M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1696 Press Mis.

393·394

Dated 21 — 7 — 1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 21*st July* 1865.

Read again Board's Proceedings dated 27th April 1865, No. 2,132 in Government Proceedings, dated 5th May 1865, No. 935.

No. 393. Read also the following Proceedings of the Board of Revenue, dated 22nd June 1865, No. 3,424.

Read the following letter from G. L. MORRIS, Esq., Collector of Tanjore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Negapatam, 29th May 1865, No. 164:—

SIR,

1. As directed in the Proceedings of the Board, dated 11th May 1865, I have the honor to forward herewith a copy of a letter from my Sub-Collector, which explains fully why certain money collected at the Sannamungalam Chowki in October last was deposited in the Nagore Police station house, and also reports in detail all particulars connected with the robbery of the same.

2. I have the honor also to inform the Board, that in accordance with an Order issued on the 11th instant from the Court of the Joint Magistrate of Tanjore, 140 Velies of land belonging to Tiagasamuntha Mudali, and paying an annual revenue of Rupees 4,229-1-1 to Government has been attached, and will be liable to be sold at the expiration of six months.

3. I really think, therefore, that for Tiagasamuntha Mudali's sake, it would be much better if the French Government at Pondicherry would deliver him up, instead of allowing him to ruin himself in the way he is now doing by absconding, and beg to recommend that the Government of Madras be requested to move the French Government of Pondicherry to do so.

ENCLOSURE No. 1.

From C. W. READE, Esq., Magistrate and Special Agent, to C. G. PLUMER, Esq., Acting Joint Magistrate of Tanjore, dated Cuddalore, 18th March 1865, No. 72.

SIR,

1. I am in receipt of your letter of the 13th instant, No. 96, enclosing certain Statements made before you in connection with the charge of aiding and abetting in a robbery preferred against one Tiagasamuntha Mudali, now residing at Pondicherry, and reiterating your application for his extradition.

2. I have read the statements recorded before you, and I observe that in two only is the name of Tiagasamuntha Mudali mentioned, and even in those two, the testimony affecting him is very vague and indefinite, and in no way amounts to proof of his complicity in the crime with which he is accused. I am further informed, that the principals in the robbery, for suspicion in aiding and abetting, which you seek the extradition of Tiagasamuntha Mudali, have been tried and discharged by the Sessions Court in Tanjore or Tranquebar, and with such result the case against Tiagasamuntha Mudali falls to the ground, as he could not be convicted of aiding and abetting particular individuals in the commission of an offence of which they had been formally acquitted.

3. I am, therefore, of opinion, that the grounds are wholly insufficient to justify my support of your application, and I am satisfied that it would not be acceded to by the French Government, especially in view of the issue of the trial of the accused on the substantive charge.

4. I would draw your attention to paragraph 6 of my letter of the 9th December 1864, No. 247 although I am not prepared to say, that under the altered circumstances of the case, Tiagasamuntha Mudali would still be willing to give himself up as therein mentioned.

(True Copy.)
(Signed) C. G. PLUMER,
Acting Joint Magistrate.

(True Copy.)
(Signed) G. L. MORRIS,
District Magistrate.

From C. G. PLUMER, Esq., Acting Joint Magistrate of Tanjore, to G L. MORRIS, Esq., Magistrate of Tanjore, dated Negapatam, 22nd May 1865, No 56.

SIR,

1. As requested in your letter of the 15th instant, No. 539, I have the honor to inform you that the deposits therein referred to were made by parties who, carrying with them across our frontier dutiable articles, declared that they were taking the goods direct through the French Territories with no intention of disposing of them there.

2. For many years it has been the custom in this District for the Officers in charge of the various Chowkies to collect from all parties crossing the frontier with dutiable articles in their possession, which were stated by them to be merely in transit through the French Territories, the regular duty on the articles, the sums so paid being returned to the depositor on his producing a certificate shewing that the goods had duly passed out of the French Territories, this practice continues at the present time, and it was the money so deposited which formed a portion of the property stolen from the Nagore Police Station.

