

MADRAS RECORD OFFICE.

Government of Madras.

Indicil DEPARTMENT.

G.O. No. 329

Press
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19-26

Dated - 24-3-1857.

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

No. 19. Read the following letter from J. ROHDE, Esq., Inspector of Prisons; to T. PYCROFT, Esq., Chief Secretary to Government, dated 11th March 1857, No. 90.

SIR,

In reference to the endorsement on the enclosed Petitions, requiring information on the exclusion of the Jailor of Tinnevely from return to duty when under suspension, I have the honor to state that on this man's being suspended, the Sessions Judge referred the matter to me, the case is detailed in p. 3 of my report on the Tinnevely Jail, and I would beg to refer to it.

(Signed) J. ROHDE,

Inspector of Prisons.

Copy of Translation of the Miscellaneous Petition No. 174, presented on the 6th August 1856, by Autheemoolumpillay, Jailor of Tinnevely, and of the order passed thereon.

1st. Since August 1838, I have acted consistently with the Jail Rules and the orders of the Court.

2nd. Besides the fetters of three different weights prepared for the Convicts in the Jail, I have made use of no other kind on any of the Convicts.

3rd. I have engaged the Convicts in such works as were suitable to their constitution, without yielding to the dictates of the partiality or self-benefit.

4th. As the fetter of 80 Rupees weight which was on the Convict Nullamoottoo, was worn out, I put a fetter of 60 Rupees weight which was available at the time on him, and have bought and given iron to make him another of 80 Rupees weight.

5th. The Court did not give me any particular orders relating to the Jail, nor have I acted in contravention thereto.

6th. I have presented reports to the Court on the 2nd and 8th May, and 24th July last, respecting the misconduct of Peon Chinna Vencatachellum, who has now complained against me, but he was not punished. In consequence of which, he in company with the Peons who were previously punished on my reports, and the Duffadar, who on a former occasion gave false evidence against me, has vainly criminated me, and owing to my misfortune, the Court has believed the charges, and has passed an order of suspension against me.

7th. Your Honor is aware of my conduct and abilities since your arrival, and has also protected me during the adjournment of the Court in April last, your Honor went away to the Poompau-ray Hills attached to the Madura District, for 25 or 26 days, and the Principal Sudder Ameen also went to Madura at the same time, on a month's liberty, on which occasion I have duly managed these Peons and the Prisoners, while so, it is not proper that I should be suspended on account of so trifling a matter.

8th. Mr. W. Douglas has written to the Foujdaree Court in December 1843, and August 1848, respecting my conduct, copies of which are on the Records of this Court, and on perusal of them, my conduct will be clearly manifest to the Court.

9th. I therefore humbly beg that the Court will be pleased to cancel my suspension, and restore me to my office.

ORDER.--- Petitioner is referred to Extract from the Proceedings of the Sessions Court in his case, a copy of which will be forwarded to the Inspector of Jails.

Copies to be granted of all Documents taken, including the Session Judge's letter.

(Signed) C. H. WOODGATE,

Session Judge.

(True Copy.)

(Signed) C. VENCATACHELLIAH,

Principal Sudr Ameen in Charge.

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

To J. ROHDE, Esq., Inspector of Prisons.

The humble Appeal Petition of AUDIMOOLUM Pillay, Jailor at Tinnevely.

MOST RESPECTFULLY SHOWETH,

1st. One of the additional Peon, Chinna Vencatachellem, got up a false charge against the Petitioner to the Sessions Judge of this Zillah, who, believing the above false charge, and suspended the Petitioner on the 2nd Instant, the following reasons will give your Honor a particular account of his having been unjustly suspended.

2nd. The Petitioner presented a Petition to the above gentleman, mentioning the above particulars, but he instead of giving justice, ordered him to refer to the extract. Whereupon he obtained the copies of the above Petition, and that of the order passed thereon, on Stamp Papers, and herewith forwarded to your Honor.

3rd. It is mentioned in the 1st para. of the extract, that the Convict Moottoocurpataven was sent to light work (instead of appointing him to the bandy work) as he is a rich man. Although the Convicts were a rich or not, yet the Petitioner continued appointing them to the work suitable to their abilities, but not in partiality. The said Moottoocurpataven has been caused to dig up with the pick-axe on the public road in front of the gate of the Sessions Judge, as well as to spread the gravel, which work is more hard than that of the bandy work, but he has not been sent by the Petitioner to any place of seclude to work slightly.

