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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No. 1246	Press Mis.
Dated 10.12	1866.

Not to be folded or roughly handled

16-10-36

Proceedings of the Madras Government, Public Department,
10th December 1866.

No. 20. Read the following letter from C. W. READE, Esq., Collector in charge of the Special Agent's Department at Cuddalore, to the Secretary to Government, Fort Saint George; dated Cuddalore, 18th October 1866, No. 262.

I am reminded by a Memorandum from the Acting Under Secretary, dated the 10th instant, that the information called for in Government Proceedings, of the 27th March last, No. 329, is still due.

2. The Government desire, in paragraphs 3 and 4 of their Order under acknowledgment, to be furnished with more definite and detailed information regarding the instances of malpractices on the part of the French Emigration Recruiters, referred to in Mr. Whiteside's letter, and I am directed to call for the records of the cases alluded to by the Joint Magistrate, and to annex to each case my own opinion of the manner in which it has been disposed of by Mr. Whiteside.

3. I now beg to forward to Government copy of the Joint Magistrate's explanation* on the subject; also, as desired, the records of four cases†, submitted by that Officer, and to each of which I have

* A.

† Nos. 1, 2, 3 and 4.

briefly appended my remarks; but I must bring to the notice of Government that, on reviewing these records received from Mr. Whiteside, I at once discovered the serious error he had committed in dealing with them. The accused, in all four cases, were tried and convicted under Act XXIV of 1852—an enactment that was repealed by Act XIII of 1864; and thus the proceedings and sentences of the Joint Magistrate were illegal, and the prisoners, who were still undergoing imprisonment, were immediately released by the High Court, on my application.

4. On bringing his mistake to Mr. Whiteside's notice, he acknowledged the oversight, and his explanation on the subject will be found in his letter marked C, in answer to mine marked B.

5. Such being the result of these four particular cases, it follows, of course, that all other cases of a like kind disposed of by Mr. Whiteside, and referred to in his letter of the 29th May last, were dealt with in an equally illegal manner; but as there were no persons still undergoing imprisonment in connection with any of them, I did not deem it necessary to move further in the matter.

6. Agreeably to the 5th paragraph of their orders, I beg finally to submit to Government a copy of the correspondence which has passed between M. Erny, the Emigration Agent, and myself, beginning with my letter of the 22nd March 1865; and, in explanation of my permitting the appointment of Sub-Agents, or Petty Maistries, to aid the licensed Recruiters, I beg to refer Government to their Proceedings, under date the 2nd November 1864, No. 1253, as well as to those of the 7th December 1864, No. 1380, and it was on these orders I acted, when called upon by the French Emigration Agency to give effect to the extended instrumentality thus sanctioned; but I desire to point out, that, in so doing, I was conscious that the Law was not with me, as intimated in my letter to Government, recorded with their Proceedings last quoted, and as noted in paragraph 7 of my first letter to M. Erny, and Government will observe, throughout my correspondence with that gentleman, that I was most careful and solicitous that these Sub-Agents should be placed under the strictest control and surveillance, to prevent as far as possible the abuses

to which I was afraid their entertainment might lead, and, failing subjection to the conditions proposed by me, I threatened my withdrawal of consent to the arrangement, and finally I did withdraw it, and for some time past no Sub-Agents or Petty Maistries have been recognized or allowed in the District; but I may observe that the recent Orders of Government, permitting the Consular Agent to pass all who appear for recruitment before him in Pondicherry, has almost put an entire stop to the recruiting of emigrants by the Officers of my District. In some way or other every one now appears to find his own way into Pondicherry, and there recruits himself, and, of course, this system presents facilities to both the Recruiter and recruited which were not likely to be lost sight of, but it has an obvious tendency to remove all preliminary check to improper practices in the interest of Emigration, and this is to be regretted. However, it may be true that, ultimately, persons so recruited are released, and that there has never been an instance of forced emigration.

7. It will not be out of place here to notice the great stimulus to emigration which has been occasioned by the late very unfavorable and distressing season. Upwards of 3000 persons have emigrated from my District since January last—the majority within the last few months. This large exodus, if a subject of regret for the country, can hardly be so regarded for the emigrants themselves, and it is not to be wondered at when we bear in mind the prospects of a cooly emigrant after once landing in the Colonies, and his prospects in his own land when engaged in the same humble sphere.

8. I will not trouble Government with any further remarks on the explanation of Mr. Whiteside. In my letter recorded with the Government Proceedings under present acknowledgment, I have sufficiently expressed my views, founded on my own experience; and while it cannot be denied that abuses do occasionally take place, and from which the most guarded system is not free, I am able to testify to the careful and considerate manner in which emigration is carried on and all Recruits are treated by the Agency Department in Pondicherry, and there is no single instance of any man or woman having been taken out of the country against his or her will; and, after all, I submit that this is the main, if not the only, point on which caution and protection are required, where emigration, as a system, has the high sanction of a National Convention between the two nations of England and France.

A.

From W. S. WHITESIDE, Esq., Joint Magistrate of South Arcot, to C. W. READE, Esq., Magistrate of South Arcot; dated Cuddalore, 28th May 1866.

In accordance with the Order of Government, No. 329, dated 27th March last, I have the honor to furnish a brief statement of the facts of each of the cases lately tried by me, in which individuals were accused of crimping British subjects, in view to supply the French Emigration Company with emigrants, referred to in my letter to your address of the 22nd February last, No. 85, paragraph 6.

2. The first of these cases is Calendar No. 7 of 1866 on my file. The prisoner was a man of the name of Mukan, and he was charged with having decoyed a young married woman, named Veerayee, from her house in Virdachellum to Pondicherry, where she was placed in the Emigration Godown, after having been passed by M. Erny. The woman, Veerayee, stated that she met the prisoner one evening, when returning from the bazaar; that he accosted her, and, after some little

conversation, offered her jaggery and some kind of seeds or grain to eat; that, having eaten what he gave her, she immediately became stupified, so as to be incapable of exercising her will, and, when ordered by prisoner to follow him, obeyed him, and was taken straight to Pondicherry. On the way, the prisoner spoke to a young boy whom he saw on the bridge near Cuddalore, and took him on also to Pondicherry, where he and Prosecutrix were locked up in a room in a private house in the Town, whence, after a day's detention, prisoner removed them to the private godown kept on the beach by the Maistry Kanaga Pillay, where Prosecutrix was kept for four days, and was then taken along with the boy above mentioned, by the prisoner Mukan, before M. Erny, who passed them both as emigrants, and they were placed in the Emigration Company's Godown. Prosecutrix stated that M. Erny did ask her, and some other persons who were brought before him at the same time with herself, whether they were all willing to embark, but that, before any of them had time to say a word, a Maistry then present, whose appearance she describes very minutely, struck in with assurance to M. Erny that all the parties then before him were willing to embark. M. Erny at once ordered advances of money and cloths to be made to each person, and the above mentioned Maistry then wheedled the emigrants out of the money so advanced to them, on the plea that he would procure and supply them with necessaries for their voyage. Prosecutrix says she did not see Mukan receive any money, but she saw him get a new cloth given him as a present at the Godown. The Maistry above alluded to (and who, from the description, I believe to be the Maistry Maduranayagam Pillay) gave him that cloth. Prosecutrix was confined in the Godown for some days, and at last her father came from Virdachellum, and found her in the Godown. Prosecutrix stated that she was not able to call any of her relatives or acquaintance to support her assertions. She gave her evidence in the clearest and most straightforward manner, and without exaggeration. She specified minute details without hesitation, and stood a very searching examination without breaking down in any point. I think that no unbiassed person can read her deposition before me without being convinced of its truth and accuracy. The father of the Prosecutrix deposed to his daughter's sudden disappearance from his house, his search for her, and finally discovering her in the French Emigration Godown, when she explained to him how she had been placed there; and as the French authorities refused to let her out of the Godown, unless he paid Rupees 17, the sum they asserted his daughter owed them for advances, keep, &c., he returned to the Joint Magistrate, and complained, who sent him to Mr. Norfor, through whose interference his daughter was at once released. There was no other evidence for the prosecution; the prisoner denied the charge, and declared that, on the day when Prosecutrix left her house and went to Pondicherry (and which date he mentioned very accurately) he had himself gone with several individuals, whom he named, to sell skins at Bhowany, in the Coimbatore District. I summoned all those persons, and, also, the Village Magistrate and the Monigar of prisoner's village, five in all, and every one of them denied all knowledge of the prisoner's actions or whereabouts during the four months preceding the trial. When the evidence for the defence had been recorded, and before I had commenced to pass sentence, the prisoner begged for mercy, on the ground that this was his first offence ("Mudal Kuttam"). The prisoner's outward appearance was that of an ordinary cooly, but it was very evident that he was well acquainted with the details of the work of the Emigration Agency. He interrupted the trial of his case repeatedly, with fluent explanations of how impossible it was for him to have decoyed the prosecutrix away to Pondicherry, and spoke in the most glib manner of "Licenses," "Maistries," "Recruiters," "Emigrants", &c., using the English words, and showing that he was really different from what he seemed. I felt no doubt whatever of the truth of the charge. The prisoner's own defence, which was most carefully recorded, had entirely broken down, and I convicted him, and sentenced him to eight months' rigorous imprisonment, according to the provisions of Sections 5 and 6, Act XXIV of 1852. The prisoner made no appeal against my sentence.

3. The second case was No. 196 of 1865 on my file. The prisoners were Tondavaroyan and Esaph Sah, who were charged with having decoyed a young man, named Chinnian, about 24 years of age, from Porto Novo to Pondicherry, where he was eventually locked up in the Emigration Godown. The 1st witness, Chinnian, stated that he was in the bazaar at Porto Novo one evening, and was accosted by the prisoner Tondavaroyan, who was accompanied at the time by the 2nd priso-

