they did not attend to this, I, supporting myself with a stick, and the Kolkar Vayraven holding one of my hands, left for the Talook Cutcherry, together with my wife. On our reaching half-way, where the Burying Ground is situated, another Kolkar named Samy came up quickly to us, and said that the Tahsildar had directed that we should be taken up to him with all speed. We all went to him accordingly. At that time the Tahsildar's wife had not arrived at this place. After we had reached the Talook Cutcherry, the Kolkar Goodoo went and reported it to the Tahsildar, who then came to the veranda and directed that I should be kept in a room situated to the west, and my wife in the room in which the Tahsildar himself was living. My wife was therefore taken into the latter room, and Goodoo, conducting me into the western room, kept me there. The door of this room was not shut. While being taken into the Tahsildar's room, my wife asked "why am I taken there?" The next morning, at about half past 6 o'clock, she, as well as myself, was taken and kept out of the rooms. The Tahsildar then asked the Kolkar Goodoo why I was brought up there. The reason he assigned was that I had failed to come and join the village Patrol (at nights.) Upon this the Tahsildar told the Kolkar Manovelly "he is a sick man, take him to his house." The latter accordingly took me and my wife to our house. On our arrival there, I asked my wife whether any thing had taken place after she had been conducted into the Tahsildar's room. She then answered "what is to be done, what has occurred, has occurred." Subsequently, on the evening of the 15th of September, at half-past 6 o'clock, a woman named Chavallakarty Saunah brought a bottle of brandy to my house, stating that it had been sent by the Post Office writer. At this very time my suspicion was roused, I, however, as well as my wife and the woman who had brought the liquor, drunk some of it. My wife told me that there was a Play in the Buffalo village, and that she wished to go and see it. I then asked her with whom she would go. She answered that she would go with the woman who had brought the liquor. Thus my wife and the woman in question went off. My wife did not come back during the whole of that night. The following morning at 5 o'clock, she and the Tahsildar's servant, a teen boy, whose name I know not, came to my house. I was then standing waiting for her at a little distance from the house. When she and the Tahsildar's servant came as above, she was covered with a cloak of the Tahsildar's, which she returned by the servant. As she entered the house, I asked her where she had gone to. She said she had been at the Tahsildar's house; that it was the Tahsildar who had sent the brandy; that she had slept with the Tahsildar; and that she had not done this of her own accord, but because people had been sent to take her thither for the purpose. Upon this, I put her out of my house, since which she has been living under the protection of the Tahsildar, by whom she is now 5 months with child. That the Tahsildar should, by means of presents, have gained over a woman I have lawfully married, and taken her into his keeping, thus cohabiting adulterously with her, is a matter of grievance to me. I therefore hereby prefer my complaint against my wife and the Tahsildar. An individual named Bedom, an inhabitant of Tinnevely, who is not now present here, is a witness in this case, as he saw my wife coming covered with the Tahsildar's cloak. Besides this, as the matter in question is known to every one at this place, an enquiry will prove it. I pray that the case may be examined, and my grievance redressed. After my wife had been taken into the Tahsildar's keeping, she lived for 4 months in the Barrack Conicopoly Jacob's house. All these circumstances can be ascertained by an examination being made of him. During the above interval, she came to my

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house on the 27th December last, and an altercation taking place between us, I beat her. For this she preferred a complaint against me before the Tahsildar, who having examined it, directed that the matter should be amicably settled. She did not agree to this. I stated that I beat her for her adulterous conduct. This statement (the Tahsildar) said would not be recorded. Afterwards, the Police Gomastah wrote something, I know not what, in the Deposition. The Tahsildar being angry, I was frightened and induced to affix my signature to the Deposition. After this we were all released. Such a circumstance has also occurred, even at the time the above complaint was made against me, my wife was living in the aforesaid Jacob's house. As the Post Office writer here is in favor of the opposite party, I thought any Petition from me would be suppressed by him. Therefore, and as I was sick, I could not prefer my complaint and prosecute the case ere now. When the Head Assistant Magistrate visited this place, I could not, from want of time, make my complaint, as I was then employed under the Commanding Officer here. These are the causes which have led to so much delay in preferring my complaint. On the night that I and my wife were taken to the Tahsildar's Cutcherry and confined in the rooms, the abovementioned Kolkars Samy and Manovelly, and another of Talookan caste whose name I know not and who resides in the Buffaloe village, mounted guard there. There were also present the other Kolkars abovenamed, who had escorted us to the Talook Cutcherry. The Tahsildar being aware of my having presented my complaint in this case yesterday, the aforesaid Chavallakarty Saunah, by his desire, came near this Cutcherry yesterday at about 1 o'clock P. M. and told me that the Tahsildar had determined to give me 50 Rupees, and that I should not prove any thing of the charge against him. I did not accede to this. The aforesaid Kolkars Goodoo and Samy, as well as a Parrian living in Jacob's house, whose name I know not, were with her at the time. On my way to the Commanding Officer's house this morning, my wife and the said Chavallakarty Saunah told me that I should prove nothing against the Tahsildar. As I did not assent to this, my wife observed "If you don't agree to this, I will not state the truth, nor will you get the money promised by the Tahsildar". They then called and took me to Catoo Mootoo's house, wherein my wife lives at present, and there also they spoke to me about the matter. At this time the Coorchen Kolkar, whose name I have stated above I know not, came there without his belt, having been sent thither by the Tahsildar. He told me that the Tahsildar wanted me. This was witnessed by the Peon who was sent by your worship to call my wife.

My Deposition has been read over to me, and is correct.

Signature.

Solemnly affirmed before me, this 10th February 1857.

(Signed) W. ROBINSON,
Acting Magistrate.

