

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

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Not to be folded or roughly handled

27-3-1866

Proceedings of the Madras Government, Public Department,

27th March 1866.

Read the following papers:—

No. 142 A. From the Protector of Emigrants, to the Chief Secretary to Government, Fort Saint George; dated Madras, 13th February 1866, No. 14.

I have the honor to submit the accompanying letter* received from the Consular Agent, Pondicherry, requesting that the sanction of Government might be obtained for procuring a legal opinion

*No. 24, 8th February 1866.

on a question regarding which that Officer is in doubt.

2. A woman, it is said, was taken from Porto Novo in the British Territories, against her will, and placed in the Emigration Depot at Pondicherry. The Joint Magistrate of South Arcot claimed her, and she was about to be released when she declared she still wished to go. The Joint Magistrate, nevertheless, claims her, and the Consular Agent asks what power he has to release, or to prevent her embarking, as she is certainly 20 years of age.

3. In a legal point of view the case seems clear enough. Article 6 of the French Convention lays down that no British subject shall be embarked until the Consular Agent has satisfied himself that he (or she) engages voluntarily; knows the nature of the contract; the place of destination; the probable length of the voyage, and the advantages of emigrating. If the Consular Agent has explained all this to the woman, and she persists in embarking, I do not see that he can prevent her; she being at least 20 years of age.

4. At Madras, in all probability, the woman would not be embarked, as she has most likely run away from home, which would be a bar to her proceeding unless with the consent of her friends or relatives: the Agent here always acting in the spirit of the law rather than to its strict reading. At Pondicherry, however, we can only enforce what the law permits; and if an emigrant of mature age desires to embark, no legal means of prevention is provided.

5. It would seem, however, that the Recruiter must have committed some irregularity in engaging the woman. In the first instance, she says, she was taken from Porto Novo against her will: this is not likely. But she further says, that she was not taken before a Magistrate: which is not improbable; for, although the Recruiter exhibits the Collector's Pass, he may have brought up some one else for examination. This Recruiter ought therefore to be suspended, pending investigation into the circumstances of the woman's engagement.

From the Consular Agent, Pondicherry, to the Protector of Emigrants, Madras, dated Pondicherry, 8th February 1866, No. 24.

1. I have the honor to request you will obtain the sanction of Government for a legal opinion respecting my duty in the following case, in which the Joint Magistrate of South Arcot claims the person of a female emigrant now in this Depot.

2. The circumstances are these: On the 21st December 1865, the Joint Magistrate sent a Constable from the Superintendent of Police, with a letter to me, claiming a woman said to be in the Depot, who, he stated, had been forcibly carried away from Porto Novo, a town in his Sub-Collectorate.

3. The Constable went to the Depot with my Permit, but could not find the woman, though he called her by name and said he had come to fetch her.

4. This was reported to the Joint Magistrate, who then sent the woman's mother, and she immediately pointed out her daughter.

5. Brought before me, this woman declared she had been taken to the Dépôt against her will, and did not want to emigrate. The next morning, however, when about to be released, she refused and said she *wished* to go.

6. All this being reported to the Joint Magistrate, he still claims the woman, and seems to think I have power to give her over to him.

7. The question requiring consideration is: as the woman in this case now insists on saying she wants to go, what power have I to prevent her? It is true her mother objects, but then this woman is certainly twenty years of age. She says she *never* went before a Magistrate, but the Dépôt people show the *Collector's Pass* to prove she did! And even if she did not go before any Magistrate, can I stop her if she tells me she wishes to go? I suppose the Act only contemplates "protection," and that it would not be legal in me to interfere with the liberty of the subject.

8. Orders on these points are very necessary; as these cases may occur frequently, and the authorities here seem disposed to look at the subject in a strictly legal point of view.

Referred to the Magistrate of South Arcot for immediate report as to the circumstances under which the Joint Magistrate has objected to the emigration of the woman referred to. Mr. Reade will state whether the woman was duly passed by an Officer of the Magistracy.

FORT SAINT GEORGE,
15th February 1866.

(Signed) C. G. WALKER,
Under Secretary.

No. 142B. From the Collector and Special Agent, South Arcot, to the Chief Secretary to Government, Fort Saint George; dated Perambay, 19th March 1866, No. 76.

By an Endorsement from Government, under date the 15th February last, entered on a letter from the Protector of Emigrants, I am required to report as to the circumstances under which the Joint Magistrate has objected to the emigration of the woman referred to, and further, whether the woman was duly passed by an Officer of the Magistracy.

2. As I knew nothing of the case under reference, I at once called on the Joint Magistrate for the required information, and copy of his letter,* an explanation of the facts, is enclosed.

* Marked A.

3. Copy of a letter† from Mr. Norfor, the Consular Agent for Emigration, in reply to one from me, is also forwarded for the information of Government.

† B.

4. Neither of these communications cleared up the mystery as to the woman Lutchmy's identity, and they equally failed to show whether she had or had not been duly passed. I accordingly visited Pondicherry, and personally inquired into the matter, and the result has quite satisfied me that the woman in question was not illegally or improperly inveigled by the French Emigration Agents, and further, that she was duly passed by a competent Officer, namely, the Head Assistant. I, moreover, satisfied myself that the woman now was not only a voluntary emigrant, but that she was most anxious to embark.

5. The papers in proof of this accompany my letter; they consist of the examination‡ given before me by the woman Lutchmy herself; §, a list of persons in which Lutchmy's name

‡ C.