ner, Esaph Sah. He was asked by Tondavaro cherry. He consented, and received Annas 5 to take some mats, for hire, as a cooly, to Pondicherry. He consented, and received Annas 5 advance, and it was arranged that he should go home and return to the prisoner for the mats. He stayed at his house until next morning, and then 1st prisoner came there and fetched him away. He then went to Pondicherry with the two prisoners, carrying the mats for sale. That, on arrival, he was taken by the prisoners to the Hospital, and was detained there for two days by a Maistry, who would not allow him to quit the building. He was then taken to the Godown, and was passed by M. Erny. The two prisoners were each present in the room when M. Erny passed witness; and when the usual advance of Rupees 15 was paid him, the "Writer" of the Godown took it from him on the excuse that if he kept the money with him in the Godown it would be stolen. He was detained in the Godown for fifteen days, and was then discovered to be laboring under a certain organic disease, and was turned out of the Godown by the Doctor's order. He at once returned to Porto Novo, and informed various relatives of missing individuals that the persons they were searching for had, like him, been taken to Pondicherry, and were then in the Godown. The 2nd witness was a boy, named Muttian, who was also decoyed from Porto Novo, and taken to Pondicherry by the two prisoners along with 1st witness. He corroborates the 1st witness in all the important particulars of his statement. He is a sharp and intelligent boy, and his evidence was given in a very clear and precise manner. The 3rd witness was a woman, named Peria Chellai, the mother of 1st witness, who deposed to the fact of the two prisoners having come to her house to fetch her son, and her seeing him depart in their company, after 1st prisoner had assured her that he would only take her son as far as Cuddalore, and send him back next day. He did not return for 20 days, and then came and told how he had been entrapped by the prisoners, and finally locked up in the Emigration Godown. The fourth witness, Ramasawmi, a young boy, stated that he had been decoyed by the two prisoners to Pondicherry, and by them placed in the Emigration Godown; that, on being taken inside the Godown, he saw the 1st witness, whom he had known at Porto Novo; that they wept together, and explained how they came to be there; and that, when prisoner was let out of the Godown after his unhealthy condition of body was discovered, he sent by him a message to his father in Porto Novo, telling him where he was to be found. Fifth witness, Veeran, is the father of 4th witness, and he deposes to meeting 1st witness in Porto Novo, after he had been absent from the village some time, and being told by him that he had just been let out of the Emigration Godown at Pondicherry, where he had seen his son confined; that he at once went there and procured 4th witness' release. The prisoners denied the charge altogether, and they declared that they certainly did take the 1st witness as a cooly carrying mats to Pondicherry, but that, immediately on his arrival there, he was paid the balance of his hire, and let go, and they saw no more of him, and have no idea as to how he found his way into the Emigration Godown. They each declined to call any witness in their own defence. As the 1st prisoner denied having fetched the 1st witness from his house, and mentioned a certain woman as having done so, she was sent for by me, and examined as a witness, and admitted having taken 2nd witness to the 2nd prisoner's house, but denied having done so with 1st witness. That was the case, and being of opinion that it was fully made out, I convicted each of the prisoners, and sentenced the 1st to six months' rigorous imprisonment, and the 2nd (as being guilty in a less degree) to three months' rigorous imprisonment, under the provisions of the above quoted enactment.

4. The third case tried was No. 14 of 1866 on my file. The prisoners in this case were the same as in the 2nd case I have just described; the evidence being almost the same. The prisoners were charged with decoying a young man named Muttian (2nd witness in Calendar Case No. 196 of 1865) from Porto Novo to Pondicherry, and there placing him in the Emigration Godown. He stated that a woman, named Sivagangai, called him to 2nd prisoner's house, to carry a load to Pondicherry; that he saw both the prisoners together at 2nd prisoner's house; that 2nd prisoner supplied 1st prisoner with money (Annas 2), which was then given to witness as advance; that 2nd prisoner then gave him some rice with tamarind and vegetable sauce; that, as soon as he had eaten that food, he became so stupefied that he hardly knew what he was doing; that he was taken to Pondicherry by the two prisoners; he carried a tin cavity box of theirs, and Chinnian (1st

witness in Calendar Case No. 196 of 1865), carried a bundle of mats. There were also two or three other individuals who are not mixed up in this case. The witness goes on to depose with great minuteness to the manner in which they were taken to the Hospital, and thence to a toddy shop, where they were made drunk by the prisoners, and then back to the Hospital, where they were kept for two days. He adds that a man, named Munian, came with the prisoners, himself, and Chinnian from Porto Novo, but he got so very drunk in the toddy shop, and became so violent, that the prisoners could not get him into the Hospital, and finally they let him go; that the prisoners returned to the Hospital at the end of two days, gave them toddy to drink, and took him and 2nd witness to the Emigration Godown, where they were examined and passed by M. Erny. He states that an advance of Rupees 15 was given to him by the "gentleman," who said "you had better give the Rupees to the man who brought you here;" that he then handed over the Rupees 15 to the 1st prisoner, who gave him back Rupees 2, saying it was for his expenses; that he was then locked up in the Godown, and after seven days the boy Ramasawmi was brought in, he having also been decoyed from Porto Novo by the prisoners. He states that he gave his own name correctly at the Emigration Office, but was always called "Ponnan of Vullianur" by the emigration people, who further said his father's name was Subbaroyan and not Tondaroyan, as he had stated. The 2nd witness was in the same way always called "Raman" while in the Godown. The 2nd witness Chinnian corroborates these statements in every particular. The 3rd witness, Sivagangai, states that 1st prisoner ordered her to get a cooly to go to Pondicherry; that she brought 1st witness to 2nd prisoner's house, where both the prisoners were. She corroborates the 1st witness' statement as to the payment of the advance, &c. The 4th witness is the father-in-law of 1st witness. He deposes to the sudden disappearance of his son-in-law, his search for him, and, finally, to his learning from 2nd witness that he had been taken to Pondicherry by the prisoners, and there locked up in the Godown; that he went there, and found him, and as the Emigration Agents refused to let him out, he went to the Joint Magistrate and complained, and subsequently his son-in-law was released. The 1st prisoner denied the charge. He made the same statement as in the last case, and declined to call any witness in his own behalf. The 2nd prisoner was defended by a regular Vakeel, and he, through his Vakeel, when asked had he any remarks to offer, volunteered to turn Queen's evidence, and furnish all the information in his power respecting the kidnapping of people into French territory, for shipment as emigrants to the French Colonies. As it was my earnest desire to obtain all information of a reliable nature on this subject that I could procure, I accepted the offer of the prisoner, and formally tendered him a pardon in writing, in the manner prescribed by Section 209 of the Code of Criminal Procedure. The prisoner Esaph Sah then made a long statement, which is deserving of careful attention. That deposition speaks for itself, and is a very important document. In it, Esaph Sah stated, most positively, that the 1st prisoner has, for some length of time back, been systematically employed in crimping persons from the British Territories, for shipment to the French Colonies, Burmah, and Moulmein. That he was a regular Agent for the collection of coolies for the French Emigration Agency, being paid Rupees 3 a head for all whom he managed to bring in. He shows, in the clearest way, the manner in which the 1st prisoner was accustomed to ply his trade, and also how his conduct was connived at, and assisted by the Head Maistry, Mathuranayagum Pillay, and the Hospital Writer, Ponnusawmi Pillay, who was accustomed to detain in the Hospital all the cooly people brought in by 1st prisoner, until the time came when they were to be brought before M. Erny, to be passed as emigrants. The 2nd prisoner confirms, in the most positive manner, the statements of Muttian, Chinnian, and Raman as to the treatment they experienced, and the manner in which they were entrapped into, and detained in, the Hospital at Pondicherry by 1st prisoner. He also deposes to the invitations made to him by the Head Maistry Mathuranayagum Pillay, to collect and bring coolies in the same manner as 1st prisoner was doing, with a promise of the same rate of remuneration. This statement is so important, and throws so much light on the frauds I have been inquiring into so carefully, that I desire a true copy of it may be forwarded, along with this Report, for the information of Government. I had no hesitation whatever in convicting the 1st prisoner on the charge, and sentenced him to six months' rigorous imprisonment, in addition to the former sentence recorded above.

5. In the 4th case, the same prisoner Tondavaroyan and Esaph Sah were charged with crimping a young boy named Ramasawmi from Porto Novo, and taking him to Pondicherry, where he was placed in the Emigration Godowns. Ramasawmi is a sharp, intelligent lad, of about 12 years of age, and he gave his evidence in a very clear and straightforward manner. He stated that he had gone to the bazaar with his father, and when he went home loitered behind him; that 1st prisoner, who was accompanied by 2nd prisoner, spoke to him, and asked him to carry a mat for him to Pondicherry. On his consenting, the 1st prisoner gave him Annas 2 advance, and the two prisoners at once set out for Pondicherry, taking with them the witness Ramasawmi, and another boy named Tiagavelli, who had been engaged by the prisoners to carry a provision box to Pondicherry for them. On arrival, Ramasawmi and Tiagavelli were told to take their loads inside a Maistry's house, to which they were taken, and as soon as they entered a room that was pointed out to them for that purpose, the door was locked upon them, and they were kept there in close confinement for three days, and on the 4th day (when I suppose their spirits were broken sufficiently) they were both taken before M. Erny by the two prisoners, and they were passed as emigrants. Witness states that, when asked by M. Erny whether he was willing to go on board ship, he replied he wanted to go home, but that no attention was paid to what he said. He states that Rupees 15 was placed in his hands, and the 1st prisoner Tondavaroyan at once took possession of it, and gave him back Rupees 2, which he said was for his expenses, and that he was then placed in the Godown where he saw the young man Chinnian, whom he had seen at Porto Novo; that they wept together, and that Chinnian, when let out of the Godown, took with him a message to his father, who then came and obtained his release from the Godown. He asserts that the boy Tiagavelli was left behind in the Godown, and that he was also anxious to be let out; and he adds that, while in the Godown, his name was entered in the Register, and called at the daily Muster of Emigrants, as Alagan instead of Ramasawmi. The 2nd witness, Chinnian, deposes to having been in the Emigration Godown at Pondicherry, when the boy Ramasawmi was brought in, to his explanation of the circumstances of his being decoyed from his home by the prisoners, and to his having taken to Ramasawmi's father intelligence of his son's confinement in the Godown. The 3rd witness, Veeran, is the father of the boy Ramasawmi. He corroborates his son's statements as to his going to the bazaar with him, his disappearance, and the manner in which he travelled about the country for many days, in vain, making inquiries for his lost son. At last he met Chinnian, who told him of his son's being in Pondicherry, whither he at once hastened, and got his son released. The 1st prisoner made the same statement as before. He admitted having taken the boy Ramasawmi to Pondicherry, to carry a mat, but declares that, immediately on arrival there, he paid him and let him go, and that he cannot explain what became of him, or how it was that this boy, as in the case of all the other coolies so brought by him to Pondicherry, almost immediately afterwards, was placed in the Emigration Godown. He declined to call any witnesses for the defence. The 2nd prisoner admitted that the boy Ramasawmi was employed to carry his mats to Pondicherry for sale, but states that he did not go with him there; that 1st prisoner came to him at Porto Novo with the boy, before starting, but that he declined to accompany them; and that he was going two days later to Cuddalore, when he met 1st prisoner, who handed him the price that had been realized by the sale of his mats in Pondicherry, and told him he had left the boy Ramasawmi in the Emigration Godown. He declined to call any witnesses in support of his statements. I convicted the 1st prisoner without hesitation, and sentenced him to 6 months' rigorous imprisonment, in addition to the two former sentences upon him; and I also convicted the 2nd prisoner, considering that there could be no reasonable doubt that he was acting in concert with the 1st prisoner in this case, as he certainly had in the preceding ones; but viewing his degree of guiltiness as less heinous than that of 1st prisoner, I only sentenced him to the mitigated penalty of three months' rigorous imprisonment, under the Act specified before.

6. These are the cases that I have lately tried, and I feel confident that any one who approaches the question with a mind free from bias, and who dispassionately considers the evi-

* 1.	Calendar case, No. 196 of 1865.
2.	Do. " 7 of 1866.
3.	Do. " 14 of "
4.	Do. " 15 of "

dence I have taken in the cases, of which I have now the honor to forward the records,* will rise from their perusal, convinced of the truth of the statements in general, and that the convictions I arrived at in these cases are fully borne out by the evidence then before me.

