

(1) Number of pages 50
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

p. n. d.

DEPARTMENT

G.O. No.	3470 W	Press.
B.P. No.		Mis.
Dated	31.8.1878	197

Not to be folded or roughly handled.

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

31st August 1878, No. 3,470 W.

General.
Establishment.

Read the following papers :—

No. 364. Endorsement of the Chief Secretary to Government, Financial Department, dated Fort St. George, 9th March 1878, No. 430.

From L. R. BURROWS, Esq., Acting President of the Municipal Commission, Madras, to the Chief Secretary to Government, dated Madras, 8th March 1878, G. No. 1,086.

I HAVE the honor to forward, for the consideration of His Grace the Governor in Council, a petition from V. Manicka Moodelliar, an Overseer in the service of the Municipal Commissioners, in which he represents that during his temporary employment under Government on Famine Work he was falsely charged with the offence of murder, imprisoned and committed for trial; that the expense of his defence was Rupees 1,200; and that the Court acquitted him fully and completely. For the suffering and expense to which he has been subjected he asks some compensation from Government.

2. The Government, in their Order of the 25th February 1878, No. 918 W, Communicated in G.O., Financial Department, Public Works Department, have already dated 6th March 1878, No. 442, granted to the petitioner his full pay during the time he was absent from duty

in jail pending trial, and it is open to question whether he can reasonably expect any further assistance from them. As a general rule, I suppose that public servants against whom crime is committed, or who are accused of crime, stand on the same footing as any other subject of Her Majesty, and that it would be the duty of Government to avoid recognising any distinction. The only question is whether there are in this case any peculiar circumstances which would justify a departure from such general rule. This is a question I do not feel myself competent to advise upon, but as the petitioner is a subordinate of the Municipal President, I may be pardoned for making a few observations on the petitioner's case.

(1st.) The recorded judgment of the Session Court shows that the prisoner's acquittal was complete and satisfactory.

(2nd.) When the petitioner was arrested and taken to prison by the Police there was one man, Mr. Pearson, the petitioner's immediate superior, who must have been well aware that he was innocent.

(3rd.) Neither the Police nor the Magistrate made any inquiries of Mr. Pearson throughout the preliminary inquiry, being well aware probably that his evidence would spoil the case. On the other hand, every vagabond they could find during a period of some month or six weeks who was prepared to come forward and support the charge of murder was examined.

(4th.) No hand was stirred by his departmental superiors to protect him, and the consequence was that the petitioner was committed to be tried for the crime of wilful murder.

(5th.) Had the case been brought before a European Magistrate, as I think it ought to have been, and would have been if any notice had been taken of his case by the department under which he was serving, I feel confident that it would have been dismissed.

(6th.) When a man is about to be tried for his life, it behoves him to make the strongest defence in his power, and no one can blame Manicka Moodelliar for raising every pie that he could and engaging Mr. Miller to appear in his defence.

(7th.) If the case had been dismissed in preliminary inquiry by the Magistrate, the petitioner would have been spared the bulk of the expense which his committal for trial rendered necessary.

(8th.) Whether as a Famine Officer the petitioner should obtain the special protection of Government is a matter which the Government alone are competent to decide.

3. With these observations, for the length of which I must apologise to Government, I respectfully submit the petitioner's humble memorial and the copy of the Session Court's judgment in his case.

TRANSFERRED to the Public Works Department for disposal with reference to the Orders in that Department, dated the 25th February 1878, No. 918 W.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

No. 364-A. From Colonel P. O'CONNELL, R.E., Superintending Engineer, Chingleput, to the Chief Engineer, Public Works Department, dated Madras, 23rd March 1878, No. 1,228.

In reference to your memorandum, No. 1,344, dated 16th instant, I have the honor to inform you that as both Mr. Assistant Engineer Watson, who was then Manicka Moodelliar's immediate superior, as well as Serjeant Pearson have left the district, I am unable to obtain the necessary information to enable me to reply to the memorandum above quoted.

No. 1,637.

REFERRED, through the Judicial Department, to the District Magistrate for inquiry and report why the Saidapet Sub-Magistrate failed to obtain Mr. Pearson's evidence in the preliminary investigations; as it would apparently have exculpated the petitioner at once from any complicity or concern with the accident.

(By order,)

(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt., P.W.D.

3rd April 1878.

No. 613.

FORWARDED to the District Magistrate, Chingleput.

PORT ST. GEORGE,
5th April 1878.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

No. 364-B. Endorsement of the Chief Secretary to Government, Financial Department, dated Ootacamund, 19th August 1878, No. 1,479.

