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R. O. P-32,000-15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1563	Press
		<u>Mis.</u>
17-20		
Dated	2 - 11 - 1905	

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
2nd November 1865.*

Read the following papers:—

No. 17. From the Magistrate of Madura, to the Chief Secretary to Government, Fort Saint George; dated Madura, 25th October 1865, No. 508.

With reference to the Order of Government in the Judicial Department, No. 1490, dated the 20th October 1865, and Order, No. 1407, dated the 29th September, I have the honor to report that the Heratees alluded to arrived in this District on the 16th July. I was then absent on Jummahbundy tour. A charge was preferred before the Town Sub-Magistrate against them of theft, which was not proved, and they promised to move on, which they did, towards Tinnevely, on their way, as they said, to Ceylon. They were provided with passes given them by the Magistrates of Salem and Trichinopoly. As they made no further trouble at Madura and moved off, no notice was taken of them, further than to warn them against troubling the villagers for supplies.

2. Afterwards, a party of them were escorted by the Tinnevely Police to Madura, where they arrived on the 25th September, with a Warrant from a Deputy Magistrate in Tinnevely. I was absent from Madura, having gone to settle a boundary dispute on the lower Palanys. The only Magistrate then in Madura was Seshageri Row, the Deputy Magistrate. He refused to countersign the Warrant, on the ground that there was no charge against the Heratees for any offence committed in any District, and directed the Police to watch them. They remained peaceably at Madura, and did not commit any theft or disturbance here. The Government Order of the 29th September, No. 1407, was received by me on the 9th October while on Circuit, and when I returned to Madura on the 14th, I gave a Warrant to the Superintendent of Police to remove them to Trichinopoly, in order to their being passed on to their own country.

3. Mr. Best, the Acting Head Assistant Magistrate, was absent from Madura, and in his own Division. When the Heratees were escorted under Warrant to Madura, Mr. Crole, the Junior Assistant, was also absent, and has no original Jurisdiction. So Seshageri Row was the only Magistrate left to act in Madura.

4. I have the honor to bring to notice that I have before brought to notice the necessity there is that an European Magistrate having full powers should be stationed in Madura, to act in cases of emergency, and I beg the Government will allow Mr. Nelson to be stationed here.

5. Madura is a town of over 50,000 inhabitants; and daily, from the surrounding villages, probably 3 or 4000 people come into the town. All the traffic between the north and south of the Presidency passes through it, and there is a large traffic through it from and to the Sea Coast. It is always filled with a large number of persons passing on pilgrimage, and is constantly thronged and excited on account of religious festivals; and, in case of any disturbance, serious consequences might any day arise from the absence of an European Magistrate to act in a case of emergency. To my knowledge, on two occasions, I am sure, serious disturbance would have arisen, if I had not been present; but I cannot always be in the town, and therefore beg that the Government will allow me to keep one Assistant on full powers, or the Head Assistant, in Madura.

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2nd November 1865.*

No. 18. From the Magistrate of Tinnevely, to the Acting Secretary to Government, Fort Saint George; dated Tinnevely, 25th October 1865, No. 237.

With reference to the Proceedings of the Madras Government, Judicial Department, dated 13th October 1865, No. 81, inquiring where the band of Heratees which lately visited this District now is, and what measures have been adopted with regard to it, I have the honor to state that of the whole number, about 105, about half proceeded to Travancore for alleged embarkation there, but were turned back; the other section, after wandering about in the neighbourhood of Tuticorin, finally took ship for Colombo.

2. The party sent back from the Travancore territories, not apparently intending to embark from any port in this District, and becoming troublesome, were returned by the road they came to the Madura District. Several of their women were convicted of theft, and sentenced to imprisonment. The Magistrate of Trichinopoly was written to, with a view of retaining the party under surveillance in that large Military station, and among Mahomedans, where their language could be understood, until the women could be sent to re-join them after the expiry of their sentence.

3. There are, therefore, none of these men now going about this District. The party that left by Tuticorin were got rid of with some difficulty, chiefly by the firmness of Captain Phipps, Master Attendant, who expedited their departure. There was also considerable trouble in marching back the other section to Madura, but their arms were taken from them, and they were given to understand that they would no longer be permitted to remain in, or return to, this District; and in order to prevent the recurrence of the passage of turbulent bodies of armed men, demanding passports, and disturbing the peace, I requested the Superintendent of Police to address the Inspector General on the subject.

