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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	<i>408</i>	Press <u>Mis.</u>
Dated	<i>31-3-1968.</i>	

Not to be folded or roughly handled

N^o 152

From,

A. L. Lister Esq^r
Acting Head App^t Magistrate of
South Arcot

To, Charles W. Reade Esq^r
Magistrate of South Arcot

Sir,

I have the honor to inform you
that my attention has been called to
a notice published by you on pages
542 & 543 of the District Gazette of
this year, in which the Police are directed
to arrest and forward to the Divisional
officer, all persons who may be found
recruiting in the District without being
duly licensed under Act VIII of 1864.

I would ask your attention to section
81 which directs that all prosecutions

under

under the Act shall be instituted by an officer appointed for the purpose by the local Government, and I believe that Lieutenants Young and Milgour are the only officers in this District who have been so appointed.

2 I am therefore of opinion that I am not empowered to take cognizance of any offence punishable under Act XIII of 1864 unless Lieutenant Young or Milgour institute the prosecution any more than I should be to take cognizance of a charge of Adultery unless the prosecutions were instituted by the husband of the adulteress.

3 Two men were arrested on Sunday; and the arrest was reported to me on Monday. The Head Constable was not empowered to institute prosecution

under the Act, and therefore I should have been obliged to release the prisoners. Lieutenant Young had not fortunately arrived on Tuesday morning, and duly instituted the prosecution.

I therefore beg early instructions as to what Divisional officers are to do when persons are brought before them in accordance with orders laid down in your notice, for it is obvious that a Magistrate cannot remand a prisoner unless the prosecution has been duly instituted, and the Magistrate hereby empowered to take cognizance of the case. I would also ask you kindly to inform me by what provision of law the Police are empowered to arrest without warrant for offences punishable under Act XIII of 1864.

If

5 If every Police officer can arrest
an unlicensed Recruiting agent without
warrant and take him before a Magistrate
and have the case forthwith disposed of,
I fail to see the advantage of Govern-
ment appointing Special Officers to institute
prosecutions.

B. A. Magister } I have &c
Office Camp }
at Trinomialay } Signed / A. C. Lister
December 1867 } Agt. Head. Spt. Magistrate

N. G.

From

J. D. B. Gribble Esq.
Acting Head Spt. Magistrate of
South Arcot

Charles W. Read Esq.
Magistrate of South Arcot

Sir

With reference to my having

been

been recently empowered under Act XIII of
1864 to take notice of prosecutions -
Established under that act, I have the
honor to inform you that on perusing
my letter file I perceived a letter from
my predecessor Mr. Lister No. 152 dated
22nd of December 1867.

As the point which Mr. Lister
raises appears to me an important one, and
I do not find that the letter referred to
has as yet been answered, I beg that you
will be good enough to send me your
instructions as to the procedure you recom-
mend in a case of the kind mentioned
by Mr. Lister.

Paramunthal
24th January 1868

I have &c

Signed / J. D. B. Gribble
Ag. Head Spt. Mag^{te}

True copies /

Charles Read

Magistrate.

Enclosed

due a letter from the
Magistrate of South arch
dated 17 January 1818 B 24

Chas. L. L.

Post
to 7/1800
to 1/1800 350

From
C. H. Prade Esqr
Magistrate of South Arcot
To,
The Honorable C. J. Ellis Esq
Chief Secretary
to Government
Madras

Sir,

To obviate the serious inconvenience which may at any moment arise owing to the restriction to officers to prosecute cases under Act VIII of 1864, by the orders of Government dated 27th Sept^r 1864 No 1086, I have the honor to submit for consideration whether it may not be expedient and proper to allow prosecutions under the said act to be instituted by all Police Inspectors.

2. At present in this District Lieutenants Young and Kilgour, respectively the Superintendent and Assistant Superintendent of Police, are alone authorised to

prosecute.

attempts to seduce young persons
from their villages and houses.
But in a letter from my friend Mr.
Mr. Lister, in which a copy is enclosed
and also in one from Mr. J. J. J.
of the State the signature of which
order is disputed and these officers
are indisposed to act on it. If,
as suggested by Mr. Lister, the
Police cannot arrest improper
and unauthorized persons -
personating Recruiters or frequenting
villages in the capacity of agents
whether on complaint by the villagers
of their doings, or on the knowledge
by the Police themselves of the want
of authority possessed by such
persons, it is clear of course that
all efforts at protection are useless,
and furthermore if no prosecution
can be had unless under the
special orders of either of the two
Superintendents of Police a wide
door

door is at once opened to very
serious abuse and oppression
which will doubtless be greedily
availed of should Emigration
be carried out any & t.