4th. It is mentioned in the 2nd para. of the extract "that the Petitioner failed to send to the bandy work" the Convicts who were able to perform the severest work, and that on referring to the Zillah Surgeon, he said that all of them were able enough to perform the same works. As your Honor had sent an order to the effect that the Convicts who have been sentenced for a long period should be appointed to work together with a party, and that the Convicts sentenced for a short period should be appointed for sundry works with a single Peon, I acted in conformity to the said order, but the Sessions Judge without taking into consideration accused me that I failed to appoint all the Convicts to the bandy work.

5th. It is mentioned in the 3rd para. of the extract that the explanation given by the Petitioner to the same para, is most unsatisfactory. I was not, since I came to my recollection up to this time, spoken an untruth, which will come to light by referring to the copies of the letters herewith forwarded, and which have been submitted to the Foujdaree Court by the late Sessions Judge, Mr. W. Douglas, on the 14th December 1843, and on the 5th August 1848. The above Theroochanumcoody Talaven is a noble and a rich man in this Zillah, and the Petitioner holds a friendship with him from A. D. 1846. As a disturbance raised between him and his relation in 1855, he was sent to Jail and released within 2 months by the order of the Court of Foujdaree Udalt, two months previous to this charge. The Petitioner has accepted a Poney on loan from the above individual, but the same was neither given to the Petitioner as a reward, on account of the Convict Poolootaven, nor was any relationship existed between him and the latter. The brother-in-law of the Peon who has brought this charge having got the signature of the Petitioner to the above individual, and brought him the above Poney on loan. The Petitioner was not bribed with the above Poney, if it be so, there is no any necessity to admit before the Court that the same has been accepted on loan.

6th. The explanation given by the Petitioner to the 4th para. of the extract, is admitted by the Sessions Judge.

7th. The Convict Poonnavanatalaven referred to in the 5th para. of the above extract being grown with old age, I questioned the Zillah Surgeon whether he is fit for the bandy work. The said gentleman gave a verbal order, prohibiting him from appointing to the same work, but owing to my bad time the said gentleman answered it in the negative.

8th. The explanation given by the Petitioner to the 6th para. of the extract was admitted by the Sessions Judge, and as a similar nature, and all against the Petitioner. As soon as the above Convict discharged from the medical treatment, and obtained strong in body he has been appointed to the bandy work.

9th. It is mentioned in the 7th para. of the extract that the Zillah Surgeon stated, that if he prohibited the Convict from being put to hard work the book will show, but whenever the Zil-

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

lah Surgeon comes to visit the Jail, that if any of the sick Convicts give him any information of their sufferings, the Petitioner is only used to act by the order that may be given by him, but not accustomed to place any book for the same order, subsequent to my suspension, I am being informed on the 3rd August, that the Sessions Judge came to the Jail on the 4th of the above month in company with the Zillah Surgeon, and passed an order so as to retain a book for the orders that may be given by him (Zillah Surgeon.)

10th. The Sessions Judge has admitted the explanation given by the Petitioner to the 8th para. of the extract.

11th. It is stated in the 9th para. of the extract that the Sessions Judge feels no doubt of the Petitioner having treated the Prisoner with great indulgence, but the Duffadar and the Peons who were previously punished by the Petitioner's report made the Peon to present the Petition to the Sessions Judge, and rendered their assistance in adducing proof to the false charges against the Petitioner. The Sessions Judge is well aware of the above circumstances.

12th. The Sessions Judge has passed the charge mentioned in the 10th para. of the extract.

13th. It is stated in the 11th para. of the extract that the Petitioner's conduct is highly reprehensible, and is in direct opposition to the Jail Rules, which prohibit the removal of Irons of any Prisoner without written order from the Officer in charge of the Jail; from 1838 up to the 2d Instant, the Petitioner has discharged the duty of the Jailor, during which period it was usual to him to take the permission of the Sessions Judge for preparing the Irons of new muster, but that of the Irons of 3 musters used in Jail. The late Sessions Judge has passed an order to the Petitioner, that in case of the Irons on the legs of the Convicts be wasted, the same to be changed immediately with those that are to be on hand. With reference to the above order, the Petitioner removed the Irons of 80 Rupees weight that were on the legs of the Convict Nullamootoo, which were wasted, and supplied him with the Irons of 60 Rupees weight that was on hand, and also the Petitioner has ordered for the preparation of the Irons of 80 Rupees weight, which work is now going on, the above circumstance has given to the notice of the Sessions Judge by the Petitioner.

14th. The Sessions Judge suspended the Petitioner on the 2d Instant, and having appeared to the Jail on the 3d, gave an instruction to separate those that are exempted from hard work, the Petitioner pointed out the Convicts that were exempted from the hard work by the order of the Zillah Surgeon, and those that have been sentenced for a short period, while it being so, it is mentioned in the extract that the Petitioner attempted to account for it on the plea of old age, infirmity, and youth, but upon inspection in company with the Zillah Surgeon, 10 Prisoners only were found entitled to indulgence under those heads. The Petitioner has not said any thing to the effect.

