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Judicial DEPARTMENT

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Fort St. George, Judicial Consultation, 15th September 1857.

No. 11. Read the following letter from E. B. THOMAS, Esq., Collector and Magistrate of Coimbatore; to EDW. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 1st September 1857.

Sir,

1. I deem it my duty to report confidentially, briefly, a matter which has just occurred in this district, and how I have dealt with it. It was brought to my notice by Mr. Sub-Engineer Reid,—his and other original papers are enclosed,—his character, (a high one for intelligence and efficiency,) is known to Government and the Chief Engineer, and his knowledge of, and intercourse with, Natives, is extensive.

* Taken in my private room. 2. The deposition* of the young Brahmin, "Vayasa Rao," Mr. Reid's Writer, (a young man of special intelligence and of most respectable character) leaves no doubt whatever on my mind; after 20 years' experience of Native testimony, and coupled with other facts, of its truth; though unsupported by other evidence, he had every motive to conceal, and none to divulge what he heard, but an honest one; he is, now, evidently in fear of his life—afraid even to eat in any house, but his own, lest he should be poisoned; he has been distinctly threatened by his own father, and by his wife's father, that "if he appeared in any way, against the "Gooroo," or "Swamy," (as the old Seminary is called), he would be in danger." He implored me not to call him to the Cutcherry, and yet with equal earnestness, testified to the truth of what he had, (I believe, inadvertently at first), disclosed to Mr. Reid.

3. The old Seminary was sent to, under a guard of 4 peons, a resource of Brahmin, both at Bhowany and here attended to on occasions of urgency, having used any such invention. I was doubtful at first, what course to take, the matter seemed, in clear and such treason, it was not, * Vayasa Rao however, very public, but only before his own followers and the strangers whom he appears not to have suspected. Still, it is not likely to have been an accidental, or solitary prayer, the old man has much feigned sanctity, with many followers, and at this crisis, opinions and expressions, at other times to be despised, are of more moment now.

4. I could, under late orders, no doubt, have lodged him in the Jail, but it would have caused some excitement, and might have caused worse passions, the "Mohurrum" was going on, and the towns of Coimbatore and Bhowany not quite quiet. On consideration, therefore, after keeping him 2 days under surveillance of peons, at my office, (where his caste and dignity suffered no loss), I released him on security, the heaviest, I believe, I have power to take, 500 only instead money, (which was at once paid down for him) and 2 personal securities in 250 each. He professes now, entire loyalty, and he would be, in ordinary times, more to be despised than feared. When the Mohurrum and all present excitement is over, I shall remove the 2 peons now attending at his lodging, (merely as one that no mere is collect, or addresses are made,) and shall let him return to his place at Bhowany or Salem, in each of which districts his "Mudrasa" or College, holds much Government land, as "enams."

5. I explained to him clearly in open Cutcherry, (addressed precisely as himself) what he would lose, if the country were disturbed. I shall keep my eye on him, and I think the present precautions are sufficient. Should any renewal of such treasonable opinions or prayers, be reported, I should at once apprehend him and recommend his lands being exhaut.

6. I would, in conclusion remark, that I would have held him to much heavier security, had I deemed I had the power, but on this point I believe I am limited; to 500 Rupees by V, VI of 1837. Perhaps, Government may deem it right, temporarily to increase that power, and I would add, that in all cases, money security ("jukkha zumeen") is the only security of any practical or real value. Personal security is all but nominal in progress. Every bad character too readily finds it.

(Signed) E. B. THOMAS,
Collector and Magistrate of Combatoor.

Statement of Velaiden, Peroomaun, Lascar to Sub-Engineer Reid, sent with the Cook, and deponent, to hearing the same as the Cook states—that the two Pagoda Mooppan, would collect Pullars and beat Reid, and not let the "Gooroo" go, but with their lives; &c., Deponent also saw one day, in the Talook Cutchery, three men dressed as Pullars, asking to be "let go and not to be detained." They had whiskers and moustaches like Sepoys, or Musulmen; and not like Pullars, and were not old, but young or middle aged, they were talking to the Dubashy, and afterwards when the Tahsildar came, they were released.

Given before me, this 29th day of August 1837.

(True Copy.)

(Signed) E. B. THOMAS,
Collector and Magistrate of Combatoor.

Statement of Lutchmanan, Cook of Sub-Engineer Reid, that as he was kindly going to the

Mooppan, as Shanaga, one of the Pagoda mooppans, a Mahaldaran, said to him, "why don't your Master take care; the two Pagoda Mooppans, Govindoo Ashkery, and Sinia Ashkery, have much land, and many Pullars, they say they will kill your Master, if the Gooroo is taken away. They are also talking that the English "Raj" is going; and Musulmen and Bramins coming to the top. Europeans are being killed and running away, the Bramins will be better off." I asked him to come and tell Mr. Reid, he said, "No, No, I am under the Bramins, they will kill me." After much talk is going on here, among the Bramins, &c. The Malabaree's name is "Bulaay Ashdy."