3. The particulars of that robbery are as follow:—

On the evening of the 2nd October 1864, a box containing the daily collections and deposits of the Sannamungalum Chowki was, as usual, deposited in the Nagore Police station. The next morning, the box and its contents were missing. The Assistant Superintendent of Police and myself went to the station at daybreak and examined the Head Constable in charge of the station, and the two Constables on duty at the station during the night. The former stated that he was at the station at 11½ o'clock the previous night; that the missing box was safe; that he went again at 1 A. M. and found that the box was gone. The two Constables declared that they knew nothing about the box; that it must have been taken away while they were asleep. They were taken into custody, but were eventually discharged. The box was found on the afternoon after the robbery about ¾ mile from the station. It had been opened, and the contents taken out. The Superintendent of Police, with the Inspector General and Deputy Inspector General, came down to Negapatam very shortly after the robbery, and an Inspector was sent from Combaconum to Nagore for the special purpose of detecting crime. Soon after he came his suspicions were excited against the Head Constable in charge of the station, and Tiagasamuntha Mudaliar, an influential resident of Nagore. On the 29th of October 1864, a charge was preferred by the Inspector against the Head Constable and two other men as principals in the robbery, and againt Tiagasamuntha Mudaliar as an abettor, and as a receiver of the stolen property. On the sworn information of three men, warrants were issued for the arrest of these four individuals. Three were apprehended; Tiagasamuntha Mudaliar absconded to Pondicherry, where he has remained. An inquiry was held by me into the charges preferred against the Head Constable and the two other men; there was a strong *primâ facie* case against them. Several witnesses deposed to having seen the second and third prisoners, accompanied by the Head Constable, bring a box similar to the one that was stolen out of the Police station on the night of the robbery; and other witness deposed to having on the same night seen the prisoners carry a box to Tiagasamuntha Mudaliar's house; he himself was outside the house, and by his orders the box was taken inside his house. The head Constable and the two other prisoners were committed for trial before the Session Court of Tranquebar. At the trial all the prisoners pleaded not guilty. The prosecution was conducted by the Superintendent of Police, Lieutenant Rolland; the case for the prosecution was, I believe, fully sustained by the evidence produced. The prisoners' defence was an *alibi;* but I believe that the witnesses called on their behalf did not support their case. The Session Judge summed up in favor of the conviction of the first prisoner the Head Constable. All the prisoners were however acquitted by the Jury.

4. As soon as I found that Tiagasamuntha Mudaliar had absconded, I issued a proclamation under Section 183 of the C. C. P. for him to appear within thirty days, and at the same time, under Section 184 of the Code, attached some houses and other property belonging to him at Nagore. I further wrote to the Magistrate of South Arcot, and requested him to demand the extradition of Tiagasamuntha Mudaliar from the authorities at Pondicherry. The demand was made; but the Governor refused to accede to it, on the grounds that he had not before him the document on which the warrant was issued. About the same time that I received Mr. Reade's answer, I received an order from Mr. Cadell, to report, for the information of Government, the circumstances which had led to the issue of the warrant. This report was made on the 14th of December 1864. As I did not receive any Order from Government, and as Tiagasamuntha Mudaliar did not appear, I again, on the 13th of March last, wrote to the Magistrate of South Arcot, forwarding to him the information on which my warrant for the arrest of Tiagasamuntha Mudaliar had been issued, and requesting him to repeat his demand for his extradition. Mr. Reade refused to do this on two grounds; first, because he considered that the evidence contained in the deposition did not prove Tiagasamuntha Mudaliar's guilt of the offences with which he was charged; and secondly, because he considered that the principals having been acquitted by the Session Court of Tranquebar, the case against Tiagasamuntha Mudaliar fell to the ground. To the first of these objections I would remark, that the Procedure Code does not require that before the issuing of a warrant there should be positive proof of the accused's guilt. On the contrary, Section 68 of the Code provides, that a Magistrate in charge of a Division of a District may issue a warrant of arrest against a person *suspected* to have committed an offence for which a warrent of arrest may issue. In this case there was not only strong suspicion, but there was the sworn evidence of two or more witnesses. I would also observe that in Section 86 of the C. C. P it is laid down that the Magistrate of one District, to whom a warrant is endorsed by the Magistrate of another, *shall* endorse his name on such warrant, and enforce its execution, &c., &c. It appears then, that Mr. Reade was hardly justified in refusing to forward my warrant to Pondicherry.

As regards the second objection raised by Mr. Reade, I am at a loss to understand, how, or by what Procedure, the case against Tiagasamuntha Mudaliar can be said to have fallen to the ground without some inquiry being held. A man cannot be acquitted of an offence until he is tried. Tiagasamuntha Mudaliar by refusing to surrender himself to justice refuses to allow himself the chance of being acquitted. I cannot, therefore, see the force of Mr. Reade's remark. Indeed, Mr. Reade himself would appear to have some doubts as to the soundness of his view; for, at the end of his letter, he suggests that I should agree to allow Tiagasamuntha Mudaliar to appear before me without undergoing the indignity of an arrest: a somewhat startling proposal to expect me to enter into any compact or compromise with a man who, for seven months, has evaded justice.

Proceedings of the Madras Government, Revenue Department,
21*st July* 1865.

5. After Mr. Reade's refusal to endorse my warrant, I could of course take no further steps to procure the apprehension of Tiagasamuntha Mudaliar. I may mention, however, as connected with the case, that about two months ago a man named Arumugatha Pillai was arrested in Karikal on a charge of theft, and on being searched, a letter written on cadjan was found on him. This letter purported to be addressed to him by a man at Nagore, and referred directly to the robbery of the cash chest from the Nagore Police station, giving the names of the several persons, who, with a writer and the man to whom the letter was addressed, were said to have been the perpetrators of the theft. The man was handed over to me by the French authorities. At the first examination, the story told by the man, and the contents of the letter, itself so peculiarly explicit and clear in its details, raised some doubts in my mind as to the genuineness and truth of either one or the other; a few days afterwards, the man confessed that the whole scheme of the arrest, the writing of the olai, and it being found on him, was concocted at Pondicherry by Tiagasamuntha Mudaliar and his agent, and that the story was entirely false. This is the last phase hitherto of this extraordinary case. There is no doubt that the robbery of the cash chest could not have been effected without the aid and consent of the Police. I have also no doubts, considering the ill-feeling that existed at Nagore at the time between the Mussalmen and Hindus, that the robbery was committed by one party with the intention of disgracing and ruining the other by a subsequent false charge, and it is curious to note, that Tiagasamuntha Mudaliar, in his petition to the French Government, represents the Mussalmen as having committed the robbery, and then attempted to secure his conviction. I do not think that the robbers were Mussalmen; for this reason, there was not at that time a single Mussalman Policeman in the Nagore station, and as but a few days before the robbery the Police had been the chief witnesses against several of the Mussalmen of Nagore, who were tried by me for rioting, it was not likely that there would be any collusion between the Police and the Mussalmen.

