

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 438

Press
~~Mis.~~

35.36

Dated

21-4-1887.

Not to be folded or roughly handled

18

Fort St. George Judicial Consultation, 21st April 1857.

No. 35. Read the following letter from C. WHITTINGHAM, Esq., Magistrate of North Arcot; to T. PYCROFT, Esq., Chief Secretary to Government, dated 27th March 1857, No. 19.

SIR,

* Herewith returned.

With reference to the endorsement on Petition* No. 194 of 1857, presented to Government by Mooneyapah Chetty and others of Palamanair, in this District, complaining of the insufficient state of the Police in their locality, I have the honor to forward for the information of Government, copy of a report recently submitted to the Session Judge by the Acting Additional Joint Magistrate, which details what has lately been done with reference to the Police of Palamanair.

(Signed) C. WHITTINGHAM,
Magistrate.

From G. BANBURY, Esq., Acting Additional Joint Magistrate of North Arcot; to G. A. HARRIS, Esq., Session Judge of Chittoor, dated 13th March 1857, No. 78.

SIR,

As requested in your communication of yesterday's date, I have the honor to make the following report upon the state of crime and the Police in the Talooks under my charge.

2. I joined my present appointment in June last, and the greater prevalence of heinous offences in this District, than in South Arcot, where I had been previously employed, speedily attracted my attention, the two crimes most common in this District are Gang and Highway Robberies, the first of which seems to be carried out under three different processes, 1st, those perpetrated by professional robbers who generally inhabit the most jungly tracts in the District, have no fixed means of livelihood, are unwilling to work, and embark on their marauding expeditions either on their own account, or as mercenaries under other leaders. Secondly those in which merchants, owing to enmity and competition arising in the course of their mercantile transactions, get together a gang, and plunder each other's houses, in these night attacks the bonds and deeds are universally abstracted, and destroyed, so that malice, and the hope of freedom from debts and other pecuniary liabilities, as well as plunder, actuate the offenders, as these bonds could be of no use to common thieves; the third are those perpetrated by persons who are of some position and influence in the District and who are to all appearance respectable, and peaceable inhabitants, and not unfrequently heads of Villages, these men with a view of adding to their estate plan an attack upon some wealthy individual residing, perhaps 60 or 70 miles distant, collect the gang from different quarters, supply all the necessaries for the accomplishment of the design, receive the lion's share of the plunder, and prevent their poorer fellow culprits from being brought to justice, and receiving the punishment they deserve; this, their position, ample pecuniary means, and apparent respectability enables them to do effectually; a case in point occurred at the close of last year, and when some of the culprits were apprehended upon my warrant and examined by me, they admitted their guilt, and stated that at first they demurred and were unwilling to join the gang when invited, but that their scruples were allayed by the enticer who assured them, that there was an influential person at the head who would screen them from all evil consequences; this influential person turned out to be a Village Kurnum, and right faithfully did he carry out the promises he had made, using every effort to baffle the Police.

3. Should suspicion attach itself very strongly to any one of these apparently respectable marauders, he makes a show of assisting the Police and directs suspicion by betraying one or two of his gang, who may perhaps have offended him, and delivers them up with some small article of stolen property. Gang robberies under this latter head are the most difficult to discover, the members usually escape final conviction, they have unlimited means, and are able to employ their money and knowledge in the proper quarters and usually come off scot free.

4. With regard to highway robberies, they are, it appears, chiefly perpetrated by Coravars, Wodurs, and the Boya caste whose profession is thieving of this kind, their haunts are generally in the most secluded jungles, and feverish localities, their apprehension a matter of no ordinary difficulty, and their conviction much more so; they bury their ill-gotten gains in the jungles in some spot only known to themselves, and indeed the two first classes of persons have no houses

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wherein to conceal their share of the plunder, and unless the property is discovered, it is practically more labour in vain to commit them to the Courts. In the Palamanair Talook however highway robberies have been carried out under influential and apparently reputable villagers, and in a late case of this nature committed by me to the Criminal Court, and forwarded thence to the Sessions, four of the band were well to do in the world, and the 1st Prisoner the son-in-law of one of the most influential ryots in the Palamanair Talook.

5. Towards the close of last year, robberies became rife in the Palamanair Talook, and caused much alarm and terror to the inhabitants, I used my best endeavours to check them, and my efforts have not been altogether unsuccessful, many Prisoners have been committed for trial, stolen property has been found, and a feeling of security restored throughout the Talook. As the gangs have now been broken up and the worst characters become known to the Police, a cessation of the heinous offences formerly committed in that Talook may be naturally expected. A demand of security however heavy from persons who constitute gangs like those above referred to, is fruitless, as they have numerous friends ready at hand to tender the amount required.