§ D.

appears, and of the identity of which, with the woman in question, there can be no doubt; and 3rdly, a statement* in the form of a deposition taken from Mr. Norfor, the Consular Agent.

* E.

6. I presume that with this result the interference and interest of Government necessarily cease, and unless called upon to do so, I have therefore purposely refrained from noticing all that is stated by Mr. Whiteside in his explanatory letter; but should Government desire it, I am of course prepared to submit my own observations, as I do not agree with the Joint Magistrate that the evils dwelt on by him are exclusively incidental to the French Emigration Agency.

7. That the Emigration Department at Pondicherry are not sufficiently careful in their selection of Licensed Maistries, and that they are lax in requiring of them due conformity to the provisions of the Emigration Laws is undoubtedly true, and this laxity and want of care have been the subject of frequent protest by me, as much, however, to avoid the unpleasantness of continual collision between the Executive of this District and the French Emigration Department as in the protection of the emigrants themselves.

8. The recruited persons themselves are not for one moment to be believed in the stories with which they are ever ready, when, after recruiting, they desire their release. On these occasions, acting under the influence of their momentary feelings, or those stirred up within them by their families, they do not hesitate to tell any amount of lies, bearing falsehood on their very face, thinking that only by implicating the Emigration Maistries with all kinds of improper and shady acts they will be able to get freed; whereas the truth is that no man or woman in my belief, has ever yet been taken out of the country against his or her will, and the facility at all times afforded by the French Agency for visiting their Dépôt, and seeing the emigrants, and the absence of a single instance of refusal on their part to give up any one whose release has been duly and properly applied for, is a sufficient guarantee of this.

9. Ever since Emigration began under legal recognition, the difficulties met with have been almost confined to the Joint Magistrate's Division of the District, and I think Mr. Whiteside labors under a misconception of the interests of the Maistries, and as well of the real feelings of the Department located in Pondicherry, and with which, of course, I am necessarily acquainted. My own experience satisfies me that whatever falsehood may be resorted to, whether by the Emigration Maistries or by those recruited, in the vast majority of cases there has been no sort of improper enticement used, and that nothing but legitimate and lawful persuasion is, as a rule, practiced to influence the intending emigrant, all the stories by the latter notwithstanding; and when, as I have already mentioned, the French Agency have evinced the utmost readiness to give up any one, even without re-payment of the advances made, and when also it is a fact that up to the date of embarkation every intending emigrant can withdraw if he or she chooses, I cannot myself understand how, or in what way the Government or local Officers are called upon to do more than simply enforce the requirements of the Law as to the "modus operandi" of recruiting, and to see that no one is really taken out of the country against his or her will; and I am of opinion that these cardinal points, in connection with emigration

to the French Colonies, so far as my District is concerned, are fully secured, and with them it seems to me that the power of interference and authority by the Executive ceases.

10. The case of this woman Lutchmy is in point. I wholly disbelieve her statement that she was inveigled away from her home, while other parts of her story are difficult of solution; and it would be quite impossible that any conviction on a charge of *crimping* could be had on the oath of such a person. She appeared nothing more than a common and a somewhat imprudent strumpet, and my belief is that her registering herself, and subsequent entry into the Depot, were entirely voluntary; although, of course, the ways and means of accomplishing her desire to emigrate were shown to her; and it is also likely that the Recruiting Agents used their efforts to induce her to enlist; but I conceive this is what they are paid for, and that where such efforts are restricted to lawful means they only do their duty.

11. Lutchmy was of full age, and quite competent to judge for herself, and living the wretched life she was, one cannot be surprised at her eagerly embracing the prospects held out to her, and as the vessel was sailing the next day, and she wished to go, I at once permitted the embarkation, and have intimated the same to Mr. Whiteside. I may mention that the woman had been living at the cost of the Depot for two or three months, and she had likewise received advances of money for clothing, &c., and had been well fed and cared for, as she herself states, so that all this was strictly repayable to the French Emigration Department had I officially detained her, but for which I saw no reason whatever, and I trust my resolve in the matter will be approved by Government.

12. I would suggest, in all future cases of the kind where any of my subordinates, acting under the Emigration Laws, require intending emigrants to be given up, that they do apply to me, and that it be left to me to decide the question. This arrangement would obviate unnecessary references and mistakes, and I know that it would be satisfactory equally to the French Government as to the French Emigration Agency, with whose intentions and views I am tolerably acquainted, and who I am satisfied would never refuse an application from me for the release, whether conditional or unconditional, as I might determine, of any enlisted emigrant; and I say this from my experience of their courtesy and readiness at all times to meet my wishes and to prevent compulsory emigration though at a pecuniary loss to themselves.

A.

From the Joint Magistrate of South Arcot, to the Magistrate and Special Agent, dated Virdachellum, 23rd February 1866, No. 85.

1. I have the honor to acknowledge receipt of your letter, without number, dated 20th instant, giving cover to an original letter from the Protector of Emigrants to the address of the Chief Secretary to Government, on the subject of objections raised by me to the detention of a certain female in the Emigration Godown at Pondicherry, and with respect to which I am now required by the docket of the Under Secretary to Government to furnish explanation.

2. You are well aware that ever since I joined this District, I have assiduously directed my attention to the frauds that are practised so systematically by the subordinates of the French Emigration Agency; that I have on many occasions punished them for proved misconduct; and have also very frequently brought officially to your notice the grave irregularities that I have

27th March 1866.

from time to time discovered. The case now in question has arisen from a discovery that I have lately made of an organised system of crimping, whereby British subjects are now being inveigled into French Territories, and finally placed in the Emigration Godowns at Pondicherry or Karikal.