6. I have thus given at length all the facts connected with this robbery, in order that you should, when making your report to Government, have them fully before you.

P. S.—Copy of Mr. Read's second letter, No. 72, dated 18th March 1865, referred to in paragraph 4 above, is herewith forwarded for your information.

(True Copy.)

(Signed) G. L. MORRIS,
District Magistrate.

Submitted to Government, with reference to their Order dated 5th May last, No. 935.

No. 394. ORDER THEREON, 21st July 1865, No. 1,696.

Miscellaneous.

1. The Government authorize the Collector of Tanjore to write off the accounts the amount stolen, being Rupees 277-7-8, and to make good to the depositors from the Budget provision for refunds, &c., so much of the amount of deposit, viz., Rupees 103-12-10, as may be proved to have been made on goods that merely passed through the French territory from one part of the British territory to another. The Board will consider and report whether this deposit system cannot be amended.

2. As the matter appears to call for further consideration in regard to the Magisterial proceedings, the papers will be transferred to the Judicial Department.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant General.
,, the Judicial Department.

Exd. S. T. Augustin.

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P.S.—Copy of Mr. Reade's second letter, No. 72, dated 18th March 1865, referred to in paragraph 4 above, is herewith forwarded for your information.

(True Copy.)

(Signed) G. L. MORRIS,
District Magistrate.

Submitted to Government with reference to their Order, dated 5th May last, No. 933.

(True Copies and Extract.)

Acting Sub-Secretary.

To W. Hudleston, Esq., Acting Secretary to Government, R. D.

Copy to G. L. Morris, Esq., Collector of Tanjore.

I think this forms as the case seems to have arisen in the Police circle. The Govt. have ordered a report that the Board Govt. will be in a position for a warrant if there was Magistrate's process to back. The Magistrate who issued the warrant declares his belief that the crime charged was committed by one of the hostile parties in the hope of casting suspicion of guilt on the other. & then he states a fact which is inconsistent with the supposition that the parties charged were those who committed the crime. if his opinion as to the motive be correct. Nothing appears from the case to lead to the conclusion that the Mussalmans paid Rs 60 for the robbery in order to injure the Hindu Police who have now the last year against them. & also the Hindu paid Rs 3 in the rupee 82 more than Mussalmans.

Exd. R. H. Lee.

The party who has absconded is charged apparently with aiding & abetting certain parties in the commission of the crime - of committing which parties have been acquitted by the Session Court & jury. His return & Govt. to save him from the disgrace of arrest & the penalty of confiscation for disregarding the order to return under the Govt. order. Govt. 6 July 65.

Rev. Dept. 1865.

No. 1735

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 22nd June 1865.

No. 3,424.

Submitting letter from Collector of Tanjore, forwarding copy of one from his Sub-Collector explaining why certain money collected at Sanmanungalum chowki was deposited in the Nagore Police Station house, and reporting particulars connected with its robbery.

Revenue Department

No. 1696

Proceedings of the Madras Government

Under date the 21st July 1865.

Read again Board's Cro: dated 27th April 1865, No. 2132 in Govt. Cro: dated 5th May 1865, No. 935.

Read also the following Proceedings of the Board of Revenue.

Submitting letter from Collector of Tanjore, forwarding copy of one from his Sub-Collector explaining why certain money collected at Sanmanungalum chowki was deposited in the Nagore Police Station house, and reporting particulars connected with its robbery.

(Here enter 22nd June 1865 No. 3424)

The Government authorise the Collector of Tanjore to write off the accounts the amount stolen being Rs. 277-7-8, and to make

make good to the Depositors from the Budget provision for Refunds, &c^a so much of the amount of deposit, viz Rs. 103-12-10, as may be proved to have been made on goods that merely passed thro' the French territory from one part of the British territory to another. The Board will consider and report whether this deposit system cannot be amended.

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14 Sd. Board of Revenue 22 July
Copy to Accountant General. S
5 " Judicial Dept. S

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Revenue 1865 Despatch
Pro of Govt for July
No 1690
Pro of the Madras Govt
Dy 21 July 1865
Pro: Board of Revenue dated
21st October 65 Ce 1317

Authorizing the Collr of
Tanjore to write off the
amount stolen at the
Negore Police Station
and to refund to defra-
sectors from the Budget
Provision

No 393 & 396

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