

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1249

Press
~~Mis.~~

64-65

Dated 28-5-1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 29th September 1857.

No. 64. Read the following letter from H. A. BRETT, Esq., Magistrate of Salem; to EDWARD MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated Salem, 22nd September 1857, No. 338.

Sir,

Having closed my investigation into the recent disturbance at Vaniambady, I have the honor to explain, for the information of the Right Honorable the Governor in Council, in what way the disturbance arose, and how the several complaints made by the Labbay inhabitants have been disposed of.

2. I received on the 4th Instant, at Salem, a report from the Head of Police of Tripatore, informing me that the Labbay inhabitants of Vaniambady were making a serious disturbance in the town. It was stated that a large number of that class had riotously assembled for the purpose of attacking the Head of Police and other public servants; that the mob, urged on by certain persons at their head, had forcibly released a prisoner who was in custody at the Cut-wall's Choultry; that some Police posts had been beaten; that the shops were closed by order of the principal Labbays; and that no one was allowed to transact any business in the town. The Head of Police requested, that I would immediately proceed to the place.

3. He also applied on the 5th Instant, (the day on which the disturbance commenced) to the Joint Magistrate at Vellore, to send out a Military guard for the protection of the Treasury at Tripatore.

4. I received on the same date, (the 5th Instant) a petition signed by a large number of Labbays, complaining that the Head of Police had illegally arrested a number of respectable inhabitants belonging to their class; that some of the people had been bound, and hand-cuffed, and one placed in the stocks; and, lastly, that Police posts had intruded into houses occupied by Gauda women. I wrote on the same day, that I would come and enquire into their complaints.

5. I left Salem, on the morning of the 4th, for Vaniambady. On the way I received further reports, shewing that the shops were still closed; that the Labbays had issued proclamations, prohibiting the people from transacting any business; had collected money; had undertaken the Police charge of the town; had written to the Labbay inhabitants of Ambot and Tripatore, inviting them to make common cause with themselves at Vaniambady; and that a large number of Labbays belonging to Ambot had, in answer to this call, come over to Vaniambady.

6. On the evening of the 10th, I wrote from Tripatore to Colonel Logan, Commanding Vellore, stating that the disturbance here a more serious aspect than I at first supposed, and suggesting the expediency of his holding further aid in readiness, or, even, advancing another party towards Vaniambady. I had previously requested that an European Officer might be sent out to Vaniambady to take command of the detachments there.

7. I arrived at Vaniambady on the 11th Instant, with a party of Sepoys, consisting of a Troop Detachment belong to the 25th N. I., (30 men) which happened to be on its way from

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Salem, and a Detachment sent out from Vellore, consisting of 36 Sepoys, with a Native officer. I had travelled slowly from Salem, that the former Detachment might have time to come up.

8. Immediately after my arrival at Vanimbady, I sent for the chief Lubbays, and informed them that I could take no steps until the shops were opened. They at once consented to open their shops. During the ensuing four days, I investigated the complaints on both sides.

9. Warrants had been issued by the Head of Police, and the Sub-Police Officer acting under his orders, for the arrest of thirty-five persons belonging to the Lubbay caste. The Head of Police explained that the persons named in these warrants, had acted in opposition to an order passed by the Magistrate.

10. Vanimbady (as the name is commonly applied) consists of six pettahs. The inhabitants of four out of the six pettahs have had a long standing feud with the inhabitants of Peryyapett, one of the remaining two. The two parties had a fight at the Moharum in 1852, owing to the people of the four pettahs having attempted to carry their processions through the streets of Peryyapett, which is divided from the other four by a wide branch of the river. At the fight, two persons were killed, and two seriously wounded. From that time the Mohamudans belonging to the four pettahs have not been allowed to cross over* to Peryyapett during the Moharum. My order on this point is the one referred to by the Head of Police.

11. During the present year, some persons, at different times, crossed over to Peryyapett, and on the 9th day the processions were carried across, in defiance of the above order; but no breach of the peace ensued, the two parties who were formerly at enmity having made up their quarrel.

12. In most cases, the warrants were issued on mere verbal information given by persons. Some of the warrants, and those for the chief people of the town, had not even this ground to support them. Out of the 35 persons for whom warrants were issued, only four were apprehended. Besides those four, nine persons were placed in custody on no process at all, making a total of 13 persons actually arrested. None of these persons were arrested till after the feast was over. Ten were apprehended on the 1st, which was the day next succeeding the 10th of the Moharum. The Head of Police came to Vanimbady, on the evening of that date, and precipitantly left the following morn., the above ten persons being taken the same morning in custody to Tripunav. The persons who took them over captured another man on the road, which made up the number to eleven.

13. These persons were detained at the Talook Cutcherry, without examination from the afternoon of the 2nd, till noon of the 3rd. The Head of Police then released eight of the number; five of them on the ground that they were good characters, and had been found to go over to Peryyapett by other persons; two, on the ground that they were merchants, and that they did not cross over to Peryyapett, at all; and one, (the person arrested by the way) because he was apprehended without cause. Out of the remaining three, two were released on the 3rd day after arrest, and one on the 9th, in compliance with an order from me. The ten persons apprehended on the 1st, were confined during the night of the 1st in a Choultry at Vanimbady, one of them being hand-cuffed.

14. The Head of Police assigned as his reason for having gone away, on the morn. of the 3rd, that there was a feast at Tripunav on that day, which he wished to attend with his family. When it was pointed out to him that in a case of this kind to issue warrants for arresting the

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persons was not legal, nor in any way justified by the actual circumstances, he replied, that the Lubbays at Vanimbady did not usually attend to such a process as a summons, and were persons not always to be found, owing to their habit of going from one place to another.