7. In these cases, I have spared no pains to obtain every scrap of evidence that was procurable, and every witness who came before me was cross examined by me at great length on every point that seemed to be important.

8. In paragraph 8 of your letter to the Chief Secretary to Government, No. 76, of the 19th March last, you observe that "the recruited persons are not for one moment to be believed in the 'stories with which they are ever ready', and that 'they do not hesitate to tell any amount of lies 'bearing falsehood on their very face.' I am not myself aware of the facts of the cases that have impressed you with the opinion you have thus placed on record, but I certainly think you will be unable to make a similar assertion in regard to these cases that I have now tried. The parties recruited ('or kidnapped') whom I have examined were, in nearly every instance, unacquainted with one another; they had had no opportunity for concocting their statements when they came before me; they were subjected to a searching examination by me; and yet, in every important particular, there is a similarity that indicates they were speaking to facts that had actually taken place within their own knowledge. The truth of these statements, moreover, is still further supported by the confession of the prisoner Esaph Sah, the accuracy of which I suppose is unquestionable.

9. There would, of course, be room for doubt, if one individual alone made such assertion unsupported by other evidence, but when a number of persons, unconnected with each other, on repeated occasions, detail with great minuteness circumstances that they say took place within their own experience, and those statements are found to coincide with each other in the chief particulars, it is impossible to believe that each one of those deponents is narrating pure inventions of his own.

10. In paragraph 9 of your letter above quoted, you observe that I am almost the only Officer in this District who has experienced difficulty in dealing with the French Emigration Agents; but, if I am not extremely mistaken, Messrs. O. B. Irvine, Grose, and Wright could each specify instances in which they have detected gross frauds on the part of the Officers of the Emigration Department. Perhaps they have not had quite so many cases of the kind as I have, but that is no reason why I should be "laboring under a misconception of the interests of the Maistries," or "the feelings of the Department located in Pondicherry."

11. The Maistries are each paid a certain gratuity on every cooly they manage to get into the Godown in Pondicherry; and as they are, to a man, chosen from the lower and poorer classes of the community, they naturally stick at nothing that will further "their interests;" as regards the "feelings of the Emigration Department" in Pondicherry, you may be better informed than I am, but, I confess, I think it is very clear, from the inquiries I have lately conducted, that coolies are received into the Emigration Godown with dangerous avidity, even though brought to the Emigration Office by individuals who are known not to be licensed Agents of the Emigration Company. M. Erny may individually be anxious to avoid the commission of frauds on the part of his Subordinates, but certainly his supervision does not prevent those Agents from systematically acting in defiance of the Law.

12. Before concluding this letter, I would notice one more point: in Calendar Case No. 114 of 1865, on my file, I convicted one Vencatasawmi Naick of having appeared before me dressed as a Maistry, wearing the usual belt, and in possession of a License made out by the Protector of Emigrants in Madras, in favor of "Ponnusawmi Pillay, son of Mathuranayagam Pillay." Vencatasawmi Naick represented himself to be, and swore that he was, the Ponnusawmi Pillay specified in the License, and, having subsequently admitted that this was false, I convicted him.

13. In the confession of Esaph Sah, that I now forward, you will observe that he states that the name of the person who acts as Mathuranayagam Pillay's Agent, and who detains at the Hospital in Pondicherry all the coolies that are kidnapped and brought there, is Ponnusawmi Pillay.

It would be an important point established, if it could be shown that this Ponnusawmi Pillay is the son of Mathuranayagam Pillay named in the false License produced before me by Vencatasawmi Naick, and which he received without doubt from Mathuranayagam Pillay.

14. In considering the truth of the many convictions I have made of Maistries and other Subordinates of the Emigration Department, as also in these last cases, it is a noteworthy fact that in no one instance has an appeal been preferred to the Session Judge, by the individuals I had punished. The 2nd Prisoner, the latter case was regularly defended by a Vakeel, and they each announced to me their intention of appealing against my sentences, but they have not done so, and had they been wrongly convicted, there can be no doubt that an appeal would have been presented very quickly indeed.

15. Finally, I feel called upon to state, with regard to the woman Latchmi, who has been the cause of all this correspondence, that the woman Pungavanam, who accompanied her from Porto Novo, has given a deposition,* in which she declares that she took Latchmi straight from her

Village to Pondicherry, and that she was never taken before any Officer in Cuddalore and registered as an emigrant. Latchmi stated to you she was passed in Cuddalore before she went to Pondicherry. I think there can be no doubt that this assertion of her's was only what she was tutored to say by the Subordinates of the Emigration Department; for it is incredible that if (as they assert) she was recruited, brought here by a licensed Maistry, and *bona-fide* passed as an emigrant by a Magisterial Officer in Cuddalore, the Officers of the Emigration Department would have taken the extremely unnecessary precaution of re-registering her as an emigrant, as soon as they got her into Pondicherry.

From W. S. WHITESIDE, Esq., Joint Magistrate of South Arcot, to C. W. READE, Esq., Magistrate of South Arcot; dated Cuddalore, 29th May 1866.

I have the honor, herewith, to forward you the records of the crimping cases, lately tried by me, for your perusal. The records in each case are distinct, and I do not apprehend that you will experience any difficulty in forming an opinion upon them.

2. I do not propose to offer "any observations or further information" in explanation of the manner in which I have disposed of these cases, as I conceive that the trials were conducted perfectly according to Rule, and that the evidence speaks for itself, and amply bears out the decision I ultimately arrived at in each instance. Should you, after perusal of the papers, be of a different opinion, I shall feel obliged by your furnishing me with copy of the remarks you feel called on to offer to Government.

3. In my report of yesterday's date upon these cases, forwarded for the information of Government, I have confined my observations strictly to the cases lately investigated by me, as I understand the Order of Government, calling for that report, to refer solely to those individual cases. If, however, I am mistaken in this opinion, I am, of course, prepared to send in a supplemental report, detailing the facts of each case of the kind that I have tried since I have joined this District in 1862. This would be a bulky document, and would take time to prepare, but I do not think Government want it.

4. Your letter under reply reached me when overwhelmed with work connected with the Jumhahbundy, as well as my current business, and I have not been able until now to spare time for the preparation of my report to Government,

B.

From C. W. READE, Esq., Magistrate and Special Agent, to W. S. WHITESIDE, Esq., Joint Magistrate, South Arcot; dated Cuddalore, 9th June 1866, No. 151.

I am in receipt of your letters, respectively dated 28th and 29th May, Nos. 171 and 172, forwarding, agreeably to the Orders of Government, No. 329, of the 27th March last, your Proceedings in certain cases of alleged crimping, in which you have convicted and punished the accused.

2. I observe that in the four cases you have sent to me, the accused in each has been arraigned and convicted under the provisions of Act XXIV of 1852, an Act which has been wholly repealed by Act XIII of 1864, and which latter came into force as Law on the 1st July of the same year. Consequently, the whole of your proceedings and sentences in these and other like cases, of a date subsequent to the introduction of the Act last quoted, are strictly illegal; and before submitting my report to Government, together with the records received from you, it seems imperative that I should call on you for any explanation you may have to offer in justification of your proceedings, taken under a repealed enactment, a circumstance which at once renders the convictions arrived at by you wholly nugatory.

3. It only now remains at once to order the release of the accused, who are still in Jail.

Cases.	Prisoners.	Sentence.	Date.
7	1	8 Months rigorous	25th July 1866.
14	1	6 do. do.	8th Feb. "
15	2 1st Prisoner.	6 months rigorous	8th Feb. 1866.
	2nd do.	3 do. do.	do. do.
196	2 1st do.	6 do. do.	do. do.
	2nd do.	3 do. do.	do. do.

There were in all thirteen persons tried and convicted by you, as particularized in the margin, in regard to one of whom, who stands as 2nd prisoner in Cases 15 and 196, the sentence has already expired, and he has, of course, been released; but the remaining two are still in Jail,

one undergoing an aggregate sentence of 18 months, and for the release of these, I have to request that you will at once issue the needful orders.

* 4. Section 72 of Act XIII of 1864 is in supersession of Section 5 of Act XXIV of 1852, under which you have erroneously acted, but you will observe that, by Section 81 of the former Act, no imprisonment in default of payment of fine under Section 72 can exceed 6 months, so that, in one case, No. 7, your sentence of 8 months is altogether beyond what the present law allows, while in none of the cases have you given the accused the option of a fine, as provided for in Section 72—but this of course, as the provisions of the law under which you acted in ignorance does not prescribe fines.

5. You will no doubt see that you have misapprehended the nature of the offence under the existing law. Before Emigration was legally sanctioned, there was a necessity for the severity of punishment imposed by the law for enticing people out of the country by improper means; but since the Emigration enactments and the National Convention on the subject between the two nations of France and England, the character of the crime of crimping has assumed a different aspect, and all that was required on this radical change was legislative interference to prevent persons being carried out of the country against their will, or by resort to unlawful means and measures, and any other course than that laid down was declared to be illegal, and was made penally cognizable as above noted.

6. I will not address Government until I shall have received your reply to this letter, so that your explanation may at once accompany my report, and thus avoid a second reference; meanwhile, it is important that I should draw your attention to the necessity there is for ordering the immediate release of any other prisoners still in Jail, who may have been improperly tried and committed by you under the provisions of Act XXIV of 1852, on dates subsequent to the intervention of Act XIII of 1864, by which the former enactment was wholly repealed.

C.

From W. S. WHITESIDE, Esq., Joint Magistrate, South Arcot, to C. W. READE, Esq., Magistrate, South Arcot; dated Cuddalore, 11th June 1866, No. 192.

In reply to your letter, No. 151, of the 19th instant, I have the honor to state I observe with great regret that the sentences passed by me upon the parties I lately convicted on charges of crimping were so passed under an Act which, I am obliged to confess, I was unaware at the moment had been abrogated.

2. When the Penal Code came into operation, I was careful to insert in my own copy of the Code all the Acts or portions of Acts that had been repealed, and also a list of those that remained in force. In this latter list was Act XXIV of 1852 and when I came to take up these

cases, it entirely escaped my recollection that that Act had been repealed according to the Schedule appended to Act XIII of 1864, and I accordingly tried each of the cases under the before-mentioned Act.

3. I can only express my very great regret at this oversight, though I may urge in extenuation that Act XXIV of 1852 is especially mentioned in the list of the principal Acts still in force that is appended by Mr. Mayne to his Commentary on the Penal Code, Section 5, page 9 of the *last Edition* published in 1865; and, furthermore, when I sent in my 1st Calendar of these cases to the Session Judge in the usual manner, it was scrutinized in due course, and no intimation was given to me that the conviction I had made was illegal. Had my mistake been pointed out to me in time, I should, of course, have taken care, in the later cases that I tried, to avoid acting as I had done.

