

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	962.	Press
	15-16	~~Mis~~
Dated	6-8-1857	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 11th August 1857.

No. 15. Read the following letter from H. A. BRETT, Esq., Magistrate of Salem; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 18th July 1857, No. 265.

SIR,

I have the honor to forward my Return of gang robberies and highway robberies committed in the Salem District, during the 2nd quarter of the current year. In laying this Return before the Government, I beg to offer some explanations in regard to the continued prevalence of these two crimes in this district, and to request that the Government will allow me to entertain an additional Police force as a temporary measure.

2. The number of gang robberies committed during the quarter was 25 (9 in houses and 16 in fields.) The total number during the first half of the year was 43 (21 in houses and 22 in fields.)

3. The total number of gang robberies in 1856, was 119. There is therefore some difference in favor of the last six months, but this difference is not so marked as to prove that any real progress has been made in repressing crimes of this kind.

4. During the 6 months, 15 persons in 5 cases, were convicted at the Session Court (14 persons in 4 cases, gang robbery in houses, and 1 person in one case, gang robbery in fields.) At the end of the 2nd quarter, 3 cases, with 26 persons, were under trial, (2 cases gang robbery in houses and in fields.)

5. I beg to remark in this place that the annual criminal Returns make no distinction between gang robbery in houses and gang robbery in fields, though the two crimes present usually a very different character, and are viewed in a different light by the people. Gang robberies in houses create great alarm. The people who commit this crime are armed with swords, sticks, bill-hooks, or sometimes with fire-arms. They come in numbers sufficient to put down all opposition; and more frequently, than not, the inmates of the house are treated with personal violence. The usual object in field robberies is to steal cattle from the folds, or grain from the grain-heaps. This offence is not committed by persons in large gangs, nor are torches used on such occasions. Violence is not at first intended, but if the thieves who may not be more than three or four in number be detected in the act, and any collision take place between them and the persons watching the property, the case is set down as a robbery, or an attempt at robbery, by open violence. These two different crimes, with incidents usually so different, might be shewn in the Returns under separate heads, with as much propriety as burglaries in substantial dwellings are now distinguished in the Returns from burglaries in huts or other insecure places.

6. The number of highway robberies during the six months was 35. The total number last year was 52.

7. The number of persons convicted during the six months for highway robbery was 8, in 2 cases; and 25 persons in 4 cases were under trial at the end of the half year.

8. In most instances the persons who perpetrate this crime belong to one or other of the wandering tribes. As an illustration of this fact, I beg to give a brief account of the 4 cases of highway robbery now under trial.

9. These four cases were committed by two gangs of Ooppoo Coravurs, who entered the district in company by the Chengumah pass. They came from Cheyoor with salt, which they bartered for oil-seeds in different villages belonging to the talook of Tengericottah, the talook nearest the pass. When they were ready to leave the district, they took post on the road leading to Salem, and stopped, within the space of two days, four parties of travellers consisting in all of 26 persons. They then quarrelled among themselves about the plunder, and fortunately were apprehended, with nearly all the property lost, valued at 800 Rupees and odd, in their possession. These gangs have no doubt pursued the same course of crime undetected for years.

Fort St. George, Judicial Consultation, 11th August 1857.

10. The wandering tribes are allowed to range from place to place, because they are ostensibly employed in carrying salt and grain from one part of the country to the other. Reports have been made from time to time to the Foudaree Udalur regarding the habits of these classes, and the best mode of protecting the people from their depredations, but no plan has ever been devised for placing them under Police surveillance. I take this opportunity of again referring to the subject. I see no reason why they should not be obliged to travel with passes, and to sell their salt or grain at certain fixed depôts in each district. With the sanction of Government, the Magistrates would not find it impossible to enforce some system of this kind, though they could not do so without that sanction.

11. Gang robberies are usually committed by certain castes, who have fixed places of residence. In this district the castes most addicted to this crime are the pariahs, pullers, vettoovers, and a division of the coravur caste. All of these, with the exception of the coravurs, employ themselves in agricultural pursuits. The members therefore of these castes when they practice theft and robbery are not so easily to be distinguished from the honest laborer as the coravurs, who never cultivate the land. If the coravurs are not employed as village watchers, their ostensible means of livelihood is mat and basket-making, or tending cattle. The greater number of these people are found in the Ahtoor talook. They are employed as village watchers most extensively in that talook, and in the four talooks comprising the Baramahl. As village watchers they are not paid by the State, nor have the people who employ them any confidence in their honesty. They entertain one of the plundering class with the view of propitiating the rest of the class. The coravurs who thus act as village watchers supply the information which enables a gang of the same class to carry on their plundering habits with the best effect.

12. I advert now to this point as another evil with which the Magistrate cannot deal successfully. He cannot require security from an entire class. He cannot with his present powers compel the people to follow an honest calling.