15th. Since the appointment of the Sessions Judge to this Zillah, the Petitioner has informed him in person and in writing, about the occurrences in the Jail, every other day, but he was not careless previous to the March of A. D. 1855, the Peons who have been punished by Petitioner's reports, associating together, caused a Peon Gopaulanaick to bring a charge against him (Petitioner) the Sessions Judge relying on the evidence adduced by the Duffadar and the above Peons, and suspended him for one month, the Petitioner was then unable to appeal, in consequence of his being unwilling to have the displeasure of the Sessions Judge, owing to which, and the misfortune of the Petitioner, caused the above gentleman to mention in his extract that the Petitioner has turned a deaf ear to his advice.

16th. If the Petitioner be suspended by the false charge preferred by a Peon, and by the evidence adduced by 2 other Peons who are under his control, how could the Petitioner be enabled to conduct those Peons and Convicts strictly.

17th. The Petitioner therefore most humbly begs your humanity to pity on him, and to take into consideration the whole proceedings in this case, and also to pass a just decision, restoring him to his office together with the pay, and protect him for ever.

For which act of charity Petitioner shall as in duty bound ever pray.

Tinnevely, 14th August 1856.

அதிபலபிள்ளை.

உதயலிங்கம்.

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

Extract from a letter from the Sessions Judge of Tinnevely; to the Register to the Court of Foudaree Udalut, dated 14th December 1843.

Para. 31. Of the Jailor I received the highest character from Mr. Limond, and I also have found him a very able and efficient Officer, and preferable, in my opinion, even to the European Jailor at Madura.

(Signed) W. DOUGLAS,
Sessions Judge.

(True Extract and Copy.)

(Signed) C. VENCATACHELLIAH,
Principal Sudr Ameen in charge.

Extract from a letter from the Sessions Judge of Tinnevely; to the Register to the Court of Foudaree Udalut, dated 5th August 1848.

Para. 7. All statements made by Prisoners against a Jailor and their Guard, must be received with caution, and I have no doubt that the Convicts' dislike to the Jailor and to all restraint, has induced them, on the present occasion, to go beyond the truth, and to represent the conduct of that Officer and of the Jail Guard in a light more unfavourable than it deserves, and I will do the Jailor the justice to say, that during the time I have been employed in this Zillah, he has certainly always hitherto exacted labor from the Convicts in a very efficient manner.

(Signed) W. DOUGLAS,
Sessions Judge.

(True Extract and Copy.)

(Signed) C. VENCATACHELLIAH,
Principal Sudr Ameen in charge.

The bearer Audimoolum was appointed by me Jailor of the Tinnevely Jail in 1838. He served in that capacity in 1839, 1840, 1841, 1842 and 1843, and his conduct gave me great satisfaction.

(Signed) D. R. LIMOND,
Acting Joint Criminal Judge of Madura.

Audimoolum was Jailor during the eighteen months that I presided over the Sessions Court of Tinnevely. He appeared to me to be an active and efficient Officer.

(Signed) HATLEY FRERE,
Acting Sessions Judge.

Having been requested by the Jailor "Audimoolum" to certify my opinion of him as a Public servant, I have pleasure in stating that during the 8 years I presided over the Court in Tinnevely, he ably and zealously assisted me in employing the Convicts on the Public Roads; and he is thoroughly acquainted with the duties connected with the internal management of the Jail.

(Signed) W. DOUGLAS,
Late Civil and Sessions Judge.

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

Extract from the Proceeding of the Civil Court of Tinnevely, under date 26th January 1854.
The Jailor Audimoolum Pillay has given me satisfaction. He is zealous and active, and well fitted for his post.

(True Extract.)

(Signed) G. T. BEAUCHAMP,
Civil Judge.

TO THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL, FORT ST. GEORGE.

The humble Special Appeal of Audimoolumpillay,
late Jailor of Zillah Tinnevely.

MOST RESPECTFULLY SHEWETH,

1st. It was usual in very Sunday to read the Jail Rules to the Peons, Convicts and others, accordingly the same Rules were read over to the above Peons and others on the 27th July 1856, when a Convict Ammamootoo said that "why do you read over this Rules to us while the Judge does not abide by them," which statement the Petitioner reported the Judge next morning, who without making any enquiries respecting it, bore an enmity against Petitioner for unreasonable cause and having caused one Jail Peon Vencatachellum to prefer false charge against Petitioner, received it in his Bangalow, and without any investigation suspended the Petitioner for 6 months on the 2nd August 1856, and submitted his proceedings to the Jail Inspector.