4. With regard, however, to your request in paragraph 3 of letter under reply, that I "will at once issue orders for the release of these prisoners," I must point out to you that you are in error in supposing that I have the authority to make such an order of release. These prisoners have not appealed, and Section 434 of the Code of Criminal Procedure provides expressly that, in the absence of appeal, no Magisterial sentence can be quashed, except by an order of the Sudder Court, and this is further maintained in the Proceedings of the Sudder Court, of the 8th March 1862, and of the High Court, 10th December 1863. Under these circumstances, a reference must now be made to the High Court, in view to obtaining an order, cancelling my sentences, and directing the release of the prisoners.

5. The *convictions*, being under a repealed Act, do not, of course, in any way affect the facts of the cases themselves, as detailed before me in evidence, and I am still able to rely with confidence upon the accuracy of the witnesses' statements, although I very sincerely regret that, owing to my unhappy oversight, there has been such a misfeasance of justice. There are now only the three men mentioned in the margin in Jail, under sentences passed by me according to Act XXIV of 1852.

* Mukan.
Tondavaroyan.
Esaph Sah.

6. When making your report to Government, I shall feel obliged by your appending to it copy of this explanation.

D.

From C. W. READE, Esq., Magistrate of Cuddalore, to the Registrar of the High Court, Madras; dated Cuddalore, 12th June 1866, No. 155.

I request the orders of the Judges of the High Court for the release of certain prisoners indicated in the margin, and who have been illegally sentenced to rigorous imprisonment by the Joint Magistrate, under Act XXIV of 1852, a Law which was wholly repealed by Act XIII of 1864.

1 Mukan, eight months' rigorous—25th January 1866.
2 Tondavaroyan, eighteen months' rigorous—8th February 1866.

2. The circumstances connected with the cases of these prisoners, and their coming under my notice, are briefly as follows:—The subject of the administration of the Emigration Laws in this District, especially in connection with the system of recruiting for the French Colonies by the French Emigration Agency, had attracted the notice of Government, and consequent on representations affecting that system made by the Joint Magistrate, Mr. Whiteside, the Government called on that Officer, through me, to submit any proceedings he had held, together with the convictions and sentences recorded, in illustration. The Government further desired that when forwarding the cases received from Mr. Whiteside, I should submit my own opinion on each.

3. Agreeably to these instructions, I called on the Joint Magistrate, who accompanied his report on the subject with his proceedings held in four cases, and on looking at these I at once discovered Mr. Whiteside's error, and found that he had tried, convicted, and sentenced three prisoners in the said four cases under Act XXIV of 1852, a law which, as already stated, was wholly abrogated by Act XIII of 1864, and thus that his proceedings were entirely illegal.

4. I then addressed Mr. Whiteside the original of the letter,* enclosed, marked A, pointing out his mistake, and requiring the immediate cancellation of his sentences, as I viewed the case quite exceptional, and that justice demanded the

* Dated 9th June 1866, No. 151.

immediate release of the illegally convicted prisoners. Mr. Whiteside, however, in his letter†, enclosure B, states his opinion that he is precluded, under Section 434, of the Procedure Code, and by the ruling of the High Court, to order the release himself, and he has accordingly demurred to my requisition, and I have, therefore, to request the immediate orders of the Court, for the instant release of the prisoner named in the 1st paragraph of this letter, and I would suggest the authority for their discharge from Jail be transmitted to me by Telegram.

† Dated 11th June 1866, No. 192.

5. I have not thought it necessary to trouble the Judges with more of the correspondence, believing that the two enclosures, added to the facts stated in my present communication, contain ample information for the purposes of this reference.

E.

Proceedings of the High Court of Judicature at Madras, 15th June 1866.

Read letter, dated the 12th instant, from the Magistrate of South Arcot, requesting orders for the release of certain prisoners illegally sentenced to rigorous imprisonment, by the Joint Magistrate, under Act XXIV of 1852.

2. The Magistrate should have submitted the record of the cases in which he believes an illegal sentence to have been passed. Without it, the High Court are unable to interfere with the sentence, under Section 404. The present letter of the Magistrate does not even inform the Court upon what charge the prisoners in question were convicted.

(True Extract).

(Signed) P. P. HUTCHINS,
Registrar, Appellate Side.

F.

From C. W. READE, Esq., Magistrate of Cuddalore, to the Registrar of the High Court of Judicature, Madras; dated Cuddalore, 18th June 1866, No. 250.

In acknowledging the Proceedings of the High Court, under date 15th instant, I have the honor to submit the original records of the cases referred to in my letter of the 12th idem.

2. The charge on which the prisoners, for whose release I have requested orders, were tried and convicted, was crimping, under Section 5, Act XXIV of 1852.

3. Under the exceptional circumstances of the case, I had not thought it requisite to submit the records of the trial, but I note my mistake which shall be avoided in future.

G.

Proceedings of the High Court of Judicature at Madras, dated 25th June 1866.

Read again letter, dated 12th instant, from the Magistrate of South Arcot, requesting orders for the release of certain prisoners illegally sentenced to rigorous imprisonment by the Joint Magistrate under Act XXIV of 1852.

Read also letter, dated the 18th instant, from the same Officer, forwarding original records of the cases referred to in the foregoing letter.

The two prisoners whose release is sought, Mukan and Tondavaroyan, have been convicted of crimping, and sentenced by the Joint Magistrate under Act XXIV of 1852. That Act has been

repealed, and it is clear that the sentences passed under it are illegal. The High Court accordingly hereby annuls the sentences passed upon the aforesaid prisoners, and directs that they be forthwith discharged from custody.

(True Extract).

(Signed) P. P. HUTCHINS,
Registrar, Appellate Side.

Remarks by the Magistrate in Case No. 7 of 1866.

All I have to remark, in regard to the conviction in this case, is that, from a legal point of view, I do not consider that conviction is adequately sustained by the evidence, and certainly such evidence would not have satisfied me; and looking to the *prima face* improbabilities of the Prosecutrix's story, and to the discrepancies which mark it, I should have subjected her to a stricter cross examination, and have required corroborative evidence on the all important point of her first interview with the accused, and her journey to Pondicherry. She begins by stating that, when at Virdachellum, which is 45 miles from Pondicherry, she became insensible on eating what the prisoner had there given her, and that, on coming to her senses, she found herself in the Dépôt at Pondicherry; subsequently, she gives certain details of what happened by the way. I further do not consider that the failure of the accused satisfactorily to prove his defence, was any proof of his guilt, and I should myself have given the accused the full benefit of the doubt, which a perusal of the record unquestionably leaves on my mind.

Cuddalore, 18th October 1866.

(Signed) C. W. READE,
Magistrate.

Remarks by the Magistrate in Cases Nos. 196, 14 and 15 of 1866, before the Joint Magistrate, Mr. Whiteside.

All these three cases are identical in their features: the prisoners are the same, and the evidence recorded in each is nearly the same. Apart from the confession made by the second prisoner in Case No. 14, I am of opinion that the evidence would have been legally insufficient to convict the accused in any of the cases, but with that confession on the record, applicable as it is to all three, any remarks from me seem unnecessary. It would be a waste of time to comment on evidence, in order to show its invalidity as proof, when the general truth of the charge against the prisoners has been admitted by one of them, and his testimony as Queen's evidence accepted for the conviction of the other. I am, therefore, of opinion that, although the sentences are illegal by reason of the repeal of the law under which they were passed, the convictions are otherwise good. At the same time, I think exception may be taken to the procedure of the Joint Magistrate, in not giving to the second prisoner in the other two cases the benefit of his Queen's evidence, tendered and recorded in Case No. 14.

Cuddalore, 18th October 1866.

(Signed) C. W. READE,
Magistrate.

Copies of correspondence between the Special Agent, and Monsieur ERNY, the Emigration Agent, beginning 22nd March 1865.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Pondicherry, 22nd March 1865, No. 80.

I have received your letter of the 20th instant, enclosing a list of 93 Sub-Agents whom you propose to nominate as Assistants to the licensed Recruiters.

2. I cannot think so large a number of Sub-Agents to be really necessary, and I feel that there are many and serious objections to allowing so many persons of doubtful character to be itinerating my District under the cover of my authority. I proposed to you, at first, that there should be 30 persons of this class, or 10 to each Division of the District, presided over by a separate European Officer; but I mentioned, also, that, if 30 were not sufficient, I would not object to a reasonable increase.

3. My proposal now is that you should entertain 64 Sub-Agents, or averaging 8 for each Taluq of the District. It may be said that South Arcot is divided into four parts or divisions, as

Cuddalore.....	Deputy Collector, or Assistant Collector
Villapuran.....	under Collector.
Virdachellum.....	Sub-Collector, Mr. Whiteside.
Chollumbrum.....	
Trinamalay.....	Head Assistant Collector.
Tindivanam.....	
Kullacurchy.....	Deputy Collector, Mr. Wright.
Ellavanasur.....	

particularized in the margin, and over each such Division, as you will see, there is a resident European Officer, to whom the licensed Recruiter and his Assistants will be immediately answerable; and by placing matters thus on a systematic footing, confusion and mistakes, as well as all

inconvenience, will be avoided, and both the work of Emigration will be facilitated, and as well the chances of abuse and trickery lessened; and since my proposals have these two great ends in view, and are assuredly the most likely to secure them, I can but feel that they will meet with your concurrence.

4. I think for each Division, as noted, one or two licensed Recruiters might be stationed with 16 Assistants or Sub-Agents allotted to each, i. e., 8 for each Taluq, and I request that you will be good enough to name the Sub-Agents so to be appointed, that their respective functions and sphere of operations may be clearly defined and understood. I could not allow the Sub-Agents indiscriminately to be going about the District unknown and unmolested, and it will be an understood part of the new arrangement that this auxiliary staff can only be permitted to act so long as the licensed Recruiter or Recruiters may be actually residing in the Division. If he quits it for any time, so also must the Sub-Agents, who, without the presence of their Principal, will on no account be suffered to remain or to carry on the work of emigration; and I also think it desirable that, whenever the licensed Recruiter does leave his Division for one month or upwards, the European Magistrate be informed of the fact, so that the functions of the Sub-Agents may simultaneously cease. For any period under a month, I would not interfere, but the departure and return of the licensed Recruiter should be reported to the Divisional Officer.

5. As stated above, there must be some rules in this matter, and the foregoing arrangements seem to me very simple and capable of avoiding all unpleasantness or misunderstanding, but without them there would be confusion and continual collision between your people and the Administrative and Executive Officers of my District.

6. I, therefore, await your reply to this letter, and, to give effect to my suggestions, I request of you to send me the names of the licensed Recruiters nominated by you as resident Recruiters of South Arcot, together with a list made out from the one you have sent me of the several Sub-Agents for each Taluq or Division, authorized by you to assist in the enlistment work; and these lists will, in due course, be forwarded for the information and guidance of my Subordinate Officers, that they may know who is empowered, and who is not, to carry on the work of emigration within their respective jurisdictions.

7. In the matter of emigration recruiting, it has ever been my desire to render every legitimate aid, and I have heretofore carefully abstained from offering any needless obstruction to the work. Still, as the Law stands, it is clearly imposed on me to see that it is obeyed and carried out, and considering that, in deference to the wishes and views of my Government, I have acquiesced in the system of permitting Sub-Agents, though not sanctioned by the Law, you will, I am sure, appreciate the motives which have influenced me in requiring some specific mode of action in giving effect to what in reality is a departure from the strict letter of the Act of the Legislature under which recruiting emigrants for the French and other Colonies is permitted, and I have been guided solely by a desire to place the arrangement on some definite and defined footing, so as to obviate all future difficulty and annoyance on either side in carrying out the work in which you are interested.