From J. F. PRICE, Esq., Acting Magistrate of the Chingleput District, to the Chief Secretary to Government, dated Conjevaram, 12th August 1878, No. 114.

I have the honor to return the papers which accompanied your endorsement, No. 613, dated 5th April last, and to submit the report therein called for.

2. I regret that the absence on sick leave of the Magistrate concerned and the difficulty which has arisen in finding him has caused so much delay.

3. The officer who committed V. Manicka Moodelly was Parthasarady Pillay, the permanent Magisterial Clerk of my office, and at the time Acting 2nd-Class Special Magistrate of Saidapet.

4. He states that after the lapse of so long a period, and not having records to refer to, he has no particular reason to assign for not having examined Mr. Pearson. He, however, states that there was a strong *prima facie* case against the accused, and that even if he had examined Mr. Pearson he would have felt himself bound to send the prisoner before the Sessions Court.

5. The Deputy Magistrate, Mr. Jones, who has had long experience in judicial matters, has perused the records of the case and is of opinion that the Magistrate had no other course than to commit Manicka Moodelly. I have done the same, and am of a like opinion.

6. I may mention that the Magistrate had before him as against the accused the finding of the Coroner's Jury, the dying declaration of the deceased, in which he distinctly states that Manicka Moodelly did throw him over the bridge, and makes mention of the witnesses who saw this, the evidence of these witnesses themselves, and the statement made to the Constable by the deceased directly after the occurrence. In Manicka Moodelly's statement before the Magistrate not one word is said of Mr. Pearson, or of the story which that officer told in the Sessions Court. His name only appears in a list put in of witnesses for the defence, he being called to prove an *alibi*.

7. To say why, if I had inquired into the case myself and taken Mr. Pearson's evidence, I would have committed, as I decidedly would have done, the accused, would necessitate my criticising the judgment passed by the Sessions Court. I do not say that as Judge I would have convicted Manicka Moodelly, but I think that the case was one in which no Magistrate ought to have decided the question of whether he was guilty or not guilty.

8. In regard to the remarks made by the President of the Municipal Commission in his letter to Government, No. 1,026, dated 8th March last, paragraph 2, item 3, I consider it due to the Police and Magistrate concerned that Government should be made aware of the following circumstances which will, I believe, show how entirely groundless the aspersions cast by Mr. Burrows on the officers who had the handling of the case are.

9. Each statement is based upon records actually in existence.

10. The accused Manicka Moodelly was arrested late on the evening of the 23rd of November. On the evening of the 27th November the charge sheet against him was put in. In the interval the dying declarations of the deceased were taken by two entirely separate Presidency Magistrates. The deceased, who had no communication with the Police after entering the hospital, to which he was taken directly after the occurrence, or with the Committing Magistrate, named the witnesses who subsequently swore to having seen the accused throw him over. On the morning of the 28th the inquiry was commenced and the evidence of the witnesses (four in number) alluded to above was taken. The case was then adjourned to the 3rd of December to allow of the appearance of Dr. Thompson, the Surgeon of the Monigar Choultry, to which the deceased had been taken, and of another witness who had not attended on the 28th. On the 3rd these witnesses appeared and their evidence was taken. This closed the case put forward by the prosecution. The deceased had on the 30th died, and Manicka Moodelly, who had hitherto been on bail, was taken into custody. The case was adjourned to the 6th for the receipt of the result of the inquest, and in order that the Magistrate might view the scene of the occurrence. Before this date the Magistrate was seized with small-pox and an adjournment to the 10th had to be made, then to the 13th, and finally, owing to the non-receipt of the Coroner's finding, to the 17th, upon which day it reached the Magistrate. He on the 18th called the case on, and the counsel for the accused having expressed a wish to cross-examine witnesses 1 to 4, they were recalled. The Magistrate then examined the brother-in-law of the deceased in view to ascertain if he knew anything, which he did not, and the Policeman who first saw him, the prisoner's statement was taken, and he was committed.

11. There was no hunting about for evidence, and there were no remands to obtain it, excepting the ordinary one at first. The case began on the 28th of November, and, as far as the evidence put forward for the prosecution went, closed on the 3rd December.

12. There was nothing in my opinion in the conduct of the case to which the strictest of Magistrates could take exception.

FORWARDED to the Public Works Department, with reference to that Department endorsement, No. 1,637, dated 3rd April 1878.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

No. 365. ORDER THEREON, 31st August 1878, No. 3,470 W.

THE Collector's report will be communicated to the President of the Madras Municipal Commission. Although the Government find no ground for complaint as to the conduct of the case, they will accept the cost of the defence to the extent of Rupees (400) four hundred.