6. The obtaining the necessary evidence for conviction agreeably to the procedure of the Mofussil Courts in cases of highway robbery is a task of great difficulty, the property plundered is frequently money, and thus unidentifiable if found, the offence is generally committed in the most secluded spots, and thus no witnesses are forthcoming, the assertion of prosecutors appears to go for nought, the † Moglyghaut on the road to Bangalore was formerly a favorite resort of highway robberies, on account of the neighbouring jungle, and the unhealthiness of the locality which caused the Peons to avoid it, owing to the severe nature of the fever caught there, I have however used all the means available for prevention at that locality, and only one robbery has taken place since the time I joined the District.

Talooks.	Divisions.
Chittoor.....1	Narramvanum.....1
Sutwaid.....1	Tertany.....1
Sholinghur.....1	Calantry.....1
Palamanair.....1	Manderpauk.....1
Chendragherry.....1	Coongoondy.....1
Poonganoor.....1	
6	5
Peishkarships.	
Vencatagherry Cottah.....1	
Teroopatty.....1	
Damulcherovoo.....1	
3	
Total 14.	

7. With regard to the other portions of my charge which is represented in the margin, I think that considering the enormous extent of country therein included, viz., upwards of 3,500 square miles, the paucity of the Police, the utter impossibility of patrolling successfully so large a tract, the jungly and hilly character of the greater portion of the country, the difficulty of procuring conviction after apprehension, the distance the European authority is from the scenes of the robberies and the timid character of the natives it is to be wondered at that offences against property are not more numerous than they really are. For the last 3 months there has been a marked decrease, I am happy to say, in the committal of crime within the limits under my charge.

8. Upon conversing with respectable natives on the subject of crime, they allege three causes as preventing a decrease, viz., the reaction caused by the institution of the Torture Commission, the difficulty of obtaining the requisite amount of proof required by our Courts before the Prisoners can be convicted, and the insufficiency of the punishment awarded to those finally condemned; with regard to the first of these causes there is no doubt that although the orders and instructions promulgated, owing to the above commission have had great and beneficial effects in accomplishing the ends desired, still it is equally true that they have to a considerable extent cowed the Police and given a temporary advantage to evil doers; cases of torture are easily fabricated, and should the victims of the fictitious charge escape punishment, still the evil doers and thieves have gained considerably by causing delay, and annoyance, and uselessly taking up the time of the already over-worked European Magistrate by whom all charges of this nature are obliged to be personally investigated. The Police Officers have now to consider whether they shall undergo considerable trouble, take pains to discover the stolen property and eventually be charged with torture (as the production of stolen property and the charge of torture seem now to go hand in hand) or whether they shall merely apprehend the accused parties according to the warrant; produce them empty handed, perhaps incur the blame of inefficiency from their superiors, but have no charge of ill-usage brought up against them, as the Prisoners know full well that when no property is found there is rarely any chance of conviction, and therefore no occasion for urging false pleas against the Police.

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9. The difficulty of procuring convictions before the Courts and the consequently numerous acquittals of well known Criminals thus discouraging the Police, and encouraging evil doers is an oft told tale, and always urged by Police Officers when incited by the Magistracy to greater exertions. I imagine most heads of Police and many Magistrates too must frequently have felt sorely vexed and dispirited at the release upon what they consider totally inadequate grounds of notorious robbers whose apprehension and committal have been most probably attended with considerable trouble and labour. Sometimes also a reprimand and strictures upon the committing officer's proceedings accompany the acquittal, which does not tend to stimulate exertions of the kind in future.

10. The insufficiency of the punishment to evil doers is frequently dwelt upon by natives who look back with approbation to the good old days when an offender's hand or leg was amputated, and his evil courses thus stopped for the future, although there is no occasion to return to barbarity, there is good reason to believe that the Jail is far too comfortable, and that confinement therein especially to the poorer classes has not many terrors; in all cases of gang or highway robbery attended with violence I think transportation for life might be tried for a time, the disappearance of the offender for ever from his village and his departure to some unknown territory beyond the sea, must have a good effect upon other ill-doers.

11. Although few persons would be found prepared to defend the present Police as it is both ill paid, and in the lower grades illiterate and ill-fed, and also inadequate in numbers to perform the duties expected of it, still it does not appear that we work it to the best advantage indifferent though it is; very little encouragement is held out to the Police to do right, they have many and for poorly paid persons great temptations to act dishonestly, they fear being entrapped and endangered by false complaints, as many designing persons at hand to bring these forward, and they dread the severe remarks and sharp rebukes they are subjected to in the discharge of their duties, these causes prevent their acting zealously and fearlessly. If the Police could be made more Military in its nature and more like the Irish Constabulary we might hope for better things, but I am of opinion that if the European Magistracy could be numerically slightly increased; powers given them after a certain term of probation to punish up to 5 years in irons for gang and highway robberies unattended with severe injury, and house breakings as is at present the case in Mysore and Kurnool, and Act II of 1848 extended to them, a very great improvement in the Police and decrease in crime would take place even with the present insufficient materials.