From Monsiuer A. ERNY, Agent for Emigration, to C. W. READE, Esq., Collector and Special Agent, Cuddalore; dated Pondicherry, 28th March 1865.

I have the honor to acknowledge the receipt of your letter, under date the 22nd instant, and I have to apologize for not having answered sooner.

2. Regarding the licensed Maistries, all that I can do is to furnish you with the list of all of them, as we have no Special Agents or Maistries for each place. Some time they are recruiting in the South Arcot, and some time in some other Districts.

3. As to the number of the Sub-Agents, they will follow the licensed Maistries wherever they may think proper to recruit, and I am assured that there will not be more than 15 to 25 Sub-Agents at the same time in the District of the South Arcot.

4. I beg to observe that, in the Licenses delivered by the Protector, it is not mentioned that B is authorized to Recruit for such a place only, as I have done before. Waiting your answer, I have, &c.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Punrooty, 29th March 1865, No. 82.

In reply to your letter of yesterday's date, I will only observe that the particular information I sought for was mainly in the interests of your own people, because, unless you give me such information, I cannot, and will not, recognize the Sub-Agents, nor will I accord them any protection, if, indiscriminately, any or all of the list you sent me are brought up by the South Arcot Police for acting as Recruiters without a License.

2. There must be some order and distinct understanding in the matter of the anomalous system of Sub-Agency, and, unless my suggestions are attended to, I can give no guarantee that your Sub-Agents may not be apprehended; and in this event they must take the consequences, as on no account do I feel justified in shielding them, unless my proposals for nominating a certain number to be attached to each Division of the District are attended to.

3. With the licensed Recruiters I have nothing to do. They have their authority, and can, of course, go any where in pursuit of their mission, and, so long as they keep within the Law and do not go beyond their functions, they cannot be interfered with, but the Sub-Agency is a class by sufferance only, and, as to render it effective a large number is necessary, all I sought was that they should be divided and appointed to certain parts of the District, and, unless this be done, I must again repeat that it will be my duty to ignore that part of the system, and to limit your recruiting laborers strictly to the persons who are licensed for the express purpose, according to the Law.

4. In my resolve to this effect, I am actuated by every desire to help you, and to do what is right and promotive of all interests, but it will be obvious to you that I stand, as it were, in the position of a local protector to the inhabitants of the District placed under my administration, and, therefore, it is imperative on me to see that they are not recklessly exposed to the machinations of a number of people (the Sub-Agents) whom the Law does not recognize, and of whom I know nothing, unless they are duly registered and distributed in particular localities of the District, where some sort of hold and control may be exercised over them.

5. If you still misunderstand my letter, I can only regret it, although I have, I think, taken some trouble to explain it.

From Monsieur A. ERNY, Agent for Emigration, Pondicherry, to C. W. READE, Esq., Collector and Special Agent, South Arcot; dated Pondicherry, 5th April 1865.

I have the honor to acknowledge the receipt of your letter of the 29th March last, and to inform you I have asked my Maistries to give me the list of 32 Sub-Agents (eight for each Division) as desired by you, and regret to state I have not yet received it from them. I hope to be able to forward it to you as soon as possible.

2. I know too well all the trouble you have taken for the Emigration, and for my part I am much obliged to you, but I only regret that the Maistries do not understand any thing, and that they always delay what I ask them.

From Monsieur A. ERNY, Agent for Emigration, Pondicherry, to C. W. READE, Esq., Collector and Special Agent, South Arcot; dated Pondicherry, 8th April 1865.

I have the honor to enclose, herewith, the list of the Sub-Agents agreed by you for each Division, as per your letter of the 22nd March last.

2. Kindly excuse me not to have remitted it sooner, and please to receive my best thanks for all the trouble you have taken in that circumstance.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Cullacoorchy, 10th April 1865, No. 93.

I am in receipt of your letter of the 8th, enclosing a list of Sub-Emigration Agents to be employed in the several Divisions of my District.

2. I beg to suggest that the persons so nominated do present themselves for registry and identification before the European Officers of the Division (the Sub-Collector, Head Assistant Collector, and Deputy Collector, Mr. Wright, as the case may be), as this will at once prevent all mistakes, and avoid any interference by the Police with these persons in the legitimate exercise of their particular office.

From Monsieur A. ERNY, Agent for Emigration, to C. W. READE, Esq., Collector and Special Agent, South Arcot; dated Pondicherry, 15th May 1865.

I have the honor to acknowledge the receipt of your letter, under date the 10th April last, and to inform you that I have ordered the Sub-Agents mentioned in the list I have remitted you, to appear for registry and identification before the European Officers of the District: the Sub-Collector, Head Assistant Collector, and Deputy Collector, Mr. Wright, as the case may be.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Cuddalore, 7th June 1865, No. 138.

In reference to my letter, No. 93, of the 10th April last, I have the honor to request you will inform me whether the Sub-Agents therein referred to have entered on their duties anywhere in this District, and, if so, in what part of it.

2. In my letter above quoted, I requested you to be good enough to direct the Sub-Agents in question to present themselves before the Divisional Officers for attestation and identification, and it is intimated to me by the Sub-Collector that as yet no one has done this, and he wishes for instructions as to whether he should take legal proceedings against any persons acting in the Emigration interest who have not complied with the understood preliminary conditions.

3. Please inform me as to what is doing, or has been done subsequent to our recent correspondence in this matter, and whether any of your people are now engaged in recruiting emigrants in South Arcot, and, if so, who, and in what part are they so employed.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Cuddalore, 10th June 1865, No. 143.

Will you oblige me with a muster Badge, and as well with a muster of the cloth belt, supplied by you to your Recruiting Agents. I ask this because alleged Recruiters have appeared before the Officers of this District with red and with blue Belts and the Badges differing in size and appearance. I presume that both Badge and Belt should be uniform, and that such are your orders; and to enable me the more readily to detect, I should be glad to have at least one pattern at hand, by which comparison may be made on occasions of doubt.

2. A man calling himself a Recruiter, and who appeared with a License in the name of Veeramoottoo, and bearing my countersignature, recently presented himself before one of my Assistants without any Badge or Belt, an omission by which the License became forfeited under instructions from the Protector of Emigrants.

3. The License in question is numbered 9, and dated 17th February 1865, and has the Protector's signature as well as my own, but in my belief the party who presented it is not the man indicated in the License, but a transfer has, I think, been made. Inquiry is going on as to the man's identity, but, pending the result, I have the honor to state that the License of Veeramoottoo will be now revoked and forwarded to Madras, as requested of me by Mr. Franklin in all cases of the kind, and I consider it right to apprise you of the fact.

4. If you have any Descriptive Roll of your regular Recruiters within this District, by which their persons may be identified, I would ask you to send me a copy, that I may have it circulated to my Subordinates, to enable them at once to discover any attempt at imposture.

From Monsieur A. ERNY, Agent for Emigration, Pondicherry, to the Collector and Special Agent, Cuddalore; dated Pondicherry, 13th June 1865.

I have the honor to acknowledge the receipt of your letter of the 7th and 10th instant.

2. As I have already informed you, I have ordered the Sub-Agents, as suggested by you, to appear before the Divisional Officers prior to entering to their duties.

3. I regret not being able to inform you whether any of these people are now recruiting coolies in South Arcot. I have reason to believe that they have not taken advantage of the permission granted by you, and that they are recruiting emigrants in the neighbourhood of Pondicherry.

4. As requested, I forward you two Badges, and beg to inform you that they are not uniform, having been made by several engravers; but, however, they bear the same inscription. Having not issued cloth Belts, I cannot send you the muster required. It was understood that the Maistries will buy on their own account the cloth they may require, my expenses and charges being already too high.

5. If the Maistry Veeramoottoo, licensed by the Protector under number 9, has transferred his License, he is guilty to have done so, but it seems to me very difficult to establish that a transfer has been made, unless your Assistant is well able to identify the said Veeramoottoo. If it is the case, the inquiry alluded to in your letter is not necessary, and this man is only reprehensible for having presented himself before one of your Assistants without any Badge or Belt. For this involuntary omission, the forfeiture of the License of this poor man seems to me to be a very severe punishment.

6. On account of such great severity, Maistries and coolies are quite frightened to appear before the Magistrates, which has for consequence to puzzle the recruitment for the French Colonies. It will be perhaps better to stop it at once. I regret I have no Descriptive Roll of my regular Recruiters.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Cuddalore, 31st January 1866, No. 36.

The original of the accompanying has been received by me from Mr. Whiteside, with the numerous enclosures as therein referred to.

2. My answer to Mr. Whiteside, copy of which I also send you, will show you that I have approved the proceedings of the authorities in relation to your Maistry Govinda Pillay, but, I have not thought it necessary to press against him the provisions of the Law which he has broken, and for which, of course, he is amenable to the prescribed penalties.

3. As you well know, the Law must be upheld, and the executive must enforce obedience to it; otherwise, they fail in a sacred duty.

4. I have left the Joint Magistrate to deal with the case of Mutusamy Naik, agreeably to the provisions of Act XIII of 1864, should that individual appear to have been guilty of disobedience in any way.

5. I much regret these occasions of collisions between your Agents and the authorities of this District, but it is well that you should clearly understand that the latter have but one duty to perform, and that is to require obedience to the Law, and to prevent its transgression; and if your people persist in violating rules and ordinances laid down for their guidance, they must learn that they cannot do so with impunity, and that the risk and peril will be their own.

6. In the matter of Sub-Agents as sanctioned by me, I desire to call your attention to my letter, No. 78, dated the 22nd March last, in which is very clearly and emphatically noted the conditions on which alone such assistance to your Maistries was authorized, and, of course, if these

conditions, which have been communicated to the Divisional Officers, are departed from, the natural consequences will follow, and it must end in my entire rescission of the permission granted.

7. Many of the Sub-Agents, in my belief, throughout the District, are not those mentioned in the list you sent me, and it is, therefore, within the power of any of the Divisional Officers to have such persons arrested, if found using their efforts in the cause of Emigration; and I take the opportunity of warning you of this, as, henceforth, it will be necessary for me to draw the particular attention of my Subordinates to the abuses still so prevalent, and which, I fear, are not confined to the Chellumbrum and Virdachellum Taluqs. I, therefore, earnestly trust that you will see and appreciate the need there is of enjoining on all engaged under you in the work of Emigration to keep strictly within the letter of the Law, and to obey as implicitly all local orders having in view its enforcement; and your people must be prepared, hereafter, for the infliction of the heaviest penalties in all instance where wilful defiance or disobedience may be proved against any of them, as it seems to me that this is really the only sure method of preserving respect to the Law, and of protecting the people of this District from any improper and designing practices to their injury and disappointment.

8. I cannot allow Govinda Pillay to recruit any more in the District, and I, therefore, hold his Certificate or Pass at your disposal. He can be sent elsewhere, and another Maistry may be deputed in his place.