No. 19. From the Magistrate of Tinnevely, to the Acting Secretary to Government, Fort Saint George; dated Tinnevely, 25th October 1865, No. 239.

With reference to the Proceedings of the Madras Government, dated 20th October 1865, No. 130, and Order thereon, dated 20th October 1865, No. 1490, I have the honor to report that my previous letter contains the information, that the gang of Heratees has been removed from, and that they have not been allowed to return to, this District.

2. So long as one section of the party had an intention of leaving the District, they were not interfered with, but their departure by sea was expedited; when the other party, for the alleged purpose of embarking from the Travancore territory, left the District, but were sent back, and remained here, without apparent intention of embarkation, or ostensible means of subsistence, committing thefts by means of their women, it was considered expedient that they should be returned by the way they came, especially as they named Hyderabad as their destination.

3. The women, nine in number, are now in the Tinnevely Jail, under six months' sentence of imprisonment for theft, five months of which are still to run.

4. It was thought that if the men could be passed on to Trichinopoly, and kept under surveillance there, till the women were released, and could join them, it would perhaps be the best plan, and the Magistrates of Madura and Trichinopoly

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were addressed on the subject; but a better one appears in the suggestion of the Inspector General, that the women be transferred to Chingleput.

5. After the disturbance and public annoyance caused by these lawless people in this District, I think it most undesirable that they should be allowed to return here to await the release of their women, and I beg that the sanction of Government may be accorded to the transfer of the convicted women (copy of whose sentence is enclosed) to Chingleput.

In No. 239.

Case No. 32 of 1865.

Complainant.

1. Thaivasagayamookundan.

Defendants.

1. Nabathy.
2. Sabeebee.
3. Chinna Nabathy.
4. Curiya.
5. Suramija.
6. Najee.
7. Coolihustha.
8. Najee.
9. Golee.

I, W. E. Underwood, Deputy Magistrate of Tinnevely, hereby declare there is made against the defendants the charge—

That they, on or about the 6th day of September 1865, at Pillayralai, did commit theft in the house of complainant, by taking jewels, money, &c., the property of complainant then in possession of complainant, and that they have thereby committed an offence punishable under Section 380 of the Penal Code and within my cognizance, and I hereby direct that the said defendants be tried on the said charge.

The defendants appear to be clever and expert thieves. How they got in and got the box is not known, but a body of them stood before complainant's house. A little while after, the box was missed; they were followed, and, as proved by the evidence of complainant and 1st and 2nd witnesses, the small box containing the jewels was found just buried and broken. They then apprehended the defendants, and, on taking them to the station, they dropped a bag in which were found the jewels, Rupees, and a number of false keys. They have obtained passports allowing them to go through several Districts, but of these they have, it is reported, made a very bad use declaring that they were passes from the Queen and Governor for them to be supplied with every thing they required, and putting the Villagers in fear wherever they went. They arrived here in a much larger gang,—one went to Tuticorin and over to Colombo. These women, separated from their husbands, cleverly managed to commit the theft. It was easy enough to carry out the box, using it as a pad for carrying their children as is their custom, but being immediately followed they were found with the property amongst them. Their husbands were going about the Tharee all night firing guns, as if it were a signal for them where to come up to them. They have been for some time past wandering about the country without any ostensible purpose. I have no doubt defendants are guilty of theft. I would pass a much severer sentence than I intend to do, considering the amount stolen, but seven out of the nine defendants have children at the breast, and several children besides that would require their care. It is absolutely necessary that their husbands must not be allowed to roam about the District without some ostensible means of livelihood. In this District, there are none, or very few, that understand their language, and very few Mussulmen. They state they wish to proceed to Hyderabad, via Madura and Trichinopoly. The Superintendent will supply a guard to go with them and watch them to the frontier of this District, and the Magistrate of Madura will be requested

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they may be watched through Madura to the frontier of Trichinopoly, where, if they desire they can stay until the expiration of the sentence against their wives.