3. You will recollect that on the 22nd March 1865 you addressed your letter No. 78, to Mr. Erny, the Agent of French Emigration at Pondicherry, wherein you agreed to the appointment of a number of Sub-agents to assist the regularly licensed Recruiters or Maistries in collecting Cooly Emigrants throughout the District. You explained to Mr. Erny in the most explicit manner that only the Sub-agents there specified by name could be allowed to take part in the collection of coolies, that they must each confine their operations to particular portions of the District, and not wander about here and there as they pleased; and you further insisted that before commencing their operations, the various Maistries and Sub-agents should appear in person for identification before the European Officer in charge of the Division of the District, where they were about to be employed.

4. Copy of this letter was furnished to me from your office, and you requested me to see that your views were carefully carried out. On the 27th November 1865, I brought to your notice, in my letter No. 428, that not one of the Maistries or their Sub-agents, appointed for the Taluks in my charge had appeared before me, or any Taluk Magistrate, and that not one intending Emigrant had been brought before me for registration as required by Section 30, Act XIII of 1864.

5. I then commenced vigorous inquiries as to the cause of this, and very soon discovered that a number of individuals were busily engaged in kidnapping people in this Sub-division for the purpose of filling the French Emigration Godown with coolies. I found that the *modus operandi* in every case was almost identical. The Crimp used to hire some ignorant cooly to carry mats or other petty articles of merchandise to Pondicherry, and on arrival at that place the cooly was locked up in some Maistry's house, and after detention there for several days, (and possibly the extortion of consent to emigrate) was transferred to the Emigration Godown after being examined and passed by Mr. Erny.

6. Such numbers of people came to me complaining loudly of their sons, daughters, and husbands being thus kidnapped that had I proceeded to inquire into each formally in my Magisterial capacity, I should have had, without exaggeration, scores of cases to try. In very many instances, however, I found the evidence was so slender as not to warrant my arresting the parties complained against. In others, the persons kidnapped had been sent away from the country in the Emigration ships. I made, however, a number of arrests, and have convicted several persons under the provisions of Section 5, Act XXIV of 1852.

7. To obtain these convictions, I had to procure the release of several persons from the Emigration Godown in Pondicherry who had been kidnapped from British Territories, and received by Mr. Erny as voluntary Emigrants. Not one of these persons had been produced before any Magistrate in this District, or registered as an intending Emigrant prior to quitting the British Territories; and every one of them was entered in the French Registers, by the Maistries, under a false name. Mr. Erny at first made no objection to the release of the parties so confined in the godown, and it was only after I had convicted several of the Crimps on the evidence of the parties that I had requested might be let go that this difficulty arose.

8. The woman respecting whom the Protector of Emigrants has now addressed Government is one of the people thus kidnapped. Her name is Lutchmy, the daughter of "Yelly," a very old woman living in Porto-Novo, who has been supported by her daughter's labour, and is now in a state of starvation. She appeared before me in December last, and charged a woman of the name of Pungavanum with having enticed her daughter away from home; taken her to Pondicherry against her will, and had her locked up in the Emigration godown. I wrote to Mr. Norfor, the Consular Agent, on the subject, and sent the old woman Yelly to Pondicherry where

used

she discovered her daughter in the Emigration godown passing under the name of "Ellamay." Lutchmy then made a statement to Mr. Norfor that she had been kidnapped by Pungavanum, and by her means placed in the Emigration godown, and that she was very anxious to be released, and go home with her mother.

9. The next day, however, when Mr. Norfor again saw her, she had yielded to the persuasions of the Maisries, and said she had changed her mind and wanted to embark; but still adhered to her statement that she had not been produced before any Magistrate and registered as an Emigrant, and that she had been brought to Pondicherry against her will.

10. It then became a question how her evidence was to be obtained in order to secure the conviction of Pungavanum on the charge of "crimping." That offence is not one that is included in the Extradition Treaty between the English and French Governments. Parties charged with that offence cannot be demanded from the French Government; and for the same reason it did not appear that I could request you to demand the Extradition of Lutchmy in order to obtain her statement as witness for the prosecution in a charge of crimping.

11. It was certain that she had never been before any Magistrate prior to her being taken to Pondicherry, and I therefore objected that her detention in the Emigration godown was illegal, inasmuch as the terms of the Convention had not been observed in her case. She had been illegally and against her will, removed from the British Territories, by an unlicensed Agent of the Emigration Company, and the fact that she had subsequently been persuaded to express a wish to embark as an Emigrant could not do away with the necessity of her being now properly registered before a Magistrate of the District.

12. Mr. Erny then, on the 23rd ultimo, proposed that I would send a list of the questions I wished to put to Lutchmy, and have her replies recorded in the Emigration godown. On the 2nd instant, I pointed out to Mr. Norfor that I had no authority to issue a commission for the examination, in Magisterial cases pending before me, of witnesses residing in Foreign Territories; that Section 194 of the Code of Criminal Procedure provides for the examination of witnesses for the prosecution in the presence of the accused person, who has a right to cross-examine such witnesses; and that Mr. Erny being aware of the illegal removal of Lutchmy from the British Territories, her continued retention in the Emigration godown amounted, in point of fact, to an abetment of the offence originally committed by Pungavanum.