9. You will be good enough to bear in mind that the Sub-Agents cannot be allowed in the District unaccompanied by their Principal (the Maistry), and here I would ask your attention to paragraph 4 of my letter already quoted.

From W. S. WHITESIDE, Esq., Joint Magistrate, South Arcot, to C. W. READE, Esq., Magistrate and Special Agent, Cuddalore; dated Virdachellum, 18th January 1866, No. 29.

I have the honor to acknowledge receipt of your letter, No. 2, dated 3rd instant, calling for information on the subject of the arrest by the Chellumbrum Taluq Magistrate of the French Emigration Maistry Govinda Pillay, a matter which had attracted my attention, and prior to the receipt of which letter, I had called on the Taluq Magistrate to report fully on the case, and also, if necessary, send the Maistry to me for such inquiry as might be called for.

2. This has now been done, and I herewith forward, for your information, and return when no longer required, the original deposition taken by me from the Maistry himself, which is, in every way, confirmatory of the statements contained in the Taluq Magistrate's report, No. 3, dated 4th instant, also herewith forwarded.

3. The facts are in this wise: immediately on the receipt of your Official Memorandum, No. 94, of the 10th April 1865, I issued a Circular Order, No. 106, to all my Sub-Magistrates, embodying the instructions I had thus received from you, and, with regard to paragraph 3 of your Memorandum, I stated that all the Maistries and their Sub-Agents would appear before me, prior to commencing their labors in the Sub-Division, for identification, &c., and I warned Sub-Magistrates that they were not to allow parties to collect coolies as emigrants to the French Colonies if they had not previously appeared before me.

4. Time went on, but not one of the Maistries or their Sub-Agents ever appeared before me for registration; nor on any one occasion, was a cooly brought before me as an intending emigrant from out of my Taluqs. In my letter to you, No. 428, dated 27th November last, I specially brought this fact to your notice, and pointed out that some irregularity was evidently going on, because there was no reason to believe that the inhabitants of the Sub-Division were so attached to their homes as invariably to turn a deaf ear to the persuasions of the Maistries, and that, on the contrary, I had reason to believe that a brisk trade was being carried on, and that many individuals were being removed from my Taluqs, and taken to the French Emigration Godowns in Pondicherry, in defiance of all the Regulations that have been framed, and which I then set myself to discover. On this point, I have now before me the most conclusive evidence, and on that subject I propose to address you further, at length, in a separate communication.

5. At this juncture, the Acting Taluq Magistrate at Chellumbrum found the Maistry Govinda Pillay occupied in collecting coolies as emigrants to the French Territories in the Town of Chellumbrum. It was true that he had with him a License issued to him by the Consular Agent on the 12th December 1865, and countersigned by you on the 13th idem, but the Maistry had not been to me and his License did not bear my signature, in token of my knowledge of his being occupied in my Sub-Division (this, however, was of comparatively little moment as you had yourself countersigned the License). The Maistry moreover had in his possession another License bearing only the signature of Mr. Erny; this, of course, he had no right to carry about with him, and his producing it when called on by the Taluq Magistrate to show his License is suspicious. The Maistry was employing, as his Recruiter or Sub-Agent, one Moonean, an inhabitant of the French Territory, who is not one of the 8 Sub-Agents sanctioned by you in the list which accompanied your Memorandum to me above quoted, and who, moreover, had never been produced and registered either before Mr. Erny, or the Consular Agent, or you, or me, as Officer in charge of the Division; and it was thus evident that the Maistry was acting with the grossest irregularity, in employing as his Assistant in collecting coolies a private individual, unknown to any authorities, and in defiance of the strict letter of the Law. You have, in paragraph 4 of your letter to Mr. Erny, No. 78, of the 22nd March 1865, so fully expressed your opinion on this part of the question, that it is unnecessary for me to offer further remarks here.

6. The Chellumbrum Taluq Magistrate also noticed another irregularity on the part of the Maistry: he was wearing no Belt at all. He had a Badge certainly, but even that was hidden by his wearing it under his arm-pit! On this point, I beg to draw your attention to paragraph 4 of the Circular from the Protector of Emigrants, dated 27th April 1865, which points out in the clearest manner the course to be followed in such cases.

7. Colondaivelu Pillay thus, you will observe, acted with the strictest regularity in arresting the operations of the Maistry, and I have no doubt you will approve of the line of conduct adopted by him.

8. I now forward to you the two Licenses taken from the Maistry Govinda Pillay, who is now in attendance at my office, and solicit your instructions as to the course to be followed with regard to him. You will see that he admits in his statement before me that, though he has been plying as a Maistry for more than a year, he has no Belt.

9. In continuation of this matter, I also beg to inform you of an almost precisely similar instance that has just occurred at Tittagudi, the Sub-Magistrate of which place found the Maistry Mutusamy Naik occupied in collecting coolies, accompanied by two men, neither of whom are specified in the List of Recruiting Sub-Agents forwarded to me from your office. This Maistry was wearing his Belt openly and properly, and the only objection to be raised against him was that he had not produced his License before me, or obtained the permission of any authority for the employment of the two Sub-Agents who accompanied him. I have taken statements from all these men, and you will observe that the Maistry stoutly denies the fact of their being his Sub-Agents for the collection of coolies, but declares that, though he is paying their regular wages, they are only his companions in his journeying. This assertion is incredible, for men in his position in life are not wont to indulge in the luxury of hiring people to travel about the country with them merely as companions. I have sent off this Maistry's so called companions to their homes, as I had no evidence before me to show that they had actually collected coolly emigrants, and have countersigned the Maistry's License, and authorized him to continue his business alone at Tittagudi. I may here inform you of a communication I yesterday received respecting this Maistry from M. Erny, in which he calls upon me to depute a Peon to escort to my office the coolies collected in the Taluq by the Maistry. Copies of M. Erny's letter and of my reply are appended.

10. Finally, allow me earnestly to draw your attention to the grossly irregular system which is apparently, from the statement of this Maistry Mutusamy Naik, now in vogue in Pondicherry. This Maistry, although duly licensed to collect emigrants in the Chellumbrum Taluq, all last year never once left Pondicherry for the Taluq; he says that he remained constantly in Pondicherry,

and the coolies were brought in to M. Erny's Office by other individuals with whom he was unacquainted, and that every now and then he was sent over to Cuddalore by M. Erny with a batch of these coolly people for registration before you.

11. You see that the licensed Maistries in this manner entirely evaded all the responsibility attaching to their position. They had their Sub-Agents privately perambulating the District, unknown to the authorities, who really were actively engaged as Maistries, collecting coolies, and all that the Maistries themselves did was to walk backward and forward periodically, with parties of coolies, between M. Erny's and your office. When questioned as to any of the coolies they had with them, they, of course, professed entire ignorance, and thus every Rule or restriction devised for the prevention of fraud was completely evaded, and it was hopeless to attempt to bring home to any individual subordinate of the French Emigration Agency the irregularities or frauds that every now and then were discovered. This system was, of course, carried out with the full knowledge of the managing authorities in Pondicherry, and so far as I know is now in force.

12. I sincerely trust that you will now protest firmly against this extremely improper conduct, and insist on the Maistries really doing their own work; that is, itinerate regularly, themselves collect coolies in their Villages, and themselves produce the same individuals before the Officer in charge of the Division where they are employed. Unless this is done, I am strongly of opinion that the best plan would be to withdraw altogether the concession allowed by you of employing these Sub-Agents, a set of subordinates, who, as you have already observed to M. Erny, are now sanctioned solely as a favor, and, in point of fact, not in accordance with the provisions of the Law.

From C. W. READE, Esq., Magistrate and Special Agent, to W. S. WHITESIDE, Esq., Joint Magistrate, South Arcot; dated Cuddalore, 31st January 1866, No. 35.

I have had under my consideration your letter, No. 29, of the 18th instant, with enclosures, on the subject of the operations of the French Emigration Agency.

2. Under the explanation which you have given, and that submitted by the Tahsildar of Chellumbrum, both direct to myself and through you, I am prepared to support fully his course of action in the matter of Govinda Pillay, whose disobedience to the Law, in not wearing a Badge, and his failure to produce his proper License, when called upon, necessarily exposed him to arrest, and its attendant annoyances.

3. I am well aware of the laxity with which the rules in force are observed by the Emigration Department generally, and since the Government have deemed the subject to be of such importance, it is imperative on the Executive to see that the Law is strictly obeyed, despite that laxity; and any deviation from the provisions of the Emigration Act must entail on those so offending the penal consequences prescribed, and they can have no real cause of grievance in our so doing, all blame resting solely and entirely on themselves.

4. All we have to do, and all we can do, is to enforce the letter of the Law against all who transgress it, and if the French Agents are prepared to incur the risks attending their irregular and illegal practices, we can do no more than resort to those measures, in repression of their proceedings, which the law admits of, and, possibly, by a rigorous exercise of our powers, we shall in time need nothing more; while using only weapons which are strictly legal, no one will have just cause of offence.

5. I will bring the whole subject again under M. Erny's notice, and will call his attention to my correspondence with him of last year, and to my letter in particular, No. 78, of the 22nd March 1865, in which I so fully and unmistakeably explained to him my views and intentions, and in all of which I was led to believe he had quite acquiesced.

6. I can do no more in the matter than promise you my support in carrying out the provisions of the Act XIII of 1864 in its entirety; and to show M. Erny, that I am resolved on this course, I will forward to him copy of my present letter, when sending him copy of yours, to illustrate the misdoings and disobedience of orders still so persistently practised by his people.

several Maistries are recruiting in the French Territory

7. I think, on the present occasion, as you have not at once dealt with Govinda Pillay, and have left his case for my disposal, that it will be sufficient if you will release him from any restraint under which he may be, and desire him to leave the District. He cannot act without his License, and this, so far as my authority is conveyed by my countersignature on that document, will at once be cancelled, depriving him of his authority to recruit any longer in South Arcot, and this measure may have the effect of deterring similar irregularities and careless disobedience of the law on the part of others.

8. The other case which you bring to my notice, of the Maistry Mutusamy Naik, requires no additional comment from me. You can, of course, deal with it according to your powers under the law; and as regards the Sub-Agents, it rests entirely with you to prohibit their aid in the matter of Emigration, if their conduct be objectionable, or in any way at variance with the declared object of their employment, but any instance of the kind should be reported to me. Moreover, no one, except the persons named in the list submitted to all Divisional Officers with my Memorandum of the 10th April 1865, No. 94, should be allowed, under any pretext, to act, and these only after due registry before yourself and other Officers, so that if you will only be careful in keeping within the letter of the provisions of the Emigration Act, and as well to the spirit of my instructions, as regards the employment of Sub-Agents under the explanation which has already been furnished to you, I feel satisfied that you will find yourself in the end amply armed with all the requisite powers for repressing abuses and illegalities, so long as the Police and other Subordinate Officers only do their part in bringing to notice every instance within their knowledge, where such abuses and illegalities are practised.