Given before me, this 29th day of August 1837.

(True Copy.)

(Signed) E. B. THOMAS,
Collector and Magistrate of Combatoor.

From T. REID, Esq., Sub-Engineer, to E. B. THOMAS, Esq., Collector and Magistrate of Combatoor, dated Bhowany, 30th August 1837.

Sir,

I beg leave respectfully to inform you that, at about half past two o'clock yesterday, Mr. [illegible] Sub-Engineer, Wright's name into my tent, my wife was also present, we were talking about the political affairs in Delhi, when my Writer Veeran Rowa said, "Sir, last night my Peojeary [illegible]ry was making Poojey, and when leaving thereat he said, that Veeran Rowa should become a Rajah [illegible]" king, and that all the Europeans should be killed." After he told me this, I* Veeran Rowa said, "that man must be apprehended:" he told me, "Sir, if you mention any "name I shall be surely killed." Then I said, "I must tell your name, but you will have to stand to

the Magistrate;" he said, "you Sir, I will not tell a lie;" but I could see, that the man was sorry to tell me; I then said to Mr. Wright, "come along with me, I shall go over and report this affair to the Tahsildar." We went to the Tahsildar's house and told him what we heard, and I said, "you had better apprehend that man, and send him in to Mr. Thomas;" he asked me the man's name, I said "there is only one Dorvish (or Sannisey) in Bhowany, and he lives in such a house;" the Tahsildar then said, "Sir, please write me a line or two," I said, "very well I shall do so." Mr. Wright returned with me to the tent, and at 4 o'clock the Tahsildar came over to the tent and said he went for the man, but that at first he refused to come, and that he sent a second time, saying that if he did not come, that he must send a Summons for him; the Tahsildar said, "I must give the man's name or he could not Summons him;" I said, "very well Tahsildar, I shall get the man's name and give it to you, but perhaps I cannot get it before 10 o'clock this night;" the Tahsildar went home and I told the Writer "you must tell me the man's name, or you must come and point him out;" he wrote the man's name on a piece of paper, as he was afraid to mention it, afraid lest any of my servants might hear him tell the name, and expose him. After he had done so, the Tahsildar sent me over the name of an innocent man, besides, I hear, of the Peojeary. I then said to Mr. Wright, "I think I had better shift quarters this night," so I loaded my guns while Mr. Wright went and gave out shirts to the work people. I told my wife to get into the tent, and I put the gun across my shoulders and said "come along to the Cutchery." I then told the Tahsildar that he sent me the wrong name, that the name of the man was "Moolakkigalen," the Tahsildar said "that man is in front of my Cutchery;" I said "you had better make him prisoner," he did so, and the Tahsildar said to me, "you had better not sleep in your tent." My Writer came to me afterwards and said, "Sir, about 200 Bramins will come and see you, to ask you to let the man off." I told him they had better not, as it was late. That if a number of men [illegible] gie was to enter that wanted to over power me, that I would shoot them. The Writer [illegible] you never saw till my name, if you do, I shall be killed that night;" I said, "go away, don't be soon here." The Tahsildar came [illegible] that morning, about half past five, and sent up word for me; I went down and we sat down and had chat until about 6 o'clock. I told the Tahsildar that it would be a good thing to search the Peojeary's papers, and see if there was any thing of a suspicious nature amongst his things. Then a number of Bramins came in and my Writer at their head. The Tahsildar asked them what they wanted; they said they wanted the man to be released, and that he could not leave this place for 15 days at least. Some of them got quite excited, two in particular were very noisy, and one man said that he "would give up his life for his Gooroo." I told the Tahsildar that that man should be sent away with his Gooroo. In conclusion, I would now beg that you keep the young man's name secret, as he says that his own father and family will all turn against him.* All the Bramins wanted the man to be tried here, but I told the [illegible] Veeran Row, the writer Tahsildar, that he had better send him on to you, and if you send for him,* if you should like to see him out of danger and not suspected, I would humbly suggest that you get leave from Captain Francis, for me to go into Combatoor, so as his caste people will have no suspicion on him, as he would be doing his office duty out).

(Signed) T. REID,
Sub-Engineer.