13. Mr. Norfor, on the 7th instant, wrote to me that Mr. Erny was willing to allow Lutchmy to quit the godown, and go to give evidence in the case pending before me against Pungavanum, provided that I would guarantee the re-payment of her account in his books in case she would decline to return to Pondicherry. This, of course, I was unable to do; and I was about to address you on the whole question of this system of crimping, that I have now briefly noticed, and request your interference in regard to the woman Lutchmy, when I received your letter above referred to, enclosing that of Mr. Franklin to Government.

14. The evidence I have recorded in the crimping cases above mentioned includes the voluntary confession of one of the kidnappers, who gives the clearest information with regard to the iniquitous system whereby the Emigration godown in Pondicherry is supplied with large numbers of coolies. You have yourself in your letter, No. 35 of the 31st ultimo, strongly brought to the notice of Mr. Erny the extraordinary number of cooly emigrants entered in his Returns as having been recruited in Pondicherry. The depositions I have taken upon oath throw the clearest light on this matter, and I shall be prepared to forward to you copies of all those that may be required, when you think it necessary to call for them.

15. The parties who made those statements are ignorant coolies of the lowest class; unconnected with, and, in several instances, quite unknown to each other; they had no opportunity for consulting together, or combining to get up false stories; and their evidence was given in so unhesitating a manner, and the more important facts stated by them are so extremely similar; as to leave no doubt whatever on my mind of their truth and credibility.

16. Your own knowledge of the former misconduct of the Emigration Agents, set forth at such length in your correspondence on the subject with Mr. Erny and me, will enable you, I doubt not, to supply any defects that may be apparent in the explanation I have now had the honor to offer; but should you think it necessary to call for any additional information, I shall lose no time in supplying it so far as I am able.

(True Copy.)

(Signed) C. W. READE,
Special Agent.

From the Consular Agent, Pondicherry, to the Collector and Special Agent, South Arcot, dated Pondicherry, 27th February 1866, No. 32.

I have the honor to acknowledge the receipt of your letter No. 53 of 19th instant.

The name of the woman referred to is Lutchmy (see Mr. Whiteside's letter, No. 448 of 15th December 1865.)

The name of the Recruiter said to have passed the woman before your Cutcherry is Cojundy Naick, License No. 10, dated 3rd February 1865.

I have no means of knowing if the name Lutchmy was an assumed one or not; but she was recognized by her mother as her daughter Lutchmy, and she admitted her name was Lutchmy, and that she was the woman's daughter. The following have been passed by your Department under the name of Lutchmy, 10th November 1865.

23rd do. „
8th December „

The Depot Agent states that the woman under reference was passed by Mr. O. B. Irvine on 10th November 1865. Copy of Mr. O. B. Irvine's Pass is herewith sent.

I am at a loss, however, to see what all this can have to do with the question put by me to the Government. It is not this particular case that I wish to be instructed upon, but what I can legally do in any similar cases.

In the matter of this woman, I believe all her statements are false; her old mother I had to support all the time she was here; and both herself and daughter I believe were starving; here she is well fed, which is the reason the daughter now wishes to remain, and as she is more than twenty years of age have we any right to prevent her.

(True Copy.)

(Signed) C. W. READE,
Collector and Special Agent.

C.

Deposition of Lutchmy, aged about eighteen, of Pariah caste, daughter of Ponon, resident of Ayiyur, near Porto-Novo in the Taluk of Chellumbrum, given on oath before the Magistrate of South Arcot on the 13th March 1866.

Q.—What is your mother's name?

A.—Yellamaul.

Q.—Why did you come to the Depot at Pondicherry?

A.—To embark in a ship.

Q.—Did you acquaint any public Officer with your intention to go on board-a-ship, and did you get yourself registered before him? If so, before whom? Where? And when?

A.—I got my name registered before an Officer at Munjacoopum, about two or three months ago before I came to Pondicherry.

Q.—Are you now willing to go on board-a-ship to a foreign country? Are you prepared to embark to-morrow?

- A.—I am willing to go, and I am prepared to embark to-morrow.
 Q.—How much money have you received in advance while in this Depot?
 A.—I have received 12 Rupees.
 Q.—Have they been treating you with kindness in every respect since you joined this Depot?
 A.—They have been treating me with kindness. They have been feeding me well, and allowing me every comfort.
 Q.—Were you visited by your mother at any time in this Depot?
 A.—Yes.
 Q.—What did you say to her? That you wished to go home, or to go on board-a-ship?
 A.—By the persuasion of one Mootien, then in the Depot, I said I wished to go home. He is now gone to Trinamalay, and I have no mind to go home now. I wish only to go on board-a-ship.
 Q.—Look at Mr. Norfor, now present here. Do you know him?
 A.—I have seen this gentleman since my arrival at Pondicherry.
 Q.—Do you remember to have given a deposition before this gentleman about two months ago?
 A.—I do remember to have given a deposition.
 Q.—Do you remember the substance of that deposition?
 A.—No! I have forgotten it.
 Q.—Hear the depositions read out to you which you have given before that Officer.
 A.—I have heard them. It is true that I gave both these depositions. I also recognised the mark which I have affixed thereto.
 Q.—Are the statements you made in that deposition true or false?
 A.—They are true.
 Q.—It is true that you were brought out of your house against your will?
 A.—It is true.
 Q.—You have said above that you came of your own accord; is that not true?
 A.—That is true also.
 Q.—How can both of them be true? Did you come to Pondicherry of your own accord, or were you brought here against your will?
 A.—I was brought out of my house against my will; but since my arrival here I have changed my mind, and now my will is only to go on board-a-ship.
 Q.—Did you not get your name registered before Mr. Norfor, the gentleman now present here on your arrival at the Pondicherry Depot?
 A.—Yes.
 Q.—Is it then that you did not as you have stated get yourself registered before an Officer at Munjacoopum prior to your arrival at Pondicherry? Or is it that you got yourself registered twice over?
 A.—I got myself registered once at Munjacoopum, and again before this gentleman at this place.
 Q.—How many days elapsed between your registry at Munjacoopum, and your arrival at this Depot?
 A.—Probably five or six days.
 Q.—Have you got a husband? If so, what is his name?
 A.—I have not been married.
 Q.—Have you got any children?
 A.—No.
 Q.—You have mentioned above an individual by the name of Mootien; how is he related to you?
 A.—He is in no way related to me.
 Q.—Was he keeping you? Were you living with him?
 A.—We were living together.