9. My letter to M. Erny above referred to, and a copy of which was sent to your Office, expressly lays down what was expected of his Maistries and their Assistants, and I shall now very firmly and seriously call his attention to the continued violation of our united instructions by these people, and as well of their open and defiant disobedience of the Emigration Laws, expressly framed for their guidance.

10. The only point which I have further to notice relates to the Licenses themselves, and you will be good enough, in future, to understand that, of course, the holder of every License which bears my countersignature is privileged to recruit in any part of the District, and you will be pleased to warn the Taluk Subordinates under you that your separate authorization is not necessary, and that any interference with Maistries who have my authority will be illegal, and will lay them open to penalties, provided the Licensee commits no breach of the Law; but, in future, I will take care that you have sent to you the names of every person licensed, so that you may be informed who are really legally competent to act as Recruiting Maistries.

11. The originals received with your letter are returned as requested.

From Monsieur A. ERNY, Agent for Emigration, Pondicherry, to C. W. READE, Esq., Collector and Special Agent, Cuddalore; dated Pondicherry, 5th February 1866.

I have the honor to acknowledge receipt of your letter, under date the 31st January last, with its enclosures, and cannot but approve your decision about Govinda, as I have several times fully explained to these people the conditions under which you have agreed to authorize a certain number of Sub-Agents in the District of South Arcot—conditions noted in your letter, dated 22nd March, No. 78. I have also translated to them the terms of your letter regarding their duty, and I have tried to let them understand that it was quite in their interest to obey to the law, as also to the local orders, informing them, at the same time, that you were decided to punish very seriously any violation to the law.

2. Regarding the statement of one Mutusamy Naik, and the opinion of Mr. Whiteside on what he calls a grossly irregular system, I beg to observe that several Maistries are recruiting in the French Territory only; that before Mr. Norfor, the British Consular Agent in Pondicherry, was authorized to pass the coolies so recruited, they were sent to Cuddalore. It appears that this Mutusamy has been very often taken by the said Maistries to bring before you those men.

3. I am perhaps mistaken, but I do not see in that system any refraction to the Act.

4. I will thank you to remit me the License of Govinda by post.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Cuddalore, 7th February 1866, No. 45.

As requested in your letter of the 5th instant, I beg to return the License of Govinda Pillay, which I have cancelled, in so far as to render it useless for purposes of emigration in my District.

2. Adverting to the 2nd paragraph of your letter, I have to observe that, on a reference to the Register of Emigrants kept at Cuddalore, it is found that all the emigrants, without a single exception, are entered in it as having been recruited at Pondicherry, which, if true, would go to show that the employment of licensed Recruiters to itinerate the country in quest of laborers is superfluous, since they would appear so easily procurable in French Territory. The practice of the Recruiters in thus representing the locality where the emigrants are actually collected can only be ascribed to idleness and laziness, and the facilities thus afforded of evading the law, and perhaps to a constitutional habit of lying at which they have no sort of compunction.

From C. W. READE, Esq., Collector and Special Agent, to Monsieur A. ERNY, Agent for Emigration, Pondicherry; dated Cuddalore, 10th February 1866, No. 47.

The accompanying Badge and book, belonging to the Recruiter Govinda Pillay, are herewith forwarded, with reference to my letter of the 7th instant, No. 45.

From Monsieur A. ERNY, Agent for Emigration, Pondicherry, to C. W. READE, Esq., Magistrate and Special Agent, Cuddalore; dated Pondicherry, 15th February 1866.

I have the honor to acknowledge receipt of your letters, dated 7th and 10th instant, returning, duly cancelled, the License of Govinda Pillay, and his Badge.

2. I have sent this License to Mr. Norfor, asking him to mention that it is cancelled for the District of South Arcot only. I have not yet received any answer.

3. With reference to the 2nd paragraph of your letter, remarking that the greater number of coolies is said to be recruited in Pondicherry, and that you ascribe this to idleness and a constitutional habit of lying, I do not dispute this point with you, but can assure you that, to the best of my knowledge, all these men are recruited on the different roads leading into Pondicherry. How they come to be there, it is, of course, impossible for me to prove; but I beg to remind you that, before the Convention ever existed, and recruiting was prohibited in British Territory, the number of men sent every year amounted to from 3500 to 4000, whereas, now, from May 1864 to 30th April 1865, you will observe that the number shipped was only 1400.

No. 21. ORDER THEREON, 10th December 1866, No. 1246.

In their Proceedings of the 27th March last, No. 329, Government, in passing orders on certain papers relative to a supposed case of crimping in South Arcot, called for more definite and detailed information than was then before them, regarding certain instances of mal-practices on the part of the French Emigration Recruiters, referred to by the Joint Magistrate. Mr. Reade was directed to call for the records of the cases alluded to by Mr. Whiteside, with a brief statement of the facts alleged and proved, and, in submitting the statement, to annex to each case his own opinion of the manner in which it has been disposed of by Mr. Whiteside. The Magistrate was also requested to submit copies of certain correspondence regarding the appointment of Sub-Agents to aid the licensed Recruiters in South Arcot. The letter above recorded is in answer to this requisition.

2. The Governor in Council deems it unnecessary to review in detail the cases of crimping disposed of by the Joint Magistrate. Whether the proof adduced was in all cases complete is not now of much consequence, as that Officer's proceedings were throughout illegal, as having been held under a repealed enactment, and the prisoners sentenced by him to imprisonment have been released under the orders

several Maistries are recruiting in the French Territory

of the High Court. The Government are surprised that a Magistrate of Mr. Whiteside's standing should have lost sight of the repeal of so important an Act as XXIV of 1852.

3. At the same time, Mr. Whiteside deserves credit for his exertions to put down improper practices in connection with emigration in the Division under his charge. Making allowance for some exaggeration and some misconduct on the part of recruited as well as Recruiters, there seems no reason to doubt that crimping does go on in South Arcot, as well as in other Districts; and this must be effectually checked, as far as possible, by the District authorities and the British Consular Agent.

4. The mal-practices under notice are certainly facilitated, as remarked by the Magistrate, by the concession which allows British coolies residing in or passing through the Pondicherry territory to be passed by the Consular Agent, without being produced before the District authorities; but the Agent should remember that this concession entails on him the duty of satisfying himself that the parties brought before him have *bona fide* been recruited, as represented, in the Pondicherry territory, and that he is at liberty to pass no other without the Collector's Certificate.

5. The Government approve of the course taken by Mr. Reade in putting a stop to the system of appointing Sub-Agents to aid the licensed Recruiters, and desire that it may no longer be permitted in any shape in South Arcot.

(True Extract).

Chief Secretary.

To the Collector of South Arcot, with original records.

To W. S. Whiteside, Esq.

"The Protector of Emigrants."
"The British Consul Agent Pondicherry."

Ed. J. H. Burns.

Pondicherry 5th February 1866.

C. H. Reade Esq.
Collector & Special Agent
Cuddalore.

Sir,

I have the honor to acknowledge receipt of your letter under date the 21st January last with its enclosures and cannot but approve your decision about Govinda, as I have several times fully explained to these people the conditions under which you have agreed to authorize a certain number of Sub-Agents in the District of South Arcot, conditions noted in your letter dated 22 March 1864. I have also translated to them the terms of your letter regarding their duty & I have tried to let them understand that it was quite in their interest to obey the Law as also to the local orders enforcing them. At the same time that you were decided to punish very severely any violation to the Law.

Regarding the statement of contentment among the people & the opinion of Mr. Whiteside on what he calls a grossly irregular system, I beg to observe that several Masters are recruiting in the French Territory.

territory only; that before Mr. Norfar, the British consular Agent in Pondicherry, was authorized to pass the Coolies so recruited, they were sent to Cuddalore; it appears that this mode of raising has been very often taken by the said Maistries, to bring before you these men.

I am perhaps mistaken, but I do not see in that system any refraction to the Act.

I will thank you to remit me the License of Govindas by Post.

I have &c
/Signed/ A. Enry,
Agent for Emigration

N^o 45
Cuddalore 7th February 1866
To

Monsieur A. Enry,
Agent for Emigration
Pondicherry.

Sir,

As requested in your letter of the 5th Inst, I beg to return the License of Govindas pillay which I have cancelled in so far as to render it useless for purposes of Emigration in my District.
Adverting to the 2^d paragraph of your letter

5
I have to observe that on a reference to the Register of Emigrants kept at Cuddalore it is found that all the Emigrants without a single exception are entered in it as having been recruited at Pondicherry - which if true would go to show that the employment of Licensed Recruiters to iterate the Country in quest of Laborers is superfluous since they would appear so easily procurable in French Territory. - The practice of the Recruiters in thus representing the locality where the Emigrants are actually collected can only be ascribed to idleness & laziness, and the facilities thus afforded of evading the Law and perhaps to a constitutional habit of lying at which they have no sort of compensation. -

I have &c
/Signed/ C. W. Meade.
Coll^r & Spec^l Agent
N^o 47.

Cuddalore 10th February 1866.

To

Monsieur A. Enry,
Agent for Emigration
Pondicherry.

Sir,

The accompanying badge and book

books belonging to the Recruiter Govindapillay
are herewith forwarded with reference
to my letter of the 7th Instant N: 45. —

I have & do.

/Signed/ C. M. Peade.

Coll: & Spec: agent

To Pondicherry 15th February 1865.

C. M. Peade Esq.

Magistrate & Spec: agent.

Cuddalore

Sir,

I have the honor to acknow-
ledge receipt of your letters dated 7th &
10th Instant returning duly cancelled,
the License of Govindapillay & his
badge. —

I have sent this License to Mr
Norfor, asking him to mention that it is
cancelled for the District of South Arcot
only. I have not yet received any answer. —

With reference to the 2^d para of
your letter remarking that the greater
number of coolies is said to be recruited
in Pondicherry and that you ascribe
this to idleness and a constitutional habit
of being unemployed, I do not dispute this point
with

with you, but can assure you, that to the best
of my knowledge all these men are recruited
on the different Roads leading into Pondi-
cherry. How they come to be there, it is of
course impossible for me to prove; but I
beg to remind you that before the convention
ever existed and recruiting was prohibited
in British Territory, the number of men
sent every year amounted to from 3500 to
4000 whereas now from May 1864 to 20th April
1865, you will observe that the number
shipped was only 1400. —

I have & do.

/Signed/ A. Erny.

Agent for Emigration

/True Copies/

Amudhura

Collector & Special Agent

See a Letter from the
Collection and Special agents
Southwest dated 18th October
1866 No. 262.

37

74

+ Bull
'rest

1990

1990

to think it necessary

222

No. 1240

22

100

100

20

There may be
-ing an certainly
facilitated by the
concession of a
more abundant
than could be
existing in a fashion
through the Dominion
Territory & is passed
by the Commission & the
without being produ-
ced before the District
Authority.
The Commission Agent

The Prosecution's was the only evidence. The Joint Magistrate considered it thoroughly credible. The Prisoner pleaded an "alibi," but his witnesses denied all knowledge of what the here

He showed also
with the report of
- front of our side
that no British. Look
on under duress
then -

I'm glad to hear
that he has stood.
I find all satisfaction
in his situation. He
may be well & able
to allow my
son in 5 or 6 months.
At all events if he
can pay me the money
I want to know it.

