

MADRAS RECORD OFFICE.

Government of Madras.

Indivial DEPARTMENT.

G.O. No.	1599	Press ~~Mis.~~
Dated	11-10-1866	

128-129

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

11th October 1866.

No. 123. Read the following letter from the Session Judge of Tinnevely, to the Chief Secretary to Government, Fort Saint George; dated Tinnevely, 19th September 1866, No. 487.

I have the honor to enclose a copy of Calendar, No. 86 of 1866, in which the Prisoner was found guilty of kidnapping two young boys, to take them as coolies to Ceylon. Act No. XIII of 1864 not applying to emigration to Ceylon, there is no impediment whatever to boys being shipped off, without the knowledge of their relations, and it is generally supposed that in this District this offence is by no means uncommon, and unless, as in the present case, the boys are overtaken before being shipped, there is no chance of the offenders being brought to justice.

2. As a Bill, entitled "a Bill to regulate the recruiting of Native laborers, &c.," No. I of 1866, is now before the Legislative Council, I think it right to forward a copy of this Calendar to Government.

ALEXANDER of parsons tried before F. S. CHILD, Esq., Session Judge of Tinnevely.

11th October 1866.

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Proceedings of the Madras Government, Judicial Department,

11th October 1866.

is a well-to-do broker for the collection of coolies, and lives at Tuticorin, refused to let these witnesses take these sentences the said Authy to seven years' transportation, or to return the coolies or money, unless they brought two more coolies, or paid 24 Rupees alleged to have been portation.

(Signed) F. S. CHILD,
Session Judge.

TINNEVELLY,
SESSION COURT,
4th September 1866.

Tuticorin, before who in they went the next day, to send for this Mootoosawmy Pillay, and that he did do so, but let him go again. This is confirmed in all respects by the evidence of the 2nd and 6th witnesses, and also by the boys, the 7th and 8th witnesses; these latter say that they were in the ship together when the prisoner came there, and induced them to accompany him, but that they had no idea they were to cross the sea. The little fellow, the 8th witness, describes most naturally his fears when he first saw the black water in the distance. The boys say that J. T. Mootoosawmy Pillay was a good deal with the prisoner, when they halted in the tpe near Tuticorin on Monday. and encouraged them; and they, and the 2nd and 6th also, speak to his taking the ear-rings away, when 1st witness had left. They say that Mootoosawmy said to the prisoner "that Vellala fellow will never let you go without giving up the ear-rings, you had better give them to me." The boys describe, also, how the prisoner got their ear-rings and the money when they reached Walnah Hills, telling 7th witness that, as they were getting into a strange country, he had bettr give them into his care.

2. The three Constables give a simple account of the apprehension of the 1st prisoner, but the moment questions were put regarding the wealthy Tuticorin broker, they all swore they never heard his name mentioned in connection with this case. That this is false, is evident from the Crime Memorandum B, and from the depositions of the other witnesses, but what is more, the Chief Constable 9th witness) deposes that this Moottoosawmy, and another man referred to, one Croose Mooda-
Tuticorin, whose name had been mentioned by the prisoner, were sent for, and examined at the Station-house, and that the Constables must have known it. When asked how it was this Moottoosawmy was not sent as a prisoner to the Sub-Magistrate, he throws the blame on Head Constable Wiggins, to whom, he says, he left the inquiry as he knows Tamil better than himself, he himself just signing the Tamil Crime Memorandum.

inquiry, as he knows Tamil better than himself, he himself just signing the Tamil Crime memorandum.