- Q.—How long were you living together?
 A.—Since my arrival at this Depot. I had never seen him before that. I never saw him in the Taluk of Ellanavasore.
 Q.—Did not Mootien get himself registered before the same gentleman that registered your name?
 A.—We got ourselves registered at the same time and before the same gentleman both at Munjacoopum and Pondicherry.
 Q.—Was there a child with you or him at that time?
 A.—Mootien had a female child with him, a sucking infant.
 Q.—Did not Mootien state that that child was yours, and that he was your husband?
 A.—No.
 Q.—What became of that child?
 A.—It was given to its mother, Mootien's wife, at her request, at Munjacoopum by Mootien.
 Q.—Then you are willing to go on board-a-ship? You are prepared to start to-morrow?
 A.—Yes.
 Q.—Is not Mootien a resident of Ayiyur?
 A.—No. He is a resident of Porto-Novo near Ayiyur.
 Q.—How long have you been acquainted with the said Mootien?
 A.—I have been acquainted with him from our childhood.
 Q.—Why did you say before, that your acquaintance with him began after your arrival at the Depot?
 A.—I have seen him in my village, but as I only cohabited with him here, I said that our acquaintance commenced here.

(Lutchmy's hand-mark.)

 Q.—When you and Mootien had to appear before the Registering Officer at Munjacoopum, did you go yourselves, or were you taken by a Maistry?
 A.—We were taken by a Maistry.
 Q.—Do you know the Maistry? Do you know his name? Or, can you point him out if he were present?
 A.—I do not know who he is, nor what his name is. I can point him out if he came before me.
 Q.—After your registration before the Officer at Munjacoopum what necessity was there or a second registration before Mr. Norfor at this place?
 A.—Although I got myself once registered at Munjacoopum, still I thought it good to get myself registered a second time at this place before Mr. Norfor.
 Q.—Did you come to the Depot directly after your registration at Munjacoopum? Or, did you go home (after your registration) and then come down to this place?
 A.—I came here directly, I did not go home. We were not accompanied thither by the Maistry.
 Q.—By what names did you call yourself and your mother in the second registration before Mr. Norfor?
 A.—I called myself Lutchmy, and my mother Yellamaul. I did not say that my name was Yellamaul.

(What has been read over to me is correct.)

Before me at Pondicherry, this 13th March 1866.

Mark of Lutchmy.)

(Signed) C. W. READE,
Magistrate of South Arcot.

(True Copy.)

(Signed) C. W. READE,
Magistrate.

D.
Register of Emigrant Coolies examined and passed by the Acting Head Assistant Collector of South Arcot in 1865.

No.	Date.	Name.	Fathers' name.	Height.	Age.	Caste.	Profession.	Village.	Relationship left behind.	Name of the Recruiting Maistry.	For what place engaged.	Remarks.
63	10th November 1865.	Savaria Cootty	Konary ...	FT. IN. 5 5	YS. 25	Christian.	Cooly	Madalapat, Cuddalore.	Brothers	Colonday Naik.	Guadeloupe	
64	"	Mootoo	Savarimootoo	5 3½	30	Pariah.	Do.	Paliem Cottah.	None	Do.	Do.	
65	"	Ramen	Muttusamy	5 5	3½	Do.	Do.	Samangalom, V. Isapooram Taluk.	Father	Do.	Do.	
66	"	Muttien	Muttusamy	5 4½	22	Do.	Do.	Mylapur, Madras.	Father	Do.	Do.	
67	"	Mutukistnen	Narayana Gounden.	5 4	30	Do.	Do.	Coda Mangalom, Cuddalore.	None	Do.	Do.	
68	"	Muthan	Muthean	5 6	40	Do.	Do.	Hyr, Elavanasur Taluk.	Goes with his wife.	Do.	Do.	
69	"	Latchmy	Ponnan	9	30	Do.	Do.	Do.	Goes with her husband No. 68 and infant	Do.	Do.	This is the woman whose case is under notice and referred to in my letter.
70	"	Savaria Cutti	Alusoo	4 11	30	Do.	Do.	Royapuram, Madras.	Goes with his wife.	Do.	Do.	
71	"	Anthony	Veerasamy	5 1½	20	Do.	Do.	Royapuram, Madras.	Goes with her husband No. 70.	Do.	Do.	
72	"	Senekuppee	Veerasamy	5 0	20	Do.	Do.	Royapuram, Madras.	Father	Do.	Do.	

Cuddalore,
10th November 1865.

The Emigrants all understand the terms of their engagement (five years and five Rupees salary per mensem).

(Signed) O. B. IRVINE,
Acting Head Assistant Collector.