The Court finds the said nine defendants guilty of the offence specified in the charge, viz., that the defendants committed theft in the house of complainant by taking money, jewels, &c., the property of complainant then in possession of complainant, and that they have thereby committed an offence punishable under Section 380 of the Penal Code; and the Court directs that the said nine defendants be sentenced each to six months' rigorous imprisonment in the Zillah Jail of Tinnevely.

PALAMCOTTAH,
16th September 1865.

(Signed) W. E. UNDERWOOD,
Deputy Magistrate.

(True Copy).
(Signed) A. WEDDERBURN,
Magistrate.

No. 20. ORDER THEREON, 2nd November 1865, No. 1563.

Ordered to be communicated to the Inspector General of Police, with reference to his letter, dated 19th October 1865.

2. The Government consider it desirable that these people should be deported from either Negapatam or Tuticorin by the first Steamer bound to Bombay, according to whichever port may be nearest to the present position of the party. It would be an unnecessary hardship to separate the men from their wives, and compel them to leave the latter behind them in prison, and the Government therefore approve Mr. Robinson's proposal that the women should be deported with the men, the unexpired portion of their sentence being remitted from date of embarkation.

3. Mr. Robinson will, in communication with his District Superintendents, and with the Magistrates of the Districts, arrange for carrying out these orders, and will address the Bombay Police authorities, in view to arrangements being there made to pass these people on towards their own country.

4. The Bombay Government will be addressed direct on the same subject, with the request that they will issue the necessary orders to their officers.

5. The Magistrate of Madura will explain to his Deputy what his duty is in such cases, and warn him against such another display of incapacity.

6. The Government cannot sanction the retention of the Head Assistant Magistrate at the Collector's Head Quarters.

7. Steps will be taken to provide the Collector with a competent Assistant.
(True Extract).

Acting Secretary to Government.

To the Inspector General of Police.

- „ Magistrate of Madura.
- „ Do. of Tinnevely.
- „ Do. of Tanjore.
- „ Commissioner of Police, Madras.
- „ Revenue Department.

Exd. J. H. Burns.

Office of Inspector General of Police,

My dear Mr. Underwood
We must not move
the Heratians out of the
country - at least not
the Surinvely Gang -
until their women
can join them in Cyprus
line of settlement. I will
follow Mr. Robinson's
suggestion or send that
Gang back - keep them
at Tinnevely under a
guard - and stop them

174
from Dutiesai with
the released women

I recommended
partly the transfer of
the women to Chungking
Jail - but this with
some expense

For some
H. H. H. H.

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From the following
letter of

From the Capt. of Madras
of 25 Oct. 63 -
No. 508.

From the Capt. of Madras
of 25 Oct. 63 -
No. 237. & 239.

2nd November 1863 - No. 1563.

Admiral Sir
Commodore & the
Capt. Gen. of India
in the office of the
of 19. Oct 63 -

The Govt. considers
it desirable that these
people should be
deported from either
Singapore or Malacca
by the first steamer
bound for Bombay -
according to the
best means for the removal
of the present position
of the ~~land~~ party.

Wm
JP
Wm

It would be an unnecessary hardship
to separate the men from
their wives & compel them
to leave the latter behind them
in prison. The Govt. therefore
approves Mr. Robinson's proposal
that they ^{be} ~~shall~~ be reported with
the men - the necessary portion
of their sentences being emitted
from date of embarkation

Mr. Robinson will in communication
with his J. Sup^r. with the
Chap^ls of the S^t. arrange for
carrying out these orders.
Will address the Society.
Other authorities in view of
arrangement to bring their
heads. I fear these people
on towards their own
country.

The Bombay Govt. will be
addressed direct on the
subject. As to the

request that they will
issue the necessary
orders to their officers

The Draft of Madison
well explain & his
Dy that his duty is
in such cases. &
barn him against
such and the desir-
of incapacit-
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The Govt. cannot
sanction the retention
of the Asst. Assist.
Magr. at the f. d.
Mr. Geo. Styles will
be taken to provide
the f. d. with a
competent assistant.

The Inspector General of Police
- Magistrate of Madras
do do Sumsatly
do do Thajore
Comd of Police - Secy &c
Revenue Department
Magistrate of District of ...
... ..

dec'd 4/11
dec'd 24/11

Beckwith

No 22

Box of Books
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P. 1563.

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