3. The Sub-Magistrate was asked why he did not have Mootootaswamy brought before him, and to another, after the same interval, no answer came at all. He was asked to answer the question fully; to one question it was a quarter of an hour before direct answer could be obtained, and to another, after the same interval, no answer came at all. The whole matter is quite clear—this Mootootaswamy is a rich man in Tuticorin, and has, I doubt not, paid his way well. The prisoner had named him as a witness on his behalf before the Court; but he has disappeared. Orders have been sent to have him apprehended, and committed for trial. The prisoner tells a long story—that the boys came to him with a stranger on Sunday evening near Tuticorin, and slept near him, and in the morning gave him the ear-rings as a pledge for him to hold, he giving them food; then he tells a confused story, about what took place when the two brothers and their companion came in the evening. He does not deny he refused to return the ear-rings to Ist witness, but adds that when he had gone under pretence of getting the 2½ Rupees due on account of passage money paid for the boys, he returned the ear-rings to the boy Nynat, in the presence of J. T. Mootootaswamy and Croose Moodalaly. He has no witnesses.

4. The Assessors find the prisoner guilty of both charges, and there can be no doubt about it, and a heavy punishment is required. Had the relatives not followed the boys at once, there is little doubt but that they would have been successfully carried off. The Sub-Magistrate of Tuticorin forwarded the case to the Sub-Magistrate of Palamcottah, merely sending up a short statement, said to be taken from the 1st witness, and in that statement the allusion to the broker is carefully made of little consequence. When the Sub-Magistrate of Palamcottah inquired into the case, he sent a warrant for the broker, as the evidence implicated him so strongly; but he most improperly released him. He gave as his reason that the three Constables denied all about him, and the Tuticorin Sub-Magistrate, in reply to his letter, stated he had not been accused before. This is very unsatisfactory, inasmuch as the Crime Memorandum B shows he had been mentioned at once, and he ought to have been able to judge of the value of the different depositions. When spoken to about this omission, he allows he had not read the Crime Memorandum. It may be so, but the case has an ugly look. As to the Tuticorin Sub-Magistrate, he is utterly unfit for his position; but what is to be expected when a man who has been in Jail for 6 months, for embezzling public money, is made a First Class Sub-Magistrate, and such are the antecedents of this Tuticorin man?

(Signed) F S. CHILD,
Session Judge.

Proceedings of the Madras Government, Judicial Department;
11th October 1866.

No. 129. ORDER THEREON, 11th October 1866, No. 1599.

The foregoing letter will be transferred to the Legislative Department, in connection with the Bill for "regulating the recruiting of Native laborers, within any of the Districts subject to the Government of Fort Saint George, upon contracts for labor to be performed in any part of British India beyond the territorial limits of the Presidency of Madras."

2. The attention of the Inspector General of Police will be called to the remarks of the Session Judge, in the 2nd paragraph of his "Statement of the evidence and grounds of conviction," regarding the conduct of the Police in the case.

3. The Magistrate of Tinnevely will be called upon to submit a report on the character, qualifications, and antecedents of the Sub-Magistrate of Tuticorin, with reference to the remarks of the Session Judge in the 3rd and 4th paragraphs of the Calendar.

(True Extract).

Ag. Under Secy. to Govt.

To the Session Judge of Tinnevely.

" Inspector General of Police.

" Magistrate of Tinnevely.

Legislative Department.

Ed. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Session Judge of
Tinnevely.

(Dated 19th September 1866 No. 1599)

Order thereon 11th October 1866 No. 1599.

The foregoing letter
will be transferred to the
Legislative Department in
connection with the Bill now
before the Council for "regulating
the recruiting of Native laborers
within any of the Districts
subject to the Government
of Fort St. George, upon
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2nd para of his "Statement
of the evidence and grounds
of conviction" regarding the
conduct of the Police in
the case.

3 The Magistrate of
Tinnevely will be called
upon to submit a report
on the character, qualifica-
tions and antecedents
of the Sub Magistrate
of Tuticorin with reference
to the remarks of the Session
Judge in the 3rd and 4th
paras of the Calendar.

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To the Session Judge of Tinnevely

" Inspector General of Police

" Magistrate of Tinnevely

" Secretariat, Government of Madras

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Judicial 1860. Department.

No. 1599.

PROCEEDINGS OF GOVERNMENT.

Of the 2359. 2510.

Dated. 11th October 1865.

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