(True Copy.)

(Signed) C. W. READE,
Collector and Special Agent

27th March 1866.

Examination of B. T. Norfor, Esq., Consular Agent for Emigration at Pondicherry, this 13th March 1866.

Q.—1. Is the woman Lutchmy, now present, the identical woman referred to in your letter to the Protector, now shown to you, and regarding whom the Joint Magistrate applied to you?

A.—She is the identical woman.

Q.—2. It appears that she has been registered by you; will you state why you registered her in Pondicherry, she being a resident of South Arcot?

A.—Because the woman was brought before me for registry as having been recruited in Pondicherry; but she did not pass before me under the name of Lutchmy, but as Ellamay.

Q.—3. The woman registered as Ellamay in your Register to the best of your belief is the woman Lutchmy now present?

A.—To the best of my belief it is so; but I could not swear to the fact.

Q.—4. Were you aware that the woman had been registered before in South Arcot?

A.—I was not aware of it.

Q.—5. Had you been aware you would not have interfered about her?

A.—I would not.

Q.—6. Can you account for her being brought before you by the French Emigration Department for registration after having been registered by an authority in South Arcot?

A.—I cannot account how this happened.

Q.—7. Can you show me the entry of her being passed by you with the date, &c.?

A.—I can—the entry in my Registry is dated 9th December 1865, No. 53.

Q.—8. Was she sent to you by M. Erny, or was she accompanied by a Maistry, and did any one else come with her?

A.—Six others came with her for registration, but no Maistry, and no application from M. Erny. The writer of the Depot came with them merely to show them my place.

Q.—9. Are not lists of all who are registered furnished to M. Erny the Emigration Agent?

A.—They are, both by me and by the Magistracy of the District.

Q.—10. It appears that the Registry of this woman was with M. Erny at the time, can you therefore account for how she was brought up by the Depot people before you?

A.—I cannot.

Q.—11. After what you have heard the woman state, have you any doubt that she is the identical person entered as No. 69?

A.—No. I think she must be the same person; but her statement before me, and which has been put in, must have been made with some object which we cannot divine.

Q.—12. You are of opinion then that the woman entered as Ellamay in your Registry No. 53, of the 9th December, is the very Lutchmy now present, and entered as 69 in the Registry of the Head Assistant furnished to M. Erny now produced?

A.—I certainly think so; but there has been another woman so resembling this one, and who emigrated by the last vessel, that I could not really swear to it.

Q.—13. Would not the list of those who were shipped on the last occasion clear up that point?

A.—Not without the woman herself, as these people pass under all kinds of names, and are not to be believed in the stories they give. I also observe that five other women were shipped on the last Emigrant vessel under the name of Lutchmy.

(Signed) B. T. NORFOR,
Consular Agent.

Before me at Pondicherry this 13th March 1866.

(Signed) C. W. READE,
Magistrate, South Arcot.

(True Copy.)

(Signed) C. W. READE,
Magistrate.

used

No. 142 C.

ORDER THEREON, 27th March 1866, No. 329.

The Governor in Council directs that the foregoing letter from the Special Agent at Cuddalore be communicated to the Protector of Emigrants.

2. His Excellency in Council considers that, under the circumstances of the case, the Special Agent acted rightly in over-ruling the objection raised by the Joint Magistrate to the embarkation of the female emigrant referred to.

3. The Governor in Council would wish, however, 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. Mr. Reade will call for the records of the cases alluded to by the Joint Magistrate, and desire that Officer to furnish the Government with a brief statement of the facts alleged and proved in each case.

4. In submitting this, Mr. Reade is requested to annex to each case his opinion of the manner in which it has been disposed of by the Joint Magistrate.

5. Mr. Reade will also submit a copy of the correspondence which has passed between him and M. Erny, beginning with the letter dated the 22nd March 1865, and will explain under what authority he permitted the appointment of Sub-Agents to aid the Licensed Recruiters.

(True Extract).

Chief Secretary.

To the Protector of Emigrants.

,, Special Agent at Cuddalore.

Edw. J. H. Burns.

in office
in person
in office
in person

I shall decline her statement that she was inveigled away from her home, while the facts of her story are sufficient of solution, and it would be quite impossible that any conviction on a charge of conspiracy could be had on the oath of such a person. She appeared nothing more than a common and a somewhat independent stump, and my belief is that her registering herself and subsequent entry into the Depot were entirely voluntary, although of course the means of accomplishing her desire to emigrate were shown to her, and it is also likely that the recruiting agents used

used their efforts to induce
her to enlist, but knowing this
is what they were paid for, and
that where such efforts are
restricted to lawful means, they
only do their duty.

"Lutken was of
full age and quite competent
to judge for herself, and living
the wretched life she was, one
cannot be surprised at her
sincerely embracing the prospects
held out to her; and as the ship
was sailing the next day and
she wished to go, I at once
permitted the embarkation and
have intimated the same to
Mr. White. I may mention
that the woman had been
living at the cost of the Depot
for 2 or 3 months, and she had
likewise received advances of
money for clothing &c. and had
been well fed and cared for

1857

A.
South Arcot Joint Mag^{ts} Office.
Tirdachellum 23rd Feby 1856.

From,

H. S. Whiteside Esq^r
Joint Magistrate of Arcot.

To

C. H. Keade Esq^r
Magistrate & Special Agent.

Sir,

I have the honor to acknowledge
receipt of your letter without n^o dated
20th instant giving cover to an original
letter from the Protector of Emigrants to
the address of the Chief Secretary to Govern-
ment on the subject of objections raised
by me to the detention of a certain female
in the Emigration Godown at Pondicherry,
and with respect to which I am now re-
quired by the docket of the Under Secre-
tary to Government to furnish explana-
tion.