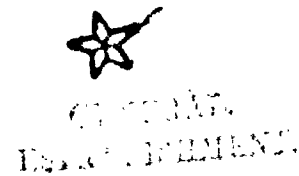
(True Extract.)

(Signed) E. A. FOORD, Colonel, R.E.
Secretary to Govt., P.W.D.

(True Copy.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the District Engineer, Presidency.
" President, Madras Municipal Commission.
" Examiner of Public Works Accounts.
" Judicial Department.



GOVERNMENT
OF MADRAS
DEPARTMENT
OF
PUBLIC WORKS.

TO THE DISTRICT ENGINEER,
PRESIDENCY.

10. 0. 31. 1877. No. 3478 W.

AUGUST.
Nos. 334 335.

V. MANICKA MOODELIAR, Oversee, Madras
Collector of the District

TO

HIS GRACE THE MOST NOBLE
THE DUKE OF BUCKINGHAM AND CHANDOS G.C.S.I.
GOVERNOR IN COUNCIL,
MADRAS.

THE HUMBLE MEMORIAL OF V. MANICKA
MOODELIAR LATE SUPERINTENDENT AND
OVERSEER OF THE RELIEF CAMP AT SATTANAGADU UNDER THE MANAGEMENT OF THE
MADRAS MUNICIPALITY.

RESPECTFULLY SHEWETH,

That your Memorialist most respectfully begs to submit the following circumstances respecting his unhappy case, humbly trusting that your Grace in Council will be graciously condescended to accord to the same your best and compassionate consideration, and grant him redress.

2. That the history of his unfortunate case is briefly given below. That he was employed as the Superintendent and Overseer of the Relief Camp established at Sattanagadu since January 1877 from the beginning of Famine operations. That the diligence and assiduity with which he discharged the onerous and important duties entrusted to him in supervising the 2500 coolies employed in the Relief Camp, and in the disbursement of daily wages to them without complaint, and the daily feeding of 4000 paupers gratuitously would be fully testified to by the President of the Madras Municipality who had ample opportunities to judge of the manner in which the work had been conducted. That he further devoted himself with untiring energy while the dreadful diseases Cholera and Small pox prevailed in the Camp in keeping the place in a good sanitary condition, and in promptly and expeditiously removing the sick to the hospital for immediate treatment.

3. That several of the neighbouring villagers who were in good circumstances, and who did not actually stand in need of relief, wanted equally to be fed gratuitously at the Camp, but your Memorialist declined to comply with their request as it was contrary to orders he had received for his guidance, and this refusal naturally roused their enmity towards him. That in the meanwhile some of the unimportant works were also stopped under orders. That while matters stood thus, one or two boats of Bambu materials were received there on the 22nd November last for the use of the

Relief Camp, and these had necessarily to be removed to the Camp. Mr. Pears on the superior Officer of the Camp issued very strict instructions to your Memorialist to have them removed on the same evening by the Famine coolies after their day's work was over.

4. That these coolies were working at the distance of a mile from this spot, and to go home they had to cross a bridge which had been constructed over the canal. They were unwilling to perform this extra work, and the only means that could be devised to compel them to perform the work was to prevent them from passing over the bridge above mentioned till the materials were actually removed to the required spot. Your Memorialist was greatly perplexed as to how to act. If he neglected to obey the orders of his superior officer, a charge of insubordination will at once be preferred against him, and he will be obliged to undergo the inevitable consequences of such an insubordination. On the other hand if he resolutely carried out the orders of his superior Officer, he runs the risk of incurring the displeasure of a large number of coolies who consider themselves overtaxed with extra work, and who are likely to be led astray to the commission of evil deeds by designing and intriguing men standing on the back ground. Being placed in such a dilemma he chose what he considered as the least of the two evils, and exerted his utmost peaceably to carry out the orders of his superior Officer.

5. That while the crowd was attempting to cross the bridge, a man named Mooneappa Reddy who was related to the head man of the village, and who had come from another village fell down from the Road to the bank of the canal, and sustained a serious injury from the effects of which he died 8 days afterwards in the Monegar choultry hospital where he was removed for treatment.

6. That the Famine coolies whose vindictive spirit was roused against your Memorialist being set up by his designing enemies, eagerly took advantage of this opportunity to charge your Memorialist with deliberate murder and culpable homicide by having thrown the man forcibly over the bridge. Four of the coolies had the presumption to come forward and attempt to corroborate this malicious charge on the false information laid by Uchu Reddy. The Sub-Magistrate of Sydapett who conducted the preliminary investigation of the case committed your Memorialist to take his trial before the Court of Sessions.