Question by the Defendant Tahsildar.

Under whom are you now employed?

I am still employed under the Commanding Officer.

What has been read over to me, is correctly recorded.

Signature.

No further questions are put to the Deponent.

Solemnly affirmed before me, this 10th February 1857.

(Signed) W. ROBINSON,
Acting Magistrate.

(True Translation.)

W. ROBINSON,
Acting Magistrate.

Memo. in review of Police Proceedings held by the Head of Police of Wynaad, on the complaint of Christina, alias Tayee, under date the 27th December 1856.

This case has come under review, at the instance of the Head of Police of Wynaad, as per letter dated 9th February, in which he attributes to the Defendant in this petty case of abusive

Fort St. George, Judicial Consultation, 24th March 1857.

language, malicious motive sufficient to account for the Complainant in a charge of gross abuse of official power, influence, and of adultery preferred by the Defendant, against this Head of Police.

Careful enquiry carried on relative to the case of abuse of authority, &c., shows that the Complainant in the petty case is a poor young female, the wife of the Defendant in the case, to compass whose fall there is too grave reason to believe this Head of Police made use of most unjustifiable means in the month of September before. The female admits that she was dishonored by the Head of Police under circumstances of great reluctance, such as it is painful to contemplate, and that she subsequently continued the intrigue thus begun with him, and is with child by him, and that in consequence of her conduct, her husband discarded her. The Head of Police continued, so long as it suited him to cohabit with her. This infidelity naturally gave occasion to petty bickerings between the female and her husband, and out of one of these occasions, this case under review arose.

Be the circumstance of the first seduction what they may, there is not a semblance of doubt that this young woman has been reduced to her present circumstances through the intrigue of this Head of Police, and that with regard to the Defendant in the case, the cruellest injury that one man can inflict on another, had fallen on this Defendant, in consequence of the intrigues of this officer. From the letter of the Head of Police, it would appear, that on the 26th December, some abusive language, &c. had passed between the injured husband and the wife, and that she (the wife) went to the office to complain, and was told by the Head of Police to bring her complaint. A grossly exaggerated complaint appears then to have been prepared, possibly under the direction of the Head of Police. The evidence shews that some abusive language only passed on both sides, and that the best of cause existed in the infidelity of the female. The Defendant was fined 8 Annas by the Head of Police, whose immorality had been the cause of all the domestic trouble, and the force of the offence in this case was no doubt the rather unceremonious and indelicate mention of the official's name in connexion with the unfaithful wife.

No sufficient cause for punishment is proved, and least of all, should the case have been entertained by this Office.

The fine will be refunded.

(Signed) W. ROBINSON,
Acting Magistrate.

Calicut, 18th February 1857.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

No. 10. ORDER THEREON, No. 324; dated 19th March 1857.

With the letter recorded above the Acting Magistrate of Malabar submits the Complaint, Defence and Decision in a case of abuse of authority on the part of the Tahsildar of Wynaad as Head of Police. Mr. J. H. Schmidt, the Defendant, is charged with having, on a plea of neglect of duty, caused the Prosecutor and his wife to be brought to the Talook Cutcherry at night and there confined him, while he had his wife introduced into the part of the Cutcherry which he (Defendant) used as his private dwelling, defiled her and subsequently held a course of adulterous cohabitation with her.

2. From a careful consideration of all the circumstances of the case, the Right Honorable the Governor in Council is satisfied that the conduct of Defendant, Mr. J. H. Schmidt, in the matter reported has been such as to show him to be unworthy to remain in the Public Service. He will therefore be dismissed from his appointment as Tahsildar of the Wynaad Talook on receipt of these orders by the Collector of Malabar.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Depart^{mt}

N^o 385-

From the Acting Magistrate of Malabar
Dated 27th February 1857-

For Orders

I think this man should be
dismissed from his job because

At
Ly
C. M. Ly

on a plea of neglect of duty, caused
the Prosecutor and his wife to
be brought to the Talook cutting
at night
and there confined him, while
he had his wife introduced
into the part of the cutting
which

Judicial Department

No 324

Extract from the Minutes of Consultation
dated 19th March 1857.

Read the following letter from
the Acting Magistrate of Malabar
(Received 27th February 1857 No 29)

With the letter recorded above
the Acting Magistrate of Malabar
submits the plaint, defence and
decision in a case of abuse of
authority on the part of the
Dahsildar of Ignaud as Head
of Police. Mr. A. Schmidt, the
Defendant, is charged with having,
on a plea of neglect of duty, caused
the Prosecutor and his wife to
be brought to the Talook cutting
at night
and there confined him, while
he had his wife introduced
into the part of the cutting
which

[Handwritten signatures and initials]

[Faint handwritten text, likely bleed-through from the reverse side]

which he (Def^t.) used as his
private dwelling, ~~and kept her~~, defiled
her and subsequently held a course
of adulterous cohabitation with her

2. From a careful considera-
tion of all the circumstances of
the case, the Right Hon^{ble} the
Governor in Council is satisfied
conduct of
that the Defendant, Mr. J. H. Selous,
is guilty of the charge laid against
him, and directs that he be dis-
missed from the public service

Copy to M^r Magistrate of Malabar. }
" Revenue Depart^t } Dated 21st

in the matter reported
has been such as to
show him to be unworthy
to remain in the public
service - He will therefore
be dismissed from his
app^t on the sanction
of Mr Wyndham Titcomb
on receipt of their order
by Mr Cole of Malabar
JPS

Ind 5th to Eng 279. Since
we 16 of 1857

Jan 31

App 12 to in court 1857 & 1858

Ind 4 to Court = 214th March
Judicial 1857 & 1858

Apr 30 1857

Abstract of Bonds

of 19th March 1857

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