2. You are well aware that ever
since I joined this District I have glori-
ously directed my attention to the frauds
that are practised so systematically by the

Subordinate

Subordinates of the French Emigration agency, that I have on many occasions furnished them for proved misconduct, & have also very frequently brought officially to your notice the grave irregularities that I have from time to time discovered. The case now in question has arisen from a discovery that I have lately made of an organised system of crimping whereby British Subjects are now being inveigled into the French Territories, and finally placed in the Emigration Godowns at Pondicherry or Karikal.

You will recollect that on the 22nd March 1865 you addressed your letter No. 78 to Mr. Erny the agent of French Emigration at Pondicherry wherein you agreed to the appointment of a number of Sub-agents to assist the regularly licensed Recruiters or Maistries in collecting Cooly Emigrants throughout the District. You explained to Mr. Erny in the most explicit manner that only the Sub-agents then specified by name could be allowed to take part in the collection of Coolies, that they must each confine their operations to particular portions of the District, & not wander about here & there as they pleased,

Where did this
maile find a
warrant for them
violating the limits
of the law?
110/1

and you further insisted that before commencing their operations the various Maistries & Sub-agents should appear in person for identification before the European officer in charge of the Division of the District where they were about to be employed.

4. Copy of this letter was furnished to me from your office, & you requested me to see that your views were carefully carried out. On the 27th November 1865 I brought to your notice in my letter No. 429 that not one of the Maistries or their Sub-agents, appointed for the Taluqs in my charge had appeared before me or any Taluk Magistrate, and that not one intending Emigrant had been brought before me for registration as required by Section XXX act XIII of 1864.

5. I then commenced vigorous enquiries as to the cause of this, & very soon discovered that a number of individuals were busily engaged in kidnapping people in this Sub-Division for the purpose of filling the French Emigration Godown with Coolies. I found that the Modus Operandi in every case was almost identical. The Crimps used to hire some ignorant Cooly to carry Mats or other petty articles of merchandise

to Pondicherry, and on arrival at that place the Coby was locked up in some Maistrie's house, and after detention there for several days (and possibly, the extortion of consent to emigrate) was transferred to the Emigration Godown after being examined and passed by Mr. Erny. —

6 Such numbers of people came to me complaining loudly of their sons, daughters, & husbands being thus kidnapped, that had I proceeded to enquire into each formally in my Magisterial Capacity, I should have had without exaggeration scores of cases to try. — In very many instances, however, I found the evidence was so slender as not to warrant my arresting the parties complained against. — In others the persons kidnapped had been sent away from the country in the Emigration Ships. — I made however a number of arrests, and have convicted several persons under the provisions of Section V act XXXIV of 1852. —

7 To obtain these convictions, I had to procure the release of several persons from the Emigration Godown in Pondicherry, who had been kidnapped from British Territories and received by Mr. Erny as voluntary Emigrants. — And one of these persons

had been produced before any Magistrates in this District, or registered as an intending Emigrant prior to quitting the British Territories, and every one of them was entered in the French Registers by the Maistries under a false name. — Mr. Erny at first made no objection to the release of the parties so confined in the Godown, and it was only after I had convicted several of the crimps in the residence of the parties that I had requested might be let go, that this difficulty arose. —

8 The Woman respecting whom the Protector of Emigrants has now addressed Government is one of the people thus kidnapped. Her name is Lutchmee the daughter of "Gellee", a very old woman living in Porto Novo, who has been supported by her daughter's labour, and is now in a state of starvation. — She appeared before me in December last, and charged a woman of the name of Pungavannum with having enticed her daughter away from home, taken her to Pondicherry, against her will and had her locked up in the Emigration Godown. —

I wrote to Mr. Porfar the Consular agent, on the subject, and sent the old woman Yellie to Pondicherry, where she discovered her daughter in the Emigration Godown passing under the name of "Elamag". —

Lutchinee then made a statement to Mr. Porfar that she had been kidnapped by Pungavannum, and by her means placed in the Emigration Godown, and that she was very anxious to be released and go home with her mother. —

9. The next day however when Mr. Porfar again saw her, she had yielded to the persuasions of the Trustees, and said she had changed her mind & wanted to embark, but she still adhered to her statement that she had not been produced before any Magistrate & registered as an Emigrant, and that she had been brought to Pondicherry against her will. —

10. It then became a question how her evidence was to be obtained in order to secure the conviction of Pungavannum on the charge of "Crimping". That offence is not one that is included in the Extradition Treaty between the English

and French Governments. Parties charged with that offence cannot be demanded from the French Government, and for the same reason it did not appear that I could request you to demand the Extradition of Lutchinee in order to obtain her statement as witness for the prosecution in a charge of Crimpering.