7. The Session Judge who carefully investigated the charge has recorded an elaborate judgment in the matter which is herewith submitted for your Grace's kind inspection. He observes that the charge was entirely uncorroborated by any evidence besides being in itself a most improbable story. He dwells at large on the innumerable discrepancies in the evidence, and recorded his strong conviction and opinion that the evidence was full of contradictions so much so that none of the witnesses gave any thing like precisely the same account as they gave before the Magistrate, and all of them differing materially from the deceased himself. The Session Judge then examined Mr. Pearson, and from the straight-forward and truthful manner in which he gave his evidence

your Memorialist was pronounced innocent of the charge, and acquitted of all blame with the following remarks. Mr. Pearson's evidence helps to explain how the charge against your Memorialist, who is shewn not to be popular among the coolies came to take its present form. It was he who was responsible for this obnoxious order to stop the coolies crossing the bridge after their day's work was over. His name was in all their mouths in connection with the matter, and when an unfortunate accident occurred on the bridge, and a man among the jostling crowd fell over the low parapet (not a foot high at that spot) it was no wonder that a cry should rise that it was the prisoner's (your Memorialist's) doing, and that before long men could be got to come forward, and say they actually saw him push the deceased over the wall. Nor is it much to be wondered at, that the deceased himself should accept and repeat this story with gross exaggeration of his own. He (the Session Judge) has no hesitation in acquitting the prisoner (your Memorialist) of the charge against him.

8. That your Noble Grace will thus observe that your Memorialist in the lawful execution of his public duty inevitably incurred the gravest displeasure of an illiterate mob of Famine coolies, and certain designing individuals, and in their fury, rage, and vindictiveness, they concocted a serious charge against him out of purely an accidental occurrence, and charged him with murder for which the extreme penalty of the law is prescribed. They resolved to put an end to his earthly existence whom they considered as their implacable foe, and fabricated the most serious and heinous offence above described. Their evidence as is the case in all false charges was utterly inconsistent, altogether improbable, totally false, and grossly contradictory. Mr. Pearson's unquestionable evidence established the fabrication of the charge beyond doubt, and procured his instantaneous acquittal.

9. Being assailed by men of no principles he had to vindicate his conduct from unjust imputation, and to effect this successfully he was necessitated to have recourse to stronger measures. His anxiety and uneasiness of mind were insuperably great; since he had to contend and establish his innocence before men who were determined to ruin him, and see him perish, and who had resolved to perjure themselves utterly reckless of morals, or character, to accomplish their wicked and evil object by all possible means. He quietly submitted to all indignities and insults which were mercilessly heaped upon him. His personal liberty was assailed, and was at serious stake. He was put in Jail, and was subjected to all the degradation and misery which are incidental to such a forlorn and despicable condition. He was in all respects treated like a convicted felon, and underwent all the miseries of a Jail life. He has suffered enough in mind and body and in the estimation of the world. He was obliged to have recourse to a Counsel whose heavy expenses amounting in the aggregate to 1200 Rupees he was obliged to incur by borrowing money from others, as he had no funds of his own, and has now the satisfaction to state that he has succeeded in establishing his reputation as being free from all blame by fair and legal means. His case has reduced him to extreme poverty, and to great privations, besides his mental and bodily sufferings. His heavy pecuniary loss has not been recouped. He has not received

any compensation as a satisfaction for the injuries he has sustained. His pitiful case should excite the commiseration of Government, and they should render him a substantial help at this critical time as he was exposed to all these losses, sufferings and embarrassments in the execution of the most important, responsible, and arduous duties of Government, whose sympathy and good-will he fully deserves. He worked steadfastly and honestly, and has always merited the satisfaction, and approbation of his superiors. He always considered public duty as of paramount importance, and sacrificed his health and convenience to public interests in the performance of his business. He continued to conduct himself in such a satisfactory manner that the President has thought fit to bring his case to the prominent notice of Government in his letters addressed on the satisfactory working of the Relief Camp in June and September 1877.

10. Under these and other circumstances he most earnestly entreats your most Noble Grace in Council will accord to his pitiful case your compassionate consideration, and be graciously pleased as a special case to grant him compensation so as to recog the pecuniary losses he has sustained to vindicate his assailed innocence and reputation, occasioned by the lawful exercise of his public duty, and thus confer a lasting obligation on him, for which, he, as in duty bound.

SHALL EVER PRAY.

Approved and signed

MADRAS,
6 March 1878. }

NR 9322/78

In the statement submitted to the Government, the prisoner has stated that he was in the best of the Municipality's consideration. Another prisoner who was sent to Colonel's office requested him to be sent with great credit. He is working under Captain Macleod who is unwilling to part with him.

L. A. B. M. D.

In the Court of Sessions of the Chingleput 2
Monday the 7th day of January 1878.