5 The remedy would seem
to be only in an alteration
or amendment of the Law, and
this may perhaps be objected to,
but I see no other mode of meeting
the difficulty raised by Mr. Lister if
that difficulty be a legally valid
one; meanwhile I may observe
that for some time past
Emigration to the French Colonies
has been almost at a stand
still, and I am informed
that it is likely gradually to
subside altogether owing to the
present condition of the Planters
in the French West Indian and other
Colonies, and to other extraneous
causes, but as this state of
things

Ms. A. 9. 2. 350

things may alter at any moment;
 and Emigrant labor may again
 be in great demand by the French
 Emigration Department as in the
 past, it becomes a question
 how far immediate interference
 may not be called for, and I
 must leave to government to decide
 what measures in the interior
 should be taken.

6. I would suggest at
 the same time that as it is within
 the province of the local govern-
 ment to do, that the power
 to prosecute under the Act be conferred
 on all Police Inspectors and
 this extension of the List of
 officers authorized to institute
 proceedings as published in
 Government order dated 27th
 September 1864, would,
 in my belief, greatly facilitate
 matters

matters, in a material degree,
 overcome the present legal
 objection raised to the arrest
 of improper and unauthorized
 persons ^{and prosecutions}
 without warrant, and I trust
 government will acquiesce.

I have the honor to be
 Sir

Your most obed^t servant

South Act-
 to Assistant Officer
 to Cuddalore
 17th February 1868

Subscribed
 Magistrate

*Proceedings of the Madras Government, Public Department,
31st March 1868.*

No. 223. Read the following letter from C. W. READE, Esq., Magistrate of South Arcot, to the Chief Secretary to Government, Fort Saint George; dated Cuddalore, 17th February 1868, No. 24.

To obviate the serious inconvenience which may at any moment arise owing to the restriction to officers to prosecute cases under Act XIII. of 1864, by the Orders of Government, dated 27th September 1864, No. 1086, I have the honor to submit for consideration whether it may not be expedient and proper to allow prosecutions under the said Act to be instituted by all Police Inspectors.

2. At present in this district Lieutenants Young and Kilgour, respectively the Superintendent and Assistant Superintendent of Police, are alone authorized to prosecute, and my Acting Head Assistant Mr. Lister, and as well Mr. Gribble, decline to entertain cases under the Emigration Act, unless the proceedings are instituted by one or other of these officers.

3. The abuses in connection with emigration have no doubt been great, and they appear inseparable from the system of recruiting, as authorized by the National Convention under the provisions of Act XIII. of 1864, and if no proceedings can be taken or prosecution entertained, except under special instructions of the officers I have mentioned, it is clear that there will be very little protection for the public, and crimping and kidnapping may receive a great stimulus, unless the present list of competent officers be considerably enlarged.

4. In October of last year, in the interest and protection of the general community subject to my control, (this district being a principal field of operations with recruiters and their agents), I issued a notice, of which I enclose a printed copy, and it was duly promulgated in Pondicherry, and communicated to the French Emigration Department there, and the effect, I believe, has been most beneficial, and in a great degree a stop has been put to the tricks and illegalities which for so long had characterised the recruiting agency operations, and I have lost no opportunity in explaining to the people that the remedy is mainly in their own hands by giving information of the presence in their villages of unauthorized persons, and by resisting all improper attempts to seduce young persons from their villages and homes. But in a letter from my Head Assistant Mr. Lister, of which a copy is enclosed, and also in one from Mr. Gribble of a later date, the legality of that order is disputed, and these officers are indisposed to act on it. If, as suggested by Mr. Lister, the Police cannot arrest improper and unauthorized persons personating recruiters or frequenting villages in the capacity of agents, whether on complaint by the villagers of their doings, or on the knowledge by the Police themselves of the want of authority possessed by such persons, it is clear of course that all efforts at protection are useless, and furthermore, if no prosecution can be had, unless under the special orders of either of the two Superintendents of Police, a wide door is at once opened to very serious abuse and oppression, which will doubtless be greedily availed of should emigration be carried on to any extent.