15. I have suspended the Head of Police from office for three months, (subject to the sanction of the Board of Revenue) for the harsh, hasty, and illegal proceedings described above. It was his obvious duty to investigate the matter on the spot. He left Vanimbady because he was afraid to stay; but, at the same time, instructed the persons whom he left behind to apprehend other parties, the attempt at which, as he ought to have foreseen, occasioned the subsequent tumult.

16. There was no need to arrest the chief people nor any one else; and it was unjust and oppressive to drag respectable people to a place 15 miles away from their own houses, and there detain them in custody for three days, when, as he himself admits, nothing could be truly laid to their charge.

17. With regard to the man who was hand-cuffed during the night of the 1st, it is stated that this person had previously attacked the police, and was violent in his conduct. There is some evidence in support of this statement.

18. The Lubbays further complained, that some persons had improperly entered a house occupied by Ghoda women, without giving the usual preliminary notice for the women to retire. I convicted one person on this charge, and sentenced him to pay a fine of 15 Rupees, under Regulation III of 1819.

19. I also suspended from office for three months the Duffadar, who illegally apprehended a person on the road, as stated in Para. 12.

* *Naina Mohamed Cassim Saib.*
Kathun Berek Saib.
Pettil Hoon Saib.

20. On the other side, three of the chief men among the Lubbays* were charged with having tumultuously assembled, with a large number of their caste, on the morning of the 2nd, for the purpose of releasing by force a man named Shuk Husein, who was in arrest at the Cartwall's Choultry, and thereby disturbed the peace of the town.

21. The mob, led by two of the above persons and others, released the person above named, and committed certain other acts of violence, as beating some of the police, pulling down the pandal of a house, destroying a bullock bandy belonging to one of the Sub Police officers, and attempting to batter down the door of a house.

22. The same persons were further charged with having compelled by threats of violence, the different shop-keepers of the town to close their shops, from the morning of the 2nd September to the morning of the 11th Idem.

23. I convicted the first two Defendants, and sentenced them each to pay a fine of 200 Rupees, convertible to six month's imprisonment, under Section VII, Regulation X of 1816. The third Defendant was acquitted. The two Defendants immediately paid the fines.

24. In passing sentences on the first two Defendants, I explained that the illegal and oppressive conduct of the Police had led me to take a much more lenient view of their case, than some of the circumstances would seem to allow of.

25. As to the attack on the Police, and the rescue of the person in custody, it was an extraordinary circumstance that the arrest was made without sufficient cause. The unjustifiable

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arrest of this person, and the others taken off to Tripatore, might fairly be pleaded in excuse of much excitement and anger on the part of their friends.

25. The general combination to stop business did not admit of equal excuse. It involved a forcible interference with other person's rights; it excited general alarm within and without the town; and it indicated a purpose on the part of those who acted so illegally to commit further violence.

27. On the other hand, it is usually pleaded that these combinations are sanctioned by custom, and that those who engage in them have no other intent than to evince to the authorities in a public manner the existence of a serious grievance. I have accepted this explanation as to the intent on the present occasion; but have warned the people that similar proceedings could not be treated so leniently a second time.

28. The town was perfectly quiet when I left it; and there is, I believe, no disposition on the part of any one in it to create further disturbance.

(Signed) H. A. BRETT,
Magistrate.

No. 65. ORDER THEREON, No. 1249; dated 26th September 1857.

The Government approve of the measures taken by Mr. Brett for restoring order in the town of Vanimbady, and examining promptly on the spot the cause of the disturbance. It is gratifying to find that his proceedings have been quite successful.

2. It appears that the irritation felt by the Lubbaye population arose from some injudicious informal arrests made by the Police, after the Mohurram festival was over. The Head of Police has been suspended for three months for his wrongful measures, and the Government view with much disapprobation his conduct in having resorted to hasty and illegal arrests, when there was no occasion whatever for precipitancy, and in having subjected the accused to detention in confinement, and to the inconvenience of being taken 15 miles from their homes, when it was his duty to have remained in the town and held a prompt local enquiry into the charges preferred against them.

3. The Police Duffadar was also suspended for a similar period for illegally apprehending an individual.

4. On the other hand, three leading members of the Lubbaye Community were tried by the Magistrate on various charges of rioting and releasing a prisoner from custody; one was acquitted, and the other two were found guilty, and sentenced each to a fine of Rupees 100, or in default of payment to six months imprisonment. The fines were immediately discharged.

5. This punishment is certainly lenient; but as the Magistrate was satisfied that the accused had acted under irritation caused by the misconduct of the Police, and not from any spirit of insubordination, the sentence is approved.

Government observe that the town is reported to be perfectly quiet, and that Mr. Brett anticipates no further disturbance.

(Signed) E. MALTEY,
Acting Chief Secretary.

Edw. H. Morgan.

*1249 Judicial Dept³
Extract from the Mins. of Govt.
Dated 28 September 1857*

*Recd letter from Magistrate of Salem
d 22 Sept No. 338*

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will not be further disturbed.

W

To the Mag. of Salween. Dated 28th

Adopted by the 21st Nov 1859

Resolved in 1859

Resolved 1857

Adopted by the 21st Nov 1859

1857

Resolved from the 1857

Resolved 1857

Ad. 6/5

Resolved by the 21st Nov 1859

Ad. 6/5