11. It was certain that she had never been before any Magistrate prior to her being taken to Pondicherry, and I therefore objected that her detention in the Emigration Godown was illegal, in as much as the terms of the convention had not been observed in her case. — She had been illegally & against her will, removed from the British Territories, by an unlicensed agent of the Emigration Company, and the fact that she had subsequently been persuaded to express a wish to embark as an Emigrant could not do away with the necessity of her being now properly registered before a Magistrate of the District. —

12. Mr. Erny then on the 23rd U^l proposed that I would send a list of the questions I wished to put to Lutchinee & have her replies recorded.

in the Emigration Godown. On the 2^d Instant I pointed out to Mr. Harfor that I had no authority to issue a commission for the examination, in Magisterial cases pending before me, of witnesses residing in Foreign Territories; that Section 194 of the Code of Criminal Procedure provides for the examination of Witnesses for the prosecution in the presence of the accused person, who has a right to cross examine such witnesses; and that Mr. Erny being aware of the illegal removal of Lutchemee from the British Territories, her continued detention in the Emigration Godown amounted, in point of fact, to an abetment of the offence originally committed by Pungavaram. —

13. Mr. Harfor on the 7th Inst. wrote to me that Mr. Erny was willing to allow Lutchemee to quit the Godown, & go to give evidence in the case pending before me against Pungavaram, provided that I would guarantee the repayment of her account in his books, in case she would decline to return to Pondicherry. — This of course, I was unable to do, & I was about to address you on the whole question of this System of Crimping that I have now briefly noticed, & request

17
your interference in regard to the woman Lutchemee, when I received your letter above referred to, enclosing that of Mr. Franklin to Government. —

14. The evidence I have recorded in the crimping cases above mentioned includes the voluntary confession of one of the Kidnappers, who gives the clearest information with regard to the iniquitous System whereby the Emigration Godown in Pondicherry is supplied with large numbers of Coolies. — You have yourself in your letter No. 25 of the 31st Ultimo strongly brought to the notice of Mr. Erny the extraordinary number of Cooly Emigrants entered in his Returns as having been recruited in Pondicherry. — The depositions I have taken upon oath throw the clearest light on this matter, and I shall be prepared to forward to you Copies of all those that may be required, when you think it necessary to call for them. —

15. The parties who made these Statements are ignorant Coolies of the lowest class, unconnected with, and, in several instances, quite unknown to each other, they had no opportunity for consulting together, or combining to get up false stories; and their evidence

was given in so unhesitating a manner,
and the more important facts stated
by them are so extremely similar,
as to leave no doubt whatever on my
mind of their truth & credibility. -

16. Your own knowledge of
the former misconduct of the Emi-
gration agents set forth at such
length in your correspondence on the
subject with Mr. Ermy & me, will enable
you, I doubt not, to supply any de-
fects that may be apparent in the
explanation I have now had the
honor to offer, but should you
think it necessary to call for any
additional information I shall
lose no time in supplying it so far
as I am able. -

I have the honor &c. &c.
/Signed/ W. L. Whitende
Joint Magistrate of
South Arcot

/Recd/

Charles H. H. H.

Special Agent

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from Protector of Emigrants 7/3 February 1866. No. 12.

Read ^{also} letter from the Special Agent
at Cuddalore.

2/19 March 1866. No. 76.

Order thereon. 27 March 1866 No. 329.

The Governor in Council
directs that the foregoing
letter from the Special
Agent at Cuddalore be
communicated to the Protector
of Emigrants.

2. His Excellency in Council
considers that under the
circumstances of the case
the Special Agent acted
rightly in overruling the
objection raised by the
Joint Magistrate to the
embarkation of the female
emigrant referred to.

but see 27/3/66

All representations which subordinate officers of the Magistracy may desire to make regarding the operations of the emigration agencies should be addressed to the Magistrate of the District, who will exercise his discretion in regard to forwarding them to the Consular Agents at French Ports, or to the Protector of Emigrants at Madras.

3. The Governor in Council would wish however to be furnished with more definite and detailed information regarding the instances of mal-practices on the part of

here it is not the case to keep back this part of the order, - that is, the Magistrate of the District, Mr. Reade, under the order stated in paras 2 & 3 of the Magistrate's letter, seems to have overstepped his limits, in regard to the selection of Recruiters, w^{ch} act-13 of 1864 has so abundantly and clearly supplied. So that if we eventually feel satisfied that Mr. W. has acted in his charges against the French recruiting officers & their underlings, much of the cost, with fairly be attributable to the improper assumption of authority. - & Mr. Reade has been increasing, and it will become doubtful whether it is due to him that he, & the other two recruiting representations such as the para appearing below for disposal, to the exclusion of the other Magistrate. I would call on Mr. Reade to submit a copy of the correspondence he has had with Mr. Grey beginning with the letter of date 12 March 65, and desire him to explain under what authority he permitted the appointment of "Sub-agents" to assist licensed Recruiters. - the only aid of the Law for Emigration allows to regular Recruiters in that specified in Ch 2 Section 36 of the act. *W.R.*

Handwritten notes in the center of the page, partially illegible.

of the French Emigration Recruiters referred to in Mr Whiteside's letter. Mr Reade will call for the records of the cases alluded to by the Joint Magistrate, and ^{there that officer to} furnish the Govt. with a statement of the facts alleged and proved in each case.

In submitting this, Mr. Reade is requested to annex to each case his opinion of the manner in which it has been disposed of by the Joint Magistrate.

Mr. Reade will also submit a copy of two correspondence which has passed between him & Mr. Grey beginning with the letter dated 12 March 1865 & will explain under what authority he permitted the appointment of Sub-agents of Sub-agents & also licensed recruiters.

desp^d *Protector of Emigrants*
Special Agent at Fuddalore
Reminded sent - 10/10/66

Public 1863. Department.

No. 329.

PROCEEDINGS OF GOVERNMENT.

Dated 24th March 1863.

Press No. 2765, G. M.—1411.65—500.

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