Present J. Hope Esquire Ag. Sessions Judge
Case No. 1 of the Calendar for 1878.

Regina Versus - Manikam Mudas

Judgment.

The Prisoner was the overseer in charge of the Relief Camp at Gattangad. Within 100 yards or so of the Camp is a bridge over the Canal. On the 22nd November last one or two boats arrived there laden with materials which had to be removed to the Camp. The prisoner received strict orders from his superior (the 2nd Defence witness Mr. Pearson) to have the materials removed that evening by the famine coolies after their usual work was over. These coolies were employed at

1st sheet of 9.

Ed

An adhesive Stamp
of Eight annas is affixed

Shd.

Stop

3473
a place about a mile west of the
and to get to their homes in Gattangadu to
had to cross the bridge above mentioned.
It is certain that they were much averse
this extra work that was imposed upon
them and that the only way to get them
work was to prevent them crossing the
bridge till it was done. This appears
have been done either by the prisoner
-self or under his orders.

2. So far, the facts are clear and
-puted and it is also beyond doubt
-while the crowd was attempting
the bridge a man named Munia
who had come from another mill
not one of the coolies (though pro
was mistaken for one by those
the passage of the bridge) fell
thrown over the low parapet
bridge or to the pavement
at the foot of the

Choultry Hospital 8 days afterwards
back bone was dislocated and the spinal
chord so severely injured that the only wonder
was that he survived so long as he did.

3. The Police Head Constable (6th witness)
received information of the occurrence at
9 P.M. the same night and took steps
have the injured man removed to the
hospital at the Mowgar Choultry.
informant was Uchi Reddi a brother
of the deceased. The information he
from this man and others led him
arrest the native Overseer Manik
on a charge of having thrown the
over the bridge.

4. The evidence against the
rests on the statements of 4 Co.
1st, 2nd, 3rd and 4th witnesses) who
were eye-witnesses to the ac-
er pushing the deceased on

3rd sheet of 9.

Ed. M.

An adhesive stamp of
Eight annas is affixed

11/11/12

and on dying declarations (A and B) made by the deceased in the hospital the day after the occurrence.

5. If the declaration of the deceased is to be believed the act of the prisoner was of a most deliberate kind and could be called anything short of murder. According to him the prisoner with the aid of another man lifted him up by his arms and legs and threw him bodily over the bridge. This account is entirely uncorroborated by any evidence, besides being in itself most improbable story.

6. The 4 Coolies all agree in saying that the deceased had a quarrel with the prisoner (whose anger was roused at his refusal to work at the boat) and that his fall from the bridge was the result of a push given by the prisoner unassisted by any other person. But as to the way

each give different and contradictory
One (the 3rd witness) says that before
push was given the prisoner str
deceased with his clenched fist
and then with both hands on the
chest pushed him over backwards
(1st witness) says the prisoner
deceased a slap on the right side
then with both hands on the
pushed him over telling him
time to go to the boat. If
accepted no charge of Cu^lps
could he maintained again.
whose language showed the
other object in pushing the
to make him go to the boat
must be presumed to be
this witness is alone in
matter. Another (the
prisoner gave the

over the pamphlet. The 1st witness says the push was given sideways after the prisoner had slipped the deceased on the back.

7. Such are the discrepancies of these witnesses as to the central and chief incident of the case. In cross-examination many other contradictions were elicited, none of them giving anything like precisely the same account as they gave before the Magistrate and all of them differing materially from the deceased himself.

8. The evidence of Mr. Pearson the 2nd defence witness a European who gave his evidence in a very straight forward & truthful manner is sufficient to dispose of the charge against the prisoner. He was the prisoner's superior officer and gave him the order about employing the coolies at the boat. About 6 the

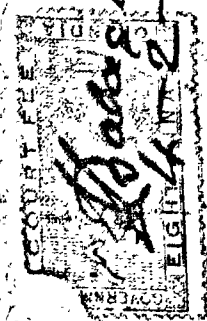
sheet of 9

Ed M.
C. M.

