M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1457

Press

Mis

Dated 8 11 1930.

2 1/4 x 3

Not to be folded or roughly handled

No. 65. Read the following letter from Æ. R. McDONELL, Esq., Officiating Magistrate of Trichinopoly, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 27th October 1860, No. 169.

In obedience to the Order of Government, dated the 12th of October 1860, No. 1,318, I have the honor to report on the case referred to in the Order, in which a party said to have been named "Solomon Appavoo" was recently apprehended here, by a Constable from Ceylon; but who on production before the authorities there was found not to be the man for whom the Warrant was issued.

2. On the 21st of June last, the Constable appeared before me in person with the Warrant, when I issued orders in conformity with previous instructions of Government,* to my Police Officers to render him every assistance in apprehending the party named in the Warrant.

* *No.* 671, *dated* 30*th May* 1860.

3. A few days subsequent to this, the Constable appeared before me having apprehended a man, whom he stated he recognized as "Solomon Appavoo" whom he had previously known whilst the latter was in the employment of Messrs. Keir, Dundas and Co.

4. The party so apprehended denied ever having been in Ceylon, but stated he was unable to bring forward any person who could speak to his identity.

5. The Constable brought no papers with him, nothing but the simple Warrant of apprehension.

6 It was under these circumstances, I was induced on the 30th June last to address you in letter No. 99, regarding what course I was to pursue as I had no means of discovering if the party in custody of this Constable was the real delinquent.

7. There was on the one hand the simple statement of the Constable that the prisoner was the man named in the Warrant, and on the other, the prisoner's denial of ever having been in Ceylon.

8. I observe that the Constable in his petition to the Chief Superintendent of Police in Ceylon, states that he took the prisoner to Ceylon by order of the Magistrate of Trichinopoly; this is wholly false, as my letter to Government will have shewn you: I moreover cautioned the Constable as to the consequences which would ensue if he took the apprehended party over, unless fully satisfied that he had the right man in custody.

9. Until the receipt of the Government Order of the 9th of July 1860, No. 853, passed on my letter regarding this matter, I would not permit the Constable to remove the party he had apprehended.

10. The Constable in his petition has wilfully misrepresented facts, the whole responsibility of the arrest and illegal deportment of the apprehended party, rests with the Constable; in his petition to Mr. Macartney, he states that it was not by his will, but by the order of the Magistrate of Trichinopoly that the prisoner was conveyed to Ceylon; yet it would appear from Captain Drew's letter to Mr. Macartney that this Constable was sent expressly, because he said he know the accused. Did the Constable then knowingly and wilfully apprehend the wrong man?

No. 66. To the Colonial Secretary, Colombo, dated Fort Saint George, 8th November 1860, No. 1,458.

The correspondence received with your letter of the 1st ultimo, No. 91, having agreeably to your request, been referred to the Magistrate of Trichinopoly, I am directed to transmit to you a copy of that Officer's report relative to the circumstances under which Constable Drahim was permitted to remove Solomon Appavoo, to Ceylon.

2. A copy of the Proceedings of this Government under date the 9th July last, No. 853, referred to by the Magistrate, is likewise transmitted.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Dispd. 12th.

No 1458-

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The Colonial Secretary.
Colombo.

Sir, The correspondence received with your letter of the 1st ultimo & Gt. having, agreeably to your request, been referred to the Magistrate of Trichinopoly, I am directed to transmit to you a copy of that Officer's report relative to the Circumstances under which Constable Drachim was permitted to remove Solomon Appavoo, to Ceylon.

2. A copy of the proceedings
of this Govt. under date the
9 July last No 353 referred
to by the Magistrate is likewise
transmitted.

Tor 16 & 17 George 3
8 November 1860.