

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 396

Press

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226-227

Dated

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

18th March 1864.

No. 226. Read the following letter from *Æ. R. McDONELL, Esq.,* Acting Magistrate of Madura; to the Honorable *A. J. ARBUTHNOT, Chief Secretary to Government,* Fort Saint George, dated Madura, 20th February 1864, No. 33.

With a view to obtaining the orders of Government in the matter, I do myself the honor to lay before you copy of a letter* received from the Resident of Travancore, calling upon me to assist him in every possible way in putting

* 18th January 1864, No. 95.

down the lawless gangs of robbers who now with impunity plunder the different Hill Cardamom estates in Travancore.

2. Mr. Levinge in an order issued on the 21st of January 1863, No. 3, prohibited the Sub-Magistracy in this District from entertaining complaints against parties who may be charged with having committed such offences in Travancore; he considered that in such cases it would be improper for the Sub-Magistracy to issue search warrants, or for the Police to execute them on information being laid by the Travancore Agents. Mr. Levinge was of opinion that the proper course was for the Agent to report the circumstances in each case to the Travancore authorities, when the Resident could at once communicate with the Magistrate of the District, who would then issue such orders in each case as he might consider necessary.

3. Mr. Fisher in the 5th paragraph of his letter expresses his opinion that persons charged with robbery or crime committed in Travancore, for which the parties accused would be liable to punishment on conviction had the crime been committed in British territory, may be prosecuted before our Sub-Magistracy, and in this opinion I entirely concur, but care must be taken to guard against vexatious complaints being brought by the Travancore Agents, and thus harassing our villagers.

Extract Minutes of Consultation, No. 289, dated 20th March 1856.

4. Mr. Fisher refers to some orders of the Government passed in this matter; these are not on record in this office.

5. I consider that on any complaint of the kind being referred by a Travancore Agent before our Sub-Magistracy, such Magistrate should at once act in the matter and proceed with the inquiry, reporting to the District Magistrate, and on closing the inquiry submit the entire record for the District Magistrate's orders who could then communicate with the Resident.

From *W. FISHER, Esq.,* Resident of Trevandrum and Cochin; to the Magistrate of Madura, dated Trevandrum, 18th January 1864, No. 95.

I have the honor to inform you that the Dewan of Travancore has addressed me on the asserted want of co-operation on the part of the British authorities in Madura in cases in which British subjects have been charged with entering Travancore territory with arms in their hands, for the purpose of robbing the Cardamom gardens and attacking the Sirkar guard.

2. The Magistrate is said to have given the Sirkar Agent an endorsement, purporting that he declined to interfere, because the Resident had not addressed him on the subject.

3. On another occasion the Sub-Magistrate of Perriacolum declined to interfere in a case of robbery of Cardamoms by some Chanars and Parriars, on the ground that the Magistrate's order No. 3, January 20th, 1863, prohibited his interference.

4. The Dewan is under the impression that the orders of the Madras Government quoted in the margin, in recognizing the appointment of Sirkar Agents to watch the movements of robbers, collect evidence and prosecute parties

Extract Minutes of Consultation, No. 289, dated 20th March 1856.

before the British authorities, allow the prosecution of persons charged with smuggling Cardamoms.

5. Though this is an error, the orders of Government appear to me to authorize the prosecution of persons charged with robbery or other crime committed in Travancore, for which the parties accused would be liable to punishment on conviction had the crime been committed in British territory.

*Proceedings of the Madras Government, Judicial Department,
18th March 1864.*

6. To this extent then I think I may rightly claim your assistance, and the co-operation of the British Police, and I request that you will favor me with your views on the subject for reference if necessary to the Government of Madras, should you differ from me.

7. The Sirkar are so fully impressed with the evils which attend a monopoly such as that hitherto in force that it has been greatly modified, and it is hoped that the arrangements now made will have a very beneficial effect as regards smuggling.

8. The active co-operation, however, of the British authorities is as much needed as ever, in order to put down the armed gangs which habitually rob the gardens, and even attack the guards placed over the drying grounds of the Sirkar.

9. It is to the extinction of these bands that I would particularly direct your attention, and to this end I ask your co-operation on behalf of the Travancore Government.

10. As long as this spice commands the present high prices so long will the plunder of the Cardamom grounds offer great temptation to the lawless and predatory classes, and if the monopoly was abolished to-morrow, the temptation would still be as great to them as it is at present.

11. It is, I presume, the object of Government to protect life and property whether they are endangered in Travancore or in British territory, and to put down all attempts at violence and robbery on whichever side of the border such crime is committed. There is no doubt great difficulty in bringing home to the perpetrators crime committed in such a wild country as the Cardamom hills; but I have no doubt that it is the anxious wish of the British Magistracy to control the lawless and to put down crime, and I trust that by dint of cordial co-operation between the authorities in the British and Travancore territories, the operations of these predatory bands may be checked, and a degree of protection afforded to the peaceful and industrious population, which can hardly be enjoyed so long as the frontier is infested by armed bands of plunderers.

12. I am sure that I have only to call your attention to the subject to secure for it that consideration which it deserves, and that co-operation with the Travancore authorities which the Government of Madras authorises, and the state of the frontier renders necessary. I shall be happy to receive any suggestions on this subject you may be good enough to offer, and, as I am about to visit the hills in the neighbourhood of the Cardamom gardens, shall be happy to confer with you on the best means of establishing a better state of things in that quarter, should it suit your convenience to visit Peermade during February, or the early part of March.

(True Copy.)

(Signed) *A. R. McDONELL,*
Acting Magistrate.

No. 227.

ORDER THEREON, 18th March 1864, No. 396.

The Governor in Council observes that cases of the nature of those referred to in the foregoing letter should be dealt with under the provisions of Act I of 1849. Such charges may be received from the Travancore Agents by the Sub-Magistrates, and the necessary warrants may be issued; but before the trial of the accused, the case must be reported for the orders of Government under Section 3 of the Act above quoted.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of Madura.

Bzd. J. Talloch.

Judicial Department.
Proceedings of the Madras Government
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Magistrate of Madura
(Received 20 February 1864 No 33)
(Order thereon 18th March 1864 No 396)

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Section III of the Act
above quoted. —

To the Magistrate of Madura - despatch 18th March 1864

Jurisdiction 1864. Department

No. 2396

PROCEEDINGS OF GOVERNMENT

Dated 18th March

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