5. The remedy would seem to be only in an alteration or amendment of the law, and this may perhaps be objected to, but I see no other mode of meeting the difficulty raised by Mr. Lister if that difficulty be a legally valid one; meanwhile, I may observe that for some time past emigration to the French Colonies has been almost at a stand still, and I am informed that it is likely gradually to subside altogether, owing to the present condition of the planters in the French West Indian

1868 March 31st

Read the following letter from C. W. READE, Esq., Magistrate of South Arcot, to the Chief Secretary to Government, Fort Saint George; dated Cuddalore, 17th February 1868, No. 24.

From the Magistrate of South Arcot

The Chief Secretary to Government Madras

Dated 17th February 1868

No. 24

Enclosure 2

File 1086

550

Submitting for consideration

whether it may not be expedient and proper to allow prosecutions under the said Act to be instituted by all Police Inspectors.

under Act XIII. of 1864 to be instituted by all Police Inspectors.

Inspector

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Proceedings of the Madras Government, Public Department
31st March 1868.

and other Colonies and to other extraneous causes, but as this state of things may alter at any moment, and emigrant labor may again be in great demand by the French Emigration Department as in the past, it becomes a question how far immediate interference may not be called for, and I must leave to Government to decide what measures in the interim should be taken.

6. I would suggest, at all events, that as it is within the province of the local Government to do, that the power to prosecute under the Act be conferred on all Police Inspectors, and this extension of the list of officers competent to institute proceedings, as published in Government Order, dated 27th September 1864, would, in my belief, greatly facilitate matters, and in a material degree overcome the present legal objection raised to the arrest of improper and unauthorized recruiting agents by the Police without warrant, and I trust Government will acquiesce.

From A. L. LISTER, Esq., Acting Head Assistant Magistrate of South Arcot, to the Magistrate of South Arcot; dated Trinomalay, 11th December 1867, No. 152.

I have the honor to inform you that my attention has been called to a notice published by you on pages 542 and 543 of the *District Gazette* of this year, in which the Police are directed to arrest and forward to the Divisional Officer all persons who may be found recruiting in the district without being duly licensed under Act XIII. of 1864.

2. I would ask your attention to Section 81, which directs that all prosecutions under the Act shall be instituted by an officer appointed for the purpose by the local Government, and I believe that Lieutenants Young and Kilgour are the only officers in this district who have been so appointed.

3. I am, therefore, of opinion that I am not empowered to take cognizance of any offence punishable under Act XIII. of 1864, unless Lieutenant Young or Kilgour institute the prosecution any more than I should be to take cognizance of a charge of adultery, unless the prosecutions were instituted by the husband of the adulteress.

4. Two men were arrested only last Sunday, and the arrest was reported to me on Monday. The Head Constable was not empowered to institute prosecution under the Act, and therefore I should have been obliged to release the prisoners if Lieutenant Young had not fortunately arrived on Tuesday morning, and duly instituted the prosecution.

5. I therefore beg early instructions as to what Divisional Officers are to do when persons are brought before them, in accordance with orders laid down in your notice; for it is obvious that a Magistrate cannot remand a prisoner unless the prosecution has been duly instituted, and the Magistrate thereby empowered to take cognizance of the case. I would also ask you kindly to inform me by what provision of law the Police are empowered to arrest without warrant for offences punishable under Act XIII. of 1864.

6. If every Police Officer can arrest an unlicensed recruiting agent without warrant and take him before a Magistrate and have the case forthwith disposed of, I fail to see the advantage of Government appointing special officers to institute prosecutions.

From J. D. B. GRIBBLE, Esq., Acting Head Assistant Magistrate of South Arcot, to the Magistrate of South Arcot; dated Paramnuthal, 24th January 1868, No. 9.

With reference to my having been recently empowered under Act XIII. of 1864 to take notice of prosecutions established under that Act, I have the honor to inform you that, on perusing my letter file, I perceive a letter from my predecessor, Mr. Lister, No. 152, dated 12th of December 1867.