2nd. On the 6th August 1856 the Petitioner applied the Sessions Court for cancelment of the suspension who referred him on the 9th to the extract submitted to the Inspector.

3rd. On the 14th Idem the Petitioner submitted an appeal to the Inspector through the Sessions Court, together with copies of the Proceedings obtained in stamp papers.

4th. On the 2nd February 1857, the Petitioner applied to the Sessions Court that as 6 months have elapsed from date of suspension, he should be reinstated in his post, who immediately addressed a letter to the Inspector. The Petitioner also on the 3rd February 1857, submitted a Petition to the Inspector, whose endorsement thereupon dated 12th Idem, is herewith enclosed.

5th. The Petitioner with a view to make a special Appeal requested the Sessions Court for return of the authentical copies transmitted by the Inspector, and the Court gave an endorsement to the effect that they have not yet been received, which endorsement also is herewith enclosed. Petitioner is not aware as to what became of his authenticated copies. The copies 1 to 7 which Petitioner had, are herewith enclosed.

6th. The Petitioner has been a Jailor for 18 years, and his conduct will be favourably reported if questioned to any of the respectable public officers or inhabitants of this Zillah, and it will be obvious that this Petitioner was unjustly dismissed on a trifling matter.

7th. The Petitioner has no other protection but that of his post, he therefore prays that the copies of the annexed Certificates, and the proceedings, may be taken into consideration, and Petitioner may be reinstated in his post together with the salary due to him for the interval of suspension.

For which act of charity, the Petitioner as in duty bound, shall ever pray,
Tinnevely, 21st February 1857.

ஆதிமூலப்பிள்ளை.
செயலர்.

No. 5.

ENDORSEMENT.

The Inspector of Prisons disposed of this Petitioner's case on the Petition of 9th August, he enquired into the matter when at Tinnevely, and directed that the Petitioner should not be re-employed.

(Signed) J. ROHDE,
Inspector.

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

No. 505 of 1857.

The Inspector of Prisons will be pleased to state the grounds of his order, directing that the Petitioner should not be re-employed.

By Order.

(Signed) D. F. CARMICHAEL,
Dy. Secy. to Government.

Fort St. George, 9th March 1857.

To the presence of J. ROHDE, Esq., Inspector of Prisons.

The humble Petition of Audimoolum Pillay, Jailor at Tinnevely. With all manner of respects and humble submission, the poor Petitioner begs liberty to bring the following few lines to your Honor's kind notice.

MOST RESPECTFULLY SHEWETH,

That the Session Judge of Tinnevely considering, upon a complaint not worth made against the Petitioner by an additional Peon named Vencatachellum, that the Petitioner had used some partiality in favor of the Prisoners, had on the 2nd August 1856, suspended the Petitioner from his office, and ordered him without making any enquiry into the case of the motion dated 5th August, presented by the Petitioner, showing some reasons thereof, to go as the contents of the Extract forwarded to the Jail Inspector, agreeably an appeal on the 14th August enclosing copies of the order and petition on stamp paper had been submitted to your Honor through the medium of the Court, as well as two petitions, one dated 9th August and another of 12th September 1856, together with the Certificates he had obtained from different gentlemen.

The poor Petitioner humbly begs your Honor, that your Honor, having a pitiful regard on the helpless poor of a large family, would be pleased, to pay a little view of his Appeal Petition and reverse the suspension, ordering for the payment from the 3rd August and restoration of his duty.

For which act of justice the poor Petitioner as in duty bound, shall ever pray.

2nd February 1857, Tinnevely.

ஆதிமூலபிள்வரர்,
செயிலர்.

No. 20.

ORDER THEREON, No. 329; dated 19th March 1857.

Under the circumstances represented by the Inspector of Prisons, the Government see no reason for ordering the restoration of Autheemoolum Pillay to his late post as Jailor of the Tinnevely Jail.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Department

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Extract from the Minutes of Consultation

Dated 19th March 1857

Read the following letter
from the Inspector of Prisons.

(Here enter 11th March 1857 No 90)

Under the circumstances
represented by the Inspector of
Prisons, the Government see
no reason for ordering the resto-
ration of Autheemoolum Pillay
to his late post as Jailor of
the Tinnevely Jail.

Copy to Inspector of Prisons Dated 21st
" Autheemoolum Pillay - Late Jailor of the } Dated 21st
Jail of Tinnevely

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History of the
University of

Public Law: 24 March
Judicial 1837 1840

1837

Extraordinary

29/12/1837