H. M.

84-1-26 27

7th sheet 79



and when they approached the bridge together and could distinguish voices the prisoner exclaimed "Hollo they are accusing me of having thrown a man over the bridge". If Mr. Pearson's evidence is true, as I believe it is, it is quite impossible to reconcile it with the evidence for the prosecution. Moreover it helps to explain, as remarked by the prisoner's counsel, how the charge against the prisoner (who is shown not to be popular among the coolies) came to take its present form. It was he who was responsible for the obnoxious order to stop coolies crossing the bridge after their day's work was over. His name was in all their mouths in connection with the matter, and when an unfortunate accident occurred on the bridge and a man among the jostling angry crowd fell over the low parapet (not a foot high at that spot), it was no wonder that the cry should rise that it was the prisoner's

9. The Court concurring with the Assessors find the prisoner Manika -
Mudali not guilty of Murder and
Culpable Homicide as charged and
directs that he be set at liberty.
(Signed) J. Hope
Ag. District Judge

A true Copy,

Copy applied for 2nd January 1878
 not returned called for 2nd 8
 No-certified } 7th 1878
 ready for delivery } 4th 1878

This contains less than 1080 words

No 144.

Chingleput District Magistrate's Office,
Camp Conjeeveram 12th August 1878.

From,

J. J. Price Esquire,
Ag. Magistrate of the
Chingleput District.

To,

The Honorable D. J. Carmichael,
Chief Secretary to Government,
Judicial Department,
Madras.

Sir,

I have the honour to return the papers
which accompanied your endorsement No 613
dated 5th April last and to submit the report
therein called for.

2. I regret that the absence on sick leave
of the Magistrate concerned and the difficulty
which has arisen in finding him has caused
so much delay.

3. The officer who committed V. Manikka
Modally was Parthasarady Pillay the permanent
Magisterial Clerk of my office and at the time
Ag 2nd class Special Magistrate of Paidapett.

12/9/78

No 144-3
1-4-4
1-5-7

judgment

10/10/78

Enclosure

Received

6-7

4. He states that after the lapse of so long a period and not having records to refer to, he has no particular reason to assign for not having examined Mr Pearson. He however states that there was a strong 'prima facie' case against the accused and that even if he had examined Mr Pearson he would have felt himself bound to send the prisoner before the Sessions Court.

5. The Deputy Magistrate Mr Jones, who has had long experience in judicial matters has perused the records of the case and is of opinion that the Magistrate had no other course than to commit Manikka Moodelly. I have done the same and am of a like opinion.

6. I may mention that the Magistrate had before him as against the accused, the finding of the Coroners jury, the dying declaration of the deceased in which he distinctly states that Manikka Moodelly did throw him over the bridge and makes mention of the witnesses who saw this, the evidence of these witnesses ^{themselves} and the statement made to the constable by the deceased, directly after the occurrence. In Manikka Moodelly's statement before the Magistrate not one word is said

said of Mr Pearson or of the story which that officer told in the Sessions Court. His name only appears in a list put in of witnesses for the defence, he being called to prove an alibi.

7. To say why, if I had enquired into the case myself and taken Mr Pearsons evidence, I would have committed, as I decidedly would have done, the accused, would necessitate my criticizing the judgment passed by the Sessions Court. I do not say that as Judge I would have convicted Manikka Moodelly but I think that the case was one in which no magistrate ought to have decided the question of whether he was guilty or not guilty.

8. In regard to the remarks made by the President of the Municipal Commission in his letter to Government No 1026 dated 8th March last para 2 item 3. I consider it due to the Police and Magistrate concerned that Government should be made aware of the following circumstances which will, I believe, show how entirely groundless the aspersions cast by Mr Burrows on the Officers who had the handling of the case are.

9. Each statement is based upon records

records actually in existence.

10. The accused Manikka Moodally was arrested late on the evening of the 23rd of November. On the evening of the 24th November, the charge sheet against him was put in. In the interval, the dying declarations of the deceased were taken by two entirely separate Presidency Magistrates. The deceased, who had no communication with the Police after entering the Hospital to which he was taken directly after the occurrence, or with the committing magistrate, named the witnesses who subsequently swore to having seen the accused throw him over. On the morning of the 25th the enquiry was commenced and the evidence of the witnesses (four in number) alluded to above was taken. The case was then adjourned to the 3rd of December to allow of the appearance of Dr Thompson the Surgeon of the Monigar Choultry to which the deceased had been taken, and of another witness who had not attended on the 25th. On the 3rd these witnesses appeared and their evidence was taken. This closed the case put forward by the prosecution. The deceased on the 30th died and Manikka Moodally, who had hitherto been on bail, was taken into custody.

The case was adjourned to the 5th for the receipt of the result of the inquest and in order that the Magistrate might view the scene of the occurrence. Before this date, the Magistrate was seized with small pox and an adjournment to the 10th had to be made, then to the 15th and finally, owing to the non-receipt of the coroners' finding, to the 17th upon which day it reached the Magistrate. He on the 18th called the case on and the counsel for the accused having expressed a wish to cross-examine witnesses 1 to 4, they were recalled. The Magistrate then examined the brother-in-law of the deceased in view to ascertain if he knew anything which he did not, and the Policeman who first saw him, the prisoner's statement was taken and he was committed.