2. As the point which Mr. Lister raises appears to me an important one, and I do not find that the letter referred to has as yet been answered, I beg that you will be good enough to send me your instructions as to the procedure you recommend in a case of the kind mentioned by Mr. Lister.

Proceedings of the Madras Government, Public Department,
31st March 1868.

NOTICE.

The Magistrate has received information that recruiting for emigration for the French Colonies will recommence in next month (November). The public are warned accordingly, and all heads of villages should take care that no one under age is taken from their homes, and that no adult is recruited against his or her free will and consent. The Village Magistracy and the Police are empowered to demand to see the license or authority of any recruiting agent who may appear within their jurisdiction for the purpose of obtaining emigrants; and failing its production, or failing the wearing of a belt and brass badge by each recruiting agent, he should be immediately arrested and taken before the Tahsildar or Sub-Magistrate for transmission to the Divisional Officer, or direct to the latter if he be the nearest Magistrate, when such notice will be taken of the recruiter's offence under the law as may appear proper.

The remedy for the frequent complaints heretofore made on the subject of recruiting emigrants is mainly in the hands of the public and Village Officers, who are now cautioned and informed as to their duties and powers, and they will take all lawful and practicable means within their respective jurisdictions to provide against the occurrence of abuses and oppression in connection with recruitment for the French Colonies.

CAMP PUNROOTY,
25th October 1867.

(Signed) C. W. READE,
Magistrate.

No. 224. ORDER THEREON, 31st March 1868, No. 408.

The Governor in Council considers that the difficulties noticed in the letter from the Magistrate of South Arcot District will be sufficiently met by authorizing Inspectors of Police to institute prosecutions under Section 81, Act XIII. of 1864, for offences committed beyond the limits of the town of Madras before the Magistracy who have been specially empowered to take cognizance of these offences under Section 82 of that Act.

2. The Acting Inspector General of Police will submit a list of Inspectors to be vested with this authority.

3. The Magistrate of South Arcot will cancel the Notification, dated 25th October 1867, issued in the *District Gazette*, in which instructions, which are obviously illegal, have been issued to the Heads of Villages and Police on the subject of the arrest without warrant and commitment of persons suspected of recruiting without a license.

4. The Acting Head Assistant Mr. Lister's representation was entitled to earlier attention than it has received at the hands of Mr. Reade, who appears to have allowed it to remain unnoticed for a period of sixty-eight days.

(True Extract).

Chief Secretary.

To the Magistrate of South Arcot.
Inspector General of Police.

NOTICE.

The Magistrate has received information that Recruiting for Emigration for the French Colonies, will recommence in next month (November). The Public are warned accordingly, and all Heads of Villages should take care that no one under age is taken from their homes and that no adult is recruited against his or her free will and consent. The Village Magistracy and the Police are empowered to demand to see the License or authority of any Recruiting Agent who may appear within their jurisdiction for the purpose of obtaining Emigrants; and failing its production or failing the wearing of a belt and brass Badge by each Recruiting Agent, he should be immediately arrested and taken before the Tahsildar or Sub-Magistrate for transmission to the Divisional Officer, or direct to the latter if he be the nearest Magistrate, when such notice will be taken of the Recruiter's offence under the Law as may appear proper.

The remedy for the frequent complaints heretofore made on the subject of recruiting Emigrants is mainly on the hands of the public and Village Officers who are now cautioned and informed as to their duties and powers and they will take all lawful and practicable means within their respective jurisdictions, to provide against the occurrence of abuses and oppression in connection with recruitment for the French Colonies.

C. W. READE,
Magistrate.

Cann. Pinarooty,
25th October 1897.

விளம்பரம்.

அடுத்த மாதமாகிய நவம்பர் மீ த்தில் பற்றெஞ்சு ராச்சிய த்தைச் சேர்ந்த தீவாந்தரங்காங்குஞ்சுப்பலேற்றிக் கொண் டுபோகக் கூலிகளைச் சேகரிக்க மறுபடியும் தொடங்கப் போகிறார்களென்று மாஜிஸ்த்ரேடரவர்களுக்கு சமாசா ரம்வந்திருக்கியபடியினாலே அதைக்குறித்து ஜனங்களு ல்லோருக்கும் எச்சரிக்கை செய்வதமல்லாமல், (சேகரி க்கிற மேஸ்தரிகள்) வயதில் தாழ்ந்தவர்களாயிருப்பவர்க ளாயிருப்பவர்களையவர்கள் வீடுகளை விட்டுப்பிடித்துக் கொ ண்டு போய்விடாமலும், வயது முதிர்ந்த ஆண் பிள்ளைக ளையாவது பெண் பிள்ளைகளையாவது அவர்களுடைய சக ஐமான இஷ்டத்துக்கும் சம்மதத்துக்கும் விரோதமாகச் சேர்த்துக்கொள்ளாமலும், கிராமத்தலைவர்கள் பார்த்துக்