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* Veeran Row, Writer to Sub Engineer Reid and formerly in Captain Francis' office, Bramin, states—that on the 26th Instant, he went to the "Mudalem," called "Moolakkigalen," in the street at Bhowany, south of the big Pagoda, on the road to the bridge, and saw a Sannisey or Peojeary, called Moolookigalen Swamy, sitting with several (3 or 4) other Bramins. He made

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the usual salaam (to the Sowcar) and was asked who he was, &c. The Sowcar asked him, as being in European employ, the truth of the reports of the English being ejected, at Delhi and Bengal, and said, that Nana Sah would soon be Rajah, and would cut off all the English heads, and that Brahmins would flourish, &c. That the Sowcar then offered sweets, with the usual Pooja, to the deity and prayed, "*that the present Rule might cease, and Nana Sah's prevail.*" Deponent remarked, "Are we not safe and well treated under the English rule?" To which the Sowcar said nothing in objection, all spoke Canarese. Deponent reported the above to his Master, Mr. Reid. Many Brahmins at Bowany afterwards both espied and threatened him "to tell nothing of all this," and give no information against the Sowcar, or he would lose caste." And since deponent came into Coimbatore, the Brahmins here have told the same to him, his father and father-in-law, a Court Vakeel, have also cautioned him to the same effect, and he believes he will be in danger of his life if he comes forward to give evidence in any way. That in and about Bowany, the Brahmins were all talking of Bengal news, saying, "that many Europeans had been "killed," and many ran away," that the people at Bowany were generally frightened, and some burying their property. They also remarked, "the Erode Sub Officers have run away, why dont your Master also run?"

(Signed) I. VETAS ROW,
Deponent's Mark.

The above is the substance of V. Row's statement, or solemn declaration, he fears to give it publicly, has been closely threatened by his relations and other Brahmins, and is evidently in great fear.

Age about 60, and remarkably intelligent, he also bears a good character.

(Signed) F. S. THOMAS,
Magistrate.
Coimbatore, 28th August 1837.

No. 14. ORDER PASSED, No. 1467; dated 15th September 1837.

The Magistrate acted properly in demanding security from the Sowcar alluded to in this letter, and taking measures to watch his future conduct, as there was not sufficient evidence for his commitment on a charge of sedition.

2. But in reference to the point noticed in para. 6, this Government has no power to alter the law, or authorize the Magistrate to demand heavier security than is mentioned by the Regulations in force. The Right Honorable the Governor in Council does not however perceive, that the Magistrate is limited in a case like the present to demanding security to the extent of Rupees 100 only. Section V. Regulation VI of 1827, which is quoted by Mr. Thomas, applies to complaints of assaults or threatening language arising from private quarrels. Suspicious characters, whose unrestrained liberty is dangerous to the general community and to public order, are dealt with under Section VI of that Regulation, which places no restriction on the amount of security to be demanded. The amount is to be fixed by the Magistrate in each case according to the accused party's position in life, and the gravity of the cause for precautionary measures, and if an excessive demand is made, Section VII provides for its being modified on an appeal to the Sudder Court.

(Signed) E. MALTBY,
Acting Chief Secretary.

and he would be, in ordinary times, more to be despised than feared. When the Sirkar and all peaceful subjects were attending to their business, & I personally & see that no servants collected on disturbances are made, I shall let him retire to his place, at Bhowany or Salem, in each of which districts his Maddar, or other local magistrate, took up residence.

5. I explained to him clearly in open Cutcherry, addressed personally to him, exactly what he would lose, if the country were disturbed. I shall keep my eye on him and I think the present precautions are sufficient. Should any removal of such turbulent characters be necessary, I shall at once apprehend him and recommend his being deported.

6. I would in conclusion observe that I could have told him to make good, under security, Bond & Recognizance I found the law, as laid on that point, to be, limiting it to 2 or 300 Rs by V. VI. of 1827. Perhaps government may deem it right to enforce a clearer power. and I would wish that in all cases, money security (Rokha Zamani) is the only security of any pecuniary or real value. personal security, in all but eminent, is practically very best channels to worthless

Mail Dept.

No 1167

Collected from Station — Dated 10th September 1857

Acknowledge receipt of Contractor's Letter of the 8th inst.

for assaults or threatening language arising from private quarrels. Suspicious characters, those not likely or dangerous to the peace, community & to public order are dealt with under Sect. VI of that Regn. [illegible] on the amount of security to be demanded. The amount is to be fixed by the Magte in each case according to the means of parties, & proportioned by life & the gravity of the case for ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ [illegible] and if an excessive demand is made [illegible] grounds for its being modified [illegible] an appeal to the Superior Court.

Copy to the Minute of Consultation dated 18 Sept. 1857

[illegible]

In Secy's letter [illegible] 15th Sept.

Judicial 1857 Dept.

No. 1167

Extract from the Minute of Consultation

Dated 18th Sept. 1857

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