MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No. 1187 Press Misc.

3-4

Dated 16-5- 1887

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No. 5. Read the following letter from J. W. CHERRY, Esq., Commissioner of Salem; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 4th September 1857, No. 1.

Sir,

Under the instructions contained in para. 6 of an Extract from the Minutes of Consultation, dated the 27th July 1857, I have the honor to forward the record of case No. 1, tried and disposed of by me on the 2nd Instant. The Police and Magisterial Tamil proceedings are ready to be sent, if required.

(Signed) J. W. CHERRY,
Commissioner.

COMMISSIONER CASE.

1

CHARGE.—Making use of seditious language.

1st Witness. Cavalee Chetty, Weaver.

On the 1st August, I was lying down in my house, about 5 in the evening, when my wife and children awoke me saying, there was a row in the street. I came out and heard many of the people say, that the Pindarees were coming. In order to ascertain the truth of this, I went to the prisoner, who was the Tumashdar, and heard one Narrain Chetty asking him, "what is the matter." The prisoner replied, that "about this time of the day, a flag will have been hoisted at Madras." Upon this, I informed one Sadaya Chetty, as to what I heard on this occasion. He also was frightened at the report. By this time Carnam Chinya Moodelly and Gomastah Ramya, brought an Istyar and read it out, by which we learnt that the Sessions Judge had been invested with higher authority as a Commissioner.

By Court. There is no enmity between me and prisoner, on account of the removal of some bricks near my house.

I observed the crowd near the house of one Iyam Permal Acharry, and what I stated, occurred near to it. The words said by the prisoner, were in answer to Narrain Chetty, and spoken neither loudly nor secretly.

2nd Witness. Venkatatry Chetty, Weaver.

One Saturday evening, I saw a crowd in Patnool street, and heard people say that a flag will have been hoisted at Madras this day; the prisoner distinctly said so, and I heard him. This took place about 2 or 3 furlongs distant from my house. I heard many people calling this out, but I don't recollect who they were, the prisoner was speaking these words to himself, but not to me or to any one in particular.

By Court. I did not see Narrain Chetty there, nor did I know that he was there. I know the prisoner before, and am sure that he was the same person who spoke about the flag, there is no enmity between us. The prisoner was not bawling out, but gave utterance to the above expression in a low tone of voice.

3rd Witness. Ramya, Civil Court Gomastah.

On the evening of 1st August last, the Civil Court Shoristadar sent for me and told me that the people had misunderstood the contents of the Istyar given on that day, and were much alarmed, and ordered me to explain the same properly. I took Chinya Moodelly, the Carnam with me, and did so. I heard the people say, they were alarmed by their misunderstanding the contents of the Istyar. Sadaiah Chetty told me that one Tamuh poon had told him, that the British flag had fallen, but neither the poon's name was mentioned by him, nor did I know who it was that said so. I reported the same to the Shoristadar.

The Prisoner Hyder.

I did not say the words of which I am accused. There was a crowd of people to hear the Istyar which they misunderstood, and were alarmed. I am a Tamuh poon, and as it was time for the gentry to walk and drive, I ordered them to disperse. There exists enmity between Sadaiah Chetty and myself, owing to his having seized and occupied my ground. 1st witness is a

relative of the said Sashiah Chetty, and his neighbour, 2nd witness, is Seshiah Chetty's brother. Owing to the above enmity, they have combined against me on this charge. I present to the Court a "Mahzar," given by the people of that street, to shew that I was not the person who uttered these bad words.

Senior sc.—The evidence in this case is not sufficient to bring home the charge to the prisoner, the persons whom he is said to have addressed, did not hear him make use of the words alleged, and the fact of a crowd misunderstanding a proclamation, is quite enough to have caused a confusion in the street; whether it was the prisoner or who the others were who gave utterance to the seditious language, is not proved, and consequently I dismiss the case.

(Signed) J. W. CHERRY,
Commissioner.

Salem, 2nd September 1857.

Note.—This case was not taken up at the time, in consequence of the number of Sessions cases awaiting trial, it was also postponed until after the Moharrum, in consequence of a verbal representation of the Joint Magistrate, suggesting that course.

(Signed) J. W. C.

Utterance of a case committed for trial before the Commissioner of Salem, by the Joint Magistrate of Salem.

Name of the prisoner.	Charge.	Date of the commission of the offence.	Date of apprehension.	Name of the prosecutor.	Names of the witnesses.	Number of Documents.
Hyder, substitute Thanah Peon.	*Offence against the State.* Charged with having used, two separate times, in the Putnool street, in the town and taluk of Salem, about 5 P. M. on the 1st Instant, seditious language, viz., "They have hoisted the flag by this time on the Fort at Madras," or words to the same effect; he being then on duty as Thanah Peon, and the people being further gathered together in a large crowd, and much alarmed in consequence of misunderstanding a notice that had been given by beat of tom-tom of the appointment of a Commissioner. Date of charge on the night of the 1st August 1857.	1st, 2nd August 1857.		Government.	1 Putnool Kavaty Chetty. 2 Venatatlery Chetty. 3 Ramien, a Goomastah of the Civil Court	1 Urzee from the Town Police Ameen of Salem, No. 244. 1 Do. Do. No. 246. 1 Deposition given by the prisoner before the Police. 1 Do. given by the 1st witness. 3 Do. given by Narsima Chetty, batta peon Kannama Naick and Arumachalla Chetty. 1 List showing the commissions, &c. 1 Index for remarks. 1 Summons. 1 Vakalutnamah filed for the prisoner. 1 Deposition given by the prisoner before the Joint Magistrate. 3 Do. of witnesses. 7 Do. given by Cuvum Chinnia Moodaly, Narsimawaay Chetty, Chinnasethery, Pantheromanachary, batta peon Kannamaick, Monsiff Mullian and Arumchalla Chetty.

In committing this case, it is due to the prisoner to bring to the notice of the Commissioner, that the party to whom the 1st witness asserts that the remark was addressed, denies that he heard those words, and in like manner the 2nd witness in asserting that he heard the same words used by the prisoner on the occasion in question, though at a different time and spot, is not borne out by the party whom he names as having been close by. But on the other hand, it must be remembered that there was a great crowd and much excitement; and it is quite possible that the words heard by one should not have been heard by another in the immediate neighbourhood.

The 2nd witness came forward from a number of weavers of his own record, when the Joint Magistrate visited the spot on the 7th Instant.

The depositions given by the two parties above referred to, have been forwarded with the case, and they have been directed to be in readiness, should their personal attendance be required.

Salem, Joint Magistrate's Office, 10th August 1857.

(Signed) J. W. B. DYKES,
Joint Magistrate.

[illegible]

No. 4. Order thereon, No. 1189, dated 16th September 1857.

To be recorded.

(Signed) E. MALTBY,
Acting Chief Secretary.

Ind. F. Cartwright.

Sirs

The decision of the Commissioner appears to call for no comment.

The record is a poor one I presume that the practice of obtaining Loans is confined to the Central Registering Office known as Hereford

Ellen

Dep. Sec. Interior, Sept. 7th 1857

Indorsed Copy

From the Commissioner

of Indian

To The Chief Secretary

to Govt. Jodhpore

Dated 4th

Rec'd 7th } Sept. 57

Ans. 8th Sept. 57

Q. No. 1455.

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