கொள்ள வேண்டியது ஜனங்களைச் சேகரிப்பதற்காக அந் தந்த வில்லேஜமாகிலிஸ்த்ரேட்டு, போலீஸ் இலாகா தர இ வர்களுடைய அதிகாரவரம்புக்குள் வந்தேறாமல் தீர்க்கக் கூடாது அவர்களுடைய வேலைகளை அல்லது அதிகாரப்பத்திரத் தைக் காட்டிச் சேர்ச்சிக்கேட்கும்படியாய், கிராமத்தலை வர்களுக்கும், போலீசாருக்கும் அதிகாரப்பெரிக்கப்பட்டு மருகிற அபபரமேட்டைத் காட்டாமல் போனாலும் அல்லது அவர்களுடைய வேலைகளைப் பணம், பித்தலை யில்ல இதுகளைத் தீர்த்துக் கொள்ளாமற் போனாலும், அப் படிப்படி கொல்கொரு மேஸ்தரிகளையும், உட்கண் பிடி த்துச் சமீபத்தில், இவர்கா ஆயிர இரத்தால் அலரிடத் திருவ அல்லது, அவரிடத்துக்கு அனுப்பப்பட்ட, தங்கள் தர அல்லது சம்மதிக்கிறோடுகளை அரிடத்திலும்கொ ண்டுபடிய ஜமாஜ்பகித்தவேண்டியது, அவர்கால், அந் த மேஸ்தரின் குற்றத்துக்காக சட்டத்தின் கீழ் தகுந்த தாக காணப்படுகிறபடி தோட்டில்செய்யப்படும்

கூலிகளைச் சேகரிக்கிற விஷயமாக இதுவரையில் செ ய்துகொண்டெவந்த பிராதுகளுக்குபரிசாகப், பொதுஜங் கன்கிராமமெனகன்கள் இவர்களுக்கியமாயிருந்தகொண் டிருக்கிறது, கிராம மதனகர்களுடைய உட்கண்களும், அ திகாரங்களுக்கும் இன்னதுகொண்டும் அவர்களுக்குத் தெரி வித்து இப்போது பயன்செய்யப்படிருக்கிறபடியினாலே அவர்கள் தங்கள் தங்களிலாகாக்களுக்குள் பற்றெஞ்சு ராச சியத்த தீவாந்தரங்களுக்குப் போகிற திடீர்க்க, கூலிக ளைச் சேர்க்கிற விஷயத்தில், யாதொரு தெதியும் ஜனங் களுக்கு உபத்திரவமும் தோட்டாமலிருப்பதற்காக, சட்ட த்துக்கு விரோதப்படாமல் தங்களால் செய்யக் கூடுமான உபாயங்களை யெல்லாம், செய்யவேண்டியது.

பன்னுருட்டி 1897 (நவ)
அக்டோபர் 25

சி-டபிள்யூ-மீட்,
கலெக்டர்

Memorandum.

Enclosure 2

In a letter from the
Magistrate of South Arcot
dated 17 February 1868 No 24
Pub. No. 350.

Act XIII of 1864 came
into operation on the 1st July
1864. Section II defines Magi-
strate of the District as the
Chief Magistrate only. and
the Act provides for prose-
cutions being made before
him, but Section LXXXII
~~gives~~ ^{enables} the local Govt ~~power~~
to give the powers of a Magte
of the District to any Magte
having full powers.

On the 22nd Aug 1864
the Magistrate of Ganjam
telegraphed to know who
were to prosecute offenders
under the Act, Sec 81 pro-
viding that all prosecutions
should be instituted on
information laid by an
Immigration

Immigration Agent, or the
Protector of Emigrants, or
an Officer appointed for
the purpose by the local Govt.
Government referred (30th
Aug. 997) to Advocate Genl.
to ask whether Collectors shd
be appointed, what procedure
should be adopted by them,
and whether the appoint-
ments must be personal
or by name of office, and so
general.