12. It was my intention to remove from the Talooks all those Peons who were unfit for active duty, unable to use arms and otherwise physically ineffective; there are I doubt not, many who should no longer be retained in office but be replaced by young and active men unconnected with the Talook to which they are nominated, feeling of compassion for long service, no pension &c. frequently prevail and the old Peons are permitted to continue on in their posts; a late order of Government has however relieved me from all the current duties of the District and nominated me specially to carry on the revision, the Talooks hitherto under my charge will consequently pass into other hands.

13. I may finally add that however earnest and active the Police may be, it will be found that their paucity, the timidity of the people who are unable to defend themselves and reluctant to appear as prosecutors and witnesses before our Courts are most serious impediments. As an instance of the paucity of Police Officers I may mention that in Vencatgherrycottah the subdivision of Palamanair now under my charge there are 222 villages scattered over an area of about 300 square miles, and to perform the Police and Revenue duties of this jungly and hilly tract there are only 19 Peons and one Duffadar, an establishment manifestly inadequate to the requirements.

(Signed) G. BANBURY,
Acting Additional Joint Magistrate.

(True Copy.)

(Signed) C. WHITTINGHAM,
Magistrate.

Fort St. George, Judicial Consultation, 21st April 1857.

No. 36.

ORDER THEREON, No. 438; dated 17th April 1857.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. F. Cantledge.

అందుకు అంతరంగమునకు వచ్చితిమి అందు నుండి నీవు కావలసిన గాఢాధ్యయనము చేసి
నదియందే నీవలసినదిగా నున్న నానందమును లభింపజేయుము / ఇది విన్నవించు
నీవుల నాకు దయచేయు మహాదేవతల దయను గాఢముగా ప్రార్థన చేయుచు

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Ch. 10 12 1857
 1857
 du No 539

[The page contains dense handwritten text in Tamil script, which is mostly illegible due to extreme blurring and fading.]

[Illegible handwritten text]

॥ श्रीगुरुदेवकीसीमा ॥
 ॥ ॐ नमो भगवते वासुदेवाय ॥
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At 194 of 1857.
Referred to the Magistrate
out.
J. B. Crook

Fort St George
3 March 1857.

By Order
D. Haimetel
Esq. to Court

Received Bond \$14.57 -
Registered March 14th 57

last letter to Cong. of 20th
October of '28 and 1857

Jan 11 @ 13-

I have a Memory of
 the 17th Nov 1788
 to the 1st of Dec 1788
 in the 1st of Dec 1788
 I have a Memory of
 the 17th Nov 1788
 to the 1st of Dec 1788
 in the 1st of Dec 1788

2019-1-5

Oct 1940/1857.

8.1857
Lm. M. 532

Remark by the Honorable M. Elliot Esq.
on a letter from the Magistrate of North
Arcot dated 27th March 1857 P. 19.

I believe that system
of Criminal justice in
our Courts has as much
to do with the preva-
lence of Crime as the
inefficiency of the Police.
I should like to see
a return of the cases
of Gang and highway
robbery for the last five
years that have occurred.
Number of Persons ap-
prehended - numbers
convicted - numbers
punished - numbers released.
These I think are in
the Returns of the
Government Office.
Signed M. E.

[Signature]

Handwritten text in Telugu script, organized in two columns. The text appears to be a detailed report or record, possibly related to the criminal justice system mentioned in the English text on the opposite page. It includes various names, dates, and descriptions of events or cases.

[Faint background handwriting visible through the paper:]

Rosenble
Karl Pickle
L. G. Macdonald
E. H. Brown

Fort George
17 April 1857

With Dues:
 No. 10 Office
 County of ...
 1857
 10th March 1857
 10th March 1857

John W. ...
 10th March 1857
 10th March 1857

Ind. to Cons. 17th March 1857
 Apr 33 & 34

Ind. Letter to Eng. 2 of 20th
 October 11th of 1857
 Paras 11 @ 13
 Repts in ch. 5 of 1857 R. 15

35 & 36

88 Apr
 R. 15

Ind. 1857 Report
 In by ...
 From ...
 Made of ...
 To ...
 Chief ...
 1857

Dates 27 March 1857
 2 April
 N. of ...
 1857
 Reports on ...
 No. 194 of 1857 ...
 by ...
 Chetty & others ...
 in ...

with an order

Account of
return

Account on Petition of 1857 presented
to Government by the Secretary of the
Petition of California in the District

John P. Adams