11. There was no hunting about for evidence and there were no remands to obtain it, excepting the ordinary one at first. The case began on the 23rd of November and as far as the evidence put forward for the prosecution went closed on the 3rd December.

12. There was nothing in my opinion in the conduct of the case to which the strictest of Magistrates could take exception.

exception.

I have the honor to be,

Sir,

Your most obedient servant,

Wm. H. H. H.

Ag. District Magistrate

87

12,9322

Recd 21st Aug 1855

2005-22-8-75

N. 1479.

Forwarded to his Father by letter to
parliament. with reference to that department
Endorsement M 1657, of 3^d April 78.

By James H. C.
Chief Secretary

19. August 1878.
 Cir. 25. 78. Eld. 31. 8. 78.
 O. L. Phil. 6. Augt.

[illegible]

No. 1228

CHINGLEPUT SUPERINTENDING ENGINEER'S OFFICE,
Camp Maabray
SAINT THOMAS' MOUNT, 23 March 1878

From

THE SUPERINTENDING ENGINEER.

CHINGLEPUT

To

The Chief Engineer
Public Works Department

Sir,

Sir,

In reference to your Memorandum No. 1344 dated 16th instant I have the honor to inform you that as both Mr. Assistant Engineer Paterson who was then Marichan Mudalgi's immediate superior as well as Sergeant Pearson, have left the District I am unable to obtain the necessary information to enable me to reply to the Memo above quoted.

I have the honor &c
Sir

Your most obedient servant

Offmell Colmoro
Supplengier Chingepub.

No. 1137 dated 31st April 78
(Atro 8107 of 1878)

Referred through the
Judicial Dept. to the
District Magistrate for
inquiry and report why
the said Sub-
Magistrate failed to
obtain Mr Pearson's
evidence in the preliminary
investigation; as it
would apparently have
exculpated the Soldier
at once from any com-
plicity as concerned with
the Resident.

(Sd. E. A. F.)

From the Dy. Engineer
Chungking D.

No. 1228

Dated 23rd March 1878
Recd

Kanicka Mrodelly -
Informs his inability
to obtain the necessary
information of - to
enable to reply to the
Memo No. 1314 of 16th Dec

Referred

Municipal Commissioners' Office,

G. No. 1086

Madras, S. March 1878.

From

L. R. BURROWS,

Acting President Municipal Commission.

To

The Honble D. J. Carmichael
Chief Secretary to Government
Fort St George

SIR,

I have the honor to forward for the
consideration of His Grace the Governor in Council
a Petition from V. Manickam Mrodelly an Overseer
in the service of the Municipal Commission
in which he represents that during his temporary
employment under Government in St James Work
he was falsely charged with the offence of Murder,
imprisoned and committed for trial, that the expense
of his defence was Rs 1200 and that the Court
acquitted him fully and completely. For the suffering
and expense to which he has been subjected he asks
some compensation from Government.

The Government in their order of the
25th February 1878 S. No. 718. W. D. W. D. have already
granted to the Petitioner his full pay during the time
he was absent from duty in fact pending trial, and it is
open to question whether he can reasonably expect any
further assistance from them. As a general rule I
suppose that public servants against whom crime is
committed

Communicated to G.O.
S. D. dated 16th March 1878
No. 442.

committed or who are accused of crimes stand on the same footing as any other subject of the Majesty and that it would be the duty of Government to avoid recognizing any distinction. The only question is whether there are in this case any peculiar circumstances, which would justify a departure from such general rule. This is a question I do not feel myself competent to settle upon, but as the Petitioner is a subordinate of the Municipal President, I may be pardoned for making a few observations on the Petitioner's case.

1st The recorded judgment of the Session Court shows that the prisoner's acquittal was complete and satisfactory.

2nd When the Petitioner was arrested and taken to prison by the Police, there was one man, Mr. Pearson, the Petitioner's immediate superior, who must have been well aware that he was innocent.

3rd Neither the Police nor the Magistrate made any inquiries of Mr. Pearson throughout the preliminary enquiry, being well aware probably that his evidence would spoil the case. On the other hand every vagabond they could find during a period of some month or six weeks who was prepared to come forward and support the charge of murder was examined.

4th No bond was allowed by his Departmental Superiors to protect him and the consequence was that the Petitioner was committed to be tried for the

Crime

crime of wilful murder.

5th Had the case been brought before a European Magistrate, as I think it ought to have been and would have been if any nation had been taken of his case by the Department under which he was serving, I feel confident that it would have been dismissed.