Mr Norton thought
the appointment of Collectors
inexpedient, and suggested
Superintendents of Police
as the most convenient persons,
and thought that in each
case a separate appoint-
ment should be made, i.e. that
it should be personal.

Mr Robinson seems to have
been referred to, for he
telegraphs from Ootacamund
"Appoint

16 Sept 1897.

"Appoint Superintendents
and their Assistants, but
also Inspectors of Police;
these latter do now in practice
act as prosecutors in all
criminal cases before the
Magistracy. There are
only two European Officers
in any District, in several
only one. They are retiring
men; to limit this function
to these will cause inconvenience.
I have copied this at length
as it is exactly bearing on
the point now in issue, and
might serve for the basis
of an Order. On these
papers Govt appointed the
Supt, and his Assistant,
of Police in each District
to prosecute under the Act.

In October last Mr
Reade issued a Notice
in which he extends his
powers

powers and goes beyond
 the law, directing, in cases
 of unauthorized recruiting,
 that the offenders should be
arrested without warrant
 and taken before the Tah-
 sildar or Sub Magistrate
 for transmission to the
 Divisional Officer who
 would hear the case (illegal
 also ~~in the case of~~ ^{acting} ~~in which~~ the Division Officer
 had not full powers, or
 had not been specially
 authorized by Govt. to hear
 such cases). Mr. Road (Capt. W. Lister).
 remarked on this, and Mr.
 Road asks that all Police
 Inspectors may be em-
 powered to proceed to this;
 is Mr. Robinson's original
 proposal and seems
 only reasonable. The
 Superintendent and Capt.
 Supt. cannot always be

clearly so W.N.

or

W.N.

short of failing
 the law, it is a
 very ^{meeting} ~~mean~~ ^{meeting} ~~difficult~~ W.N.

be at hand, and if they
 were, it is using a razor
 to cut down brushwood
 to employ them.

The Inspector really
 prosecutes in murder,
 robbery, theft and the like
 cases, surely he might
 in these petty cases of un-
 authorized recruiting of
 immigrants and the like.

The penalties of the
 Act are all pecuniary
 fines or forfeitures, im-
 prisonment is not contin-
 plated except in case of
 failure of distress to realize
 the fine; ^{therefore} it seems ~~quite~~ <sup>un-
capable</sup> to make such
 alteration of the law as
 would empower the police
 to arrest without warrant.
 I would, however, suggest
 that Inspectors of Police
 should

showed, as recommended
by Mr. Robinson, be added
to Sup'ts and Assistant
Superintendents of Police,
as officers having power
to institute prosecutions,
under the Act of 1844, for
offences committed beyond
the limits of the Town of
Madras.

For S. and
a new best work the
newspaper, as the
Court might in the
my - might now in the
whose name appears in the
myself interested. -
other Districts a similar
with a local newspaper
WON

2 The 1st thing the doctor
found was a severe cold
and a discharge of the action
of the system with skin
eruptions.

2. The Magistrate of South Arcot will cancel the notification dated 28th October 1874, printed in the District Gazette in which instructions, which are illegal, have been issued to the Heads of Villages and Police on the subject of the arrest without warrant and commitment of persons suspected of recruiting without a license.

The Government cannot
consider that the difficulties
noticed in the letter from
the Magistrate of South
Arcot will not be
sufficiently met by an-
thorizing the Magistrate of Madras
to institute his own
mode of trial of offences
committed beyond
the limits of the Town
of Madras before the
Magistrate who have
been

4 The Agt H. apt. Mr. Lister's repre-
sentation was submitted to earlier
attention than it has received at
the hands of Mr. Neade, who appears
to have allowed it to remain
^{noticed} ~~unnoticed~~ for a period of
68 days. —
I would ~~read~~ rather dra-
matizing rather a boue affect-
if these words be deemed unsuitable
Wor

Section 87

To the Mayor of S. Wash } disapproved
" Sup General Police }

5/ 223.024

Public 1868 & part
v. 1400.

Proceedings of Court

March 31 March 1868.

4 H. 1037-