The second case was No. 196 on the Calendar of the Joint Inquiry. The complainant was Chinaiyan a young man aged 24. charged the two Prisoners Tanderarayan and Saphu Sah with having freed him from Port Blair & Pondicherry - He stated that the 1st Pr., in company with 2nd Pr. had induced him to bring mats for sale to Pondicherry. That on arrival at the latter place he was detained in hospital 2 or 3 days, and then taken to the Emigration Godown, and passed to Mr. Enay - that he received an earnest of 15 Rs. which was taken possession of by the Hospital writer. That after being kept 15 days in the Godown or Depot, he was turned out of the Medical Officer's care.

The first case was
 the case of the
 French prisoners
 who were taken
 at the battle of
 the 10th of 1804.

I should prefer allowing
 Mr. Reader to stoppage of
 Labaque to stand good.
 The applicant originally
 seems to me to have been out
 of the law, unless, indeed, he
 was very much of the law, and
 have kept to the more work
 of visiting villages & there
 causing the benefits arising
 from his estate. But even
 if lawful, it is very doubtful
 if he could conform to the conditions
 at Mr. Reader as best lawyer
 had explained he would allow
 the Labaque to work as
 such.

It is little creditable to a
 lawyer of Mr. Wholeside's
 standing & experience, that
 he should have been ignorant
 of the repeal of 20 years.
 I am not sure whether his con-
 sequent illegal proceedings
 is the road of the God-fearing
 sound Fort St. George sagely
 deeper of acts, especially
 in the European law.

consequence of being affected
 by organic disease.
 That he then went back to Port
 Nova, and gave information
 to relatives of other missing
 persons.

Four witnesses corroborated
 this story.
 The Prisoners admitted they had
 taken the Compl. & Pondicherry
 stated they had there let him go
 on payment of him of his hire.
 They called no witnesses.

The 1st Pri. was sentenced to
 6 mo. and the 2nd 12 mo.
 rigorous imprisonment with
 the same exactments as in
 Case the first.

The third case was almost iden-
 tical in circumstance with
 the last preceding: The Com-
 plaint was one of the
 witnesses in the last case,
 the Prisoners were the same.
 In this case it was elicited
 that the emigrants were in-
 variably called } false
 names in the report.
 The release of the Compl. was
 granted.

if men in Mr. Wholeside's
 high mercantile position,
 will not trouble themselves
 to peruse & hear them in mind.

As regards to the former
 cases, especially described
 in the Conf. revised com-
 munication, it is unnecessary
 now to review them in
 detail, as remarked by Mr.
 J. Lyndell - but I must say
 that Mr. Wholeside appears
 to have been shown
 himself to be easily misled.

It strikes me that
 the main business of the
 S. area - district would
 be benefited, if the inter-
 departmental correspondence
 were shortened, and I would
 propose that a hint to
 that effect be conveyed
 to the Comptroller for his
 own guidance & that of his
 European Subordinates.
 Since, the quite painful
 to have to wade through
 the yards of useless verbiage
 we flow from the pen of
 the S. area officers -

W.D.

Mr. Norfor appears to
 have become a wandering
 prophet from what Mr. Reader
 states in the present mode
 of securing emigrants at Pon-
 dicherry. I would remind
 him that he is to do what is
 pointed to by Mr. J. Lyndell.

W.D.

on application from the Father.
 The 1st Pri. pleaded an alibi
 which was not supported by
 witnesses. The 2nd Prisoner
 volunteered Queen's Evidence
 and a pardon was tendered to him
 under Sec. 209. C. P. Code.
 He stated that the 1st Pri. had
 been for a long time habitually
 cruising for the French Agency,
 for Bunnah, and Moremain.
 He explained the way in which
 this was effected - how that he
 (1st Pri.) received 3 Rs per head,
 for every man recruited, how it
 was connived at by Maduranayagan
 Pillay who kept the emigrants in
 hospital till produced before
 M. Erny.

A copy of this statement is
 given in full.
 The 1st Pri. was sentenced to
 6 mo. additional rigorous
 imprisonment.

In the fourth case the same two
 Prisoners were charged with having
 enticed a lad named Rama-
 Sani from Port Nova to
 Pondicherry. He stated they had
 advanced him 2 annas, 2
 carry mats for them.

that he was, when he arrived at Pondicherry, shut up for 3 days and then taken before M. Froy - that when asked whether he was willing to emigrate he said he wished to go home but that no notice was taken of this. That when the complainant of the first of these four cases was pressed he gave information which led to his (compt's) release.

The rest of the facts were similar. Those in the last two cases - the defence was the same - the 1st Pri - was sentenced to 6 mo: and the 2nd to 3 mo: ^{2 years} imprisonment in addition to their other punishments.]

3. These four cases much resemble another. The Complainant's story is that she or he was seized of Pondicherry under false pretences: then kept for some days, and on being brought before M. Froy was either induced to profess a readiness to emigrate, or no notice taken of the

wishes expressed by the emigrant: in these cases the same two Prisoners appear: in one case the 2nd Prisoner volunteers a full statement involving guilt of the 1st Prisoner, & implicating other officers in the Emigration Agency as conniving at the malpractices going on.

4. With reference to the 1st case Mr. Reads is of opinion that the evidence was not conclusive against the Prisoner: that the complaint involved discrepancies and improbabilities, and that at all events the Prisoner was entitled to the benefit of the doubt.

With regard to the other three, the Magistrate opines that, with the confession of the 2nd Prisoner in the one case, the evidence would have been legally insufficient to convict; but that, with that evidence on record, and applicable as it must be to all 3 cases, he considers the conviction,

Otherwise good, except in so far
as, having been awarded under
Act xxv. of 1852 which had
been repealed by Act xiii. of
1864, they were quashed on
reference to the High Court.

5. The Court do not wish to argue
as to the weight of legal evidence
adduced: they are satisfied
that illegitimate means ^{have been} ~~was~~
used in order to procure
disfranchisement: and they cannot
but conclude that such
abuses were by no means
uncommon, and that these
cases were only incidental
violations.

6. This they consider more ap-
parent from the correspond
submitted of Mr. Beade, in
accordance with the order
of Government above referred
to, which passed between him
and Mr. Frey.

7. While fully recognizing the care and anxiety displayed by Mr. Rader to provide against the occurrence of malpractice, without unnecessarily throwing

no doubt there is
clear evidence here -
why

obstacles in the way of the
French Agency. He cannot
but remark that the correspon-
-dence under review does not
bear out the views expressed by Mr.
Reade in his former letter, as
based on his personal experience,
and to which he still adheres,
that abuses are exceptional and
that in no single instance has
a man or woman left the
Country against their will.

8. Refort. admit that the construction put by Mr. Rende on Proceedings of Govt. 2^d Nov. 1864, and 7th Dec. 1864. No. 1253 and 38 respectively, authorized him in adopting the course which he did: they also recognize the firmness with which he resisted the tendency to laxity ~~in the~~^{in the} ~~of the~~ arrangement of the conditions insisted upon in his correspondence with Mr. Fry.

4. They are Japanese Rivers.

I would ~~not~~ ^{let Mr.}
Meads ~~to~~ ^{be} ~~held~~ ^{for}
the ~~adulteration~~ ^{adulteration}
for the benefit of the ~~agency~~ ^{agency}
was properly ~~adulterated~~ ^{adulterated}

the withdrawal of

that but little systematic super-
vision is exercised on the
subordinates employed of the
FBI agency in and they
consider it ~~unreasonable~~ ^{unreasonable} that
the permission ~~be~~ ^{be} ~~given~~ ^{given} ~~to~~ ^{to} ~~allow~~ ^{allow}
Subagents to assist Recruiters,
at the discretion of the Special
Agent, ^{was rightly} discontinued.

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Collector and Special Agent
South Arcot.

/Here enter 10 Oct 1866 N. 262/

Order thereon 10 December 1866 N. 1246

In their proceedings
of the 27th March last
N. 329, Government, in
passing orders on certain
papers relative to a supposed
case of crumpling in South
Arcot, called for more
definite and detailed
information than was
then before them, regarding
certain instances of
mal-practices on the
part of the French Immigration
Recruiters referred to by
the Joint Magistrate.
Mr. Reade was directed

N.
gp

WOM

to call for the records
of the cases alluded to
by Mr Whiteside with
a brief statement of the
facts alleged and proved,
and, in submitting the
statement, to annex to
each case his own opinion
of the manner in which
it has been disposed of
by Mr Whiteside. The
Magistrate was also
requested to submit
copies of certain corres-
pondence regarding the
appointment of Sub-
Agents to aid the Licensed
Recruiters in South Australia.
The letter above recorded
is in answer to this re-
quisition.

2. The Governor in Council
deems it unnecessary to re-
view in detail the cases
of crimping disposed of
by the Joint Magistrate.
Whether the proof adduced
was

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was in all cases comp-
~~ment~~ now of much im-
sequence, as that official
proceedings were throughout
illegal, no having been
held under a repealed
enactment, and the
prisoners sentenced by
him to imprisonment
have been released under
the order of the High-
Court. ^{Mr Fort, an immigrant} ~~that~~ ~~the~~ ~~little~~ ~~candidate~~
a Magistrate of Mr
Whiteside's standing ~~that~~
~~he~~ should have lost sight
of the repeal of so im-
portant an Act as 24 of
1852.

3. At the same time,
Mr Whiteside deserves
credit for his exertions
to put down improper
practices in connection
with Emigration in the
Division under his charge.
In making allowance for
some exaggeration and

Some

some misconduct on the
part of recruits as well
as ~~recruits~~, there seems
no reason to doubt that
drumming does go on in
South Arcot as well as
in other Districts, and
this must be effectually
checked as far as possible
by the District authorities
and the British Consular
Agent.

4. The mal practices
under notice are certainly
facilitated, as remarked
by the Magistrate, by
the concession which allows
British coolies residing
in or passing through the
Pondicherry territory to be
passed by the Consular
Agent without being
produced before the
District authorities; but
the Agent should re-
member that this conces-
sion entails on him
the

the duty of satisfying himself
that the parties brought
before him have bona fide
been recruited, as repre-
sented, in the Pondicherry
Territory, and that he is at
liberty to pass no other without
the Collector's Certificate.

5. The Government ^{approve}
~~of the system~~ ^{of the system} ~~that Mr. Reade has~~
in putting a stop to the system
of ~~appointing~~ ^{appointing} sub agents to be
appointed to aid the Licensed
Recruiters, and desire that
it may no longer be per-
mitted in any shape in
South Arcot.

6. The Governor in Council
remarks that the inter-depart-
mental correspondence
between the Collector and
his Subordinate Offices
appears generally to be un-
necessarily lengthy.

To the Collector, Arcot, to take my leave
W. H. Whitehead Esq.
"Collector of Revenue to the District of Arcot"
"British Consular Agent"
the 1st day of August 1862

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June 1866. Department.

No. 1726

PROCEEDINGS OF GOVERNMENT.

Dated. 10th November 1866.