6th When a man is about to be tried for his life it behoves him to make the strongest defence in his power, and no one can blame Maurice Miller for raising every pie that he could, and engaging Mr. Miller to appear in his defence.

7th If the case had been dismissed on preliminary enquiry by the Magistrate, the Petitioner would have been spared the bulk of the expenses which his commitment for trial rendered necessary.

8th Whether or a famous officer the Petitioner should obtain the special protection of Government is a matter which the Government alone are competent to decide.

9th With these observations for the length of which I must apologise to Government, I respectfully submit the Petitioner's humble memorial and the Copy of the Session Court's judgment in his case.

I have the honor to be,
Sir,

Your most Obedient Servant,

J. R. Munn
Acting President,
Municipal Commission

Under date the

Read the following :—

Endorsement of the Chief Secy
on letter from the AG President
Municipal Commission N^o 1086
dated 8th March 1878 —

(P.L. N^o 430 dated 9th March 1879)

The Government
regret that they cannot do
anything for the Petitioner.

2. Enquiries will be made in the Judicial Department as to the circumstances under which Mr. Pearson's evidence was not taken at the preliminary enquiry before the Sub-Magistrate. His Grace in Council desires to know whether the Sub-Magistrate is responsible for that neglect.

I think I will not have a
 of the S. P. papers. As to
 papers by him: the S. P. &
 the S. P. papers for inquiry &
 reports by the S. P. Sub.
 Mr. Smith to the S. P.
 the S. P. evidence in the
 preliminary investigation: as it
 is apparently now impossible
 to obtain from any of the
 or others in the accident.

Supg Engineer Chicago Dept.
 Judicial Department.

Supr Engineer Chongleput.
Judicial Department.

947 13/2

10480

Transferred to the Public Works Department for disposal, with reference to the Archives in that department dated the 25. February, 178. N. 918. 6.

Huthe? fenz
9. Kuch 28.

Wm. H. Chief Secretary

No 442
Two:—

6th March 1788 No 442

[illegible]

100-9322-78

[illegible]

Refused

Starksville, Miss.
5 April 1903

Wm. B. Smith, Esq. to the Hon. Sec. of the Navy.

No 1053
 Enc-2.
 Dear Sir
 I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above named matter. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours, &c.
 J. H. [Signature]

referred, through the Judicial
Dept., to the District
Magistrate for inquiry
and report why
the Said District
Magistrate failed to
obtain Mr Pearson's
evidence in the preliminary
investigation, as it
would apparently have
exculpated the Petitioner
at once from any com-
plicity or concern with
the Accident.

April 1848. (By order.)
 Secy. to State. *Edw. M. [illegible]* Col. H. S.

Letter from the Lapland Chief, No. 1228,
dated 23 March 1878.

dated 23rd March 1878.
 Enclosure of the Financial Department No. 1479. of
 19th August 78, on letter from the S^d Magistrate of Chungking
 No. 144, dated 12th August 1878.
FOR ORDERS. with original remittance

by the Honorable
Mr. Knolles.

Edw. J. R. R.
Secretary to Government
P. H. D.

J. W. Linn & H. H. Rice
 Report to the West. Mil.
 Govt. that altho. the first
 find no ground for
 conflict as to the conduct
 of the case they will
 accept the verdict of the
 defence & the Ex. Court
 \$10.400.

21th Aug 1978

A. T. 24.

No 3470 W Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 31 Aug/78 12
Read the following:—

Endorsement of the Financial
Dept. on letter from the President
Municipal Commission G.N. 1005
d/ 8th March 1878 } (H.C. N. 430 d/ 9th March 1878)

From The Supp. Eng. Chingleput (— -- 12.28 d/ 23rd March 1878)

Endorsement of the Financial
Dept. on letter from the Dist
Magistrate of Chingleput
N. 144 dated 12th Augt. 1878 } (— -- 1479 -- 19th Augt/78)

The Collector's
report will be communicated
to the President of the
Madras Municipal
Commission. Although
the Government find no
ground for complaint as
to the conduct of the case,
they will accept the cost
of

of the defence to the extent
of Rs 400 (four hundred).

4/6/78

D. C. Presidency
President M. M. Comm. B
Ex. P. W. Aceto
Judicial Dept.

16-9-78

322
Govt of (1878) Madras.
PUBLIC WORKS.

To

M. I. R. R.

Dated

Issued

Recd.

Encl.

G. O., 31 Aug 1878, No. 3470W

Nos. 365 to 368

V. Manickamooddy : owner
Madras Municipality.

The report of the Collector
of Chingleput in, the trial of
— ordered to be forwarded
to the President M. Com. &
Rs 400. to be paid to him
towards the cost of his
defence.

322

10-9-78