13. Every succeeding Magistrate in this district has ascribed the prevalence of crime against property to the fact that so many professional thieves and robbers have spread themselves over the length and breadth of the land; and all have agreed that the law does not invest them with sufficient powers to keep these classes of the people in check. Indeed, from the time we took possession of the Salem District, or at all events, from the time when the Collector ceased to exercise an undivided authority in the District,* the gradual increase of thieves and robbers have been remarked and deplored. The same remarks apply equally to most of the southern provinces.

* Vide Minute by Sir T. Munro, 23rd Novem. of 1821.

Vide reports by Mr. Malby, Magistrate of South Arcot for 1852, and 1853.

14. It was supposed that Regulation II of 1822, would enable the Magistrates to exercise an effective control over bad characters, but in fact this Regulation has proved most inadequate to the purpose intended. In the first place, deficient Jail accommodation prevents the Magistrate from holding any large numbers to security; in the 2nd place, the right of the Magistrate to enforce the law is too often disputed by the Courts. In general, any 2 people will usually agree as to what constitutes an offence in the eye of the law, and what not; but between the Magistrate and the Judge there is often a wide difference of opinion as to the persons from whom security can be legally required under Regulations II of 1822, and VI of 1827.

15. It is now proposed to strengthen the hands of the Magistrate by increasing the number of district Police peons. I shall gladly avail myself of this aid. A mere numerical increase to this force may have some influence on the gangs who of late have been at work in my district. Though I do not think the mere increasing of this force in one or more districts, will affect the aggregate number of gang robberies committed throughout the southern provinces.

16. Persons who make robbery a profession, seldom rob in their own neighbourhood, or even in the talook in which they live. The Ahtoor talook may be referred to as a case in point. Gang robberies are not frequent in that talook, though there the coravurs most abound; and it is a matter of common notoriety that the whole body of them live by robbery. These people

Fort St. George, Judicial Consultation, 11th August 1857.

carry on their depredations in other talooks and other districts. If therefore there is a decrease of gang robberies in South Arcot and in Trichinopoly, it may be referred that there will be an increase in Salem and vice versa.

17. The village Police may do much better service in preventing crime, and in detecting bad characters than the district Police, but the village Police have gradually deteriorated in character and usefulness, during the period in which robbers and thieves have increased in number. The village Police cannot be essentially improved in character by fines and dismissals. They must be better paid, and at the same time instructed in their duty, a work which cannot be effected in a day, nor by the head of the district alone. No additional number of Police peons can compensate to me for the want of European or other assistants. At the present time, I have no Head Assistant.

Report submitted to the Board on the 7th January last.

18. I have lately submitted my propositions for improving the village Police, 1st by increasing the pay of village watchers and 2ndly by allowing salaries to the village heads of Police. As I apply in this letter for an increase to the district Police peons, I will explain what the district Police at present consists of.

19. In each district, besides the head of Police, there are 3 to 4 Sub Police Officers. These officers each have a division of a talook, comprising on an average 163 villages. They receive an uniform rate of pay, 14 Rupees a month, which is inadequate for an officer who is required to be frequently moving from place to place.

20. The Police peons are not as in some districts, formed into 2 or 3 grades. Every man receives a Pagoda a month. In North Arcot there are 2 grades, the first class receiving 5½ Rupees, and the other 3½ Rupees. The total number of Talook peons in the Salem District for Revenue and Police duties together, consists of 799 peons with 35 duffadars; this number allows about 12 men for every 200 villages, supposing all were employed in the Police department, which is not the case. Some of them are permanently stationed as Tanadars, in different parts of the district. A single peon to a single tanah. They are therefore utterly ineffective as a body of men to defend people from violence, or apprehend robbers in the act. Even the Sub Police Officer has only one peon permanently under his immediate orders. I now wish to entertain 60 additional peons at 3 rates of pay, viz., 10 at 6 Rupees, 25 at 4½ Rupees, and 25 at 3½. This will amount to a monthly charge of 260 Rupees. The higher rates in the scale will present some encouragement to the peons already in the service.

21. With the proposed additional force, a small body of peons might be placed under each Sub Police Officer, wherever crime is found most general. I have already sent a body of peons into the Tengericottah and Kishnagherry talooks, where most gang robberies have occurred during the last quarter. I have also entertained from the 9th of this month a portion of the peons for which I am now applying, viz. 22 peons from the 9th Instant, 10 peons from the 14th and 10 peons from the 18th. I therefore beg that sanction may be given for the increase, commencing from the date each peon may be entertained. Besides the peons who are thus placed under the Sub Police Officers within each circle, I have my own duffadar and peons patrolling some of the roads. Measures have also been taken for placing all the coravurs who are employed as village watchers, with other notorious characters, under surveillance.

22. In connection with the present subject, I beg to recommend that the Session Judge should be allowed, till the new Courts are built, to try certain cases in Darasupoory instead of at Salem. Under Section XLIV, Act VII of 1843, the Session Judge might be invested with authority to try all criminal cases which might be sent to him from the talooks entered in the margin. A great difficulty has existed for some time in finding sufficient evidence for the prosecution of crimes committed in these talooks, because the people would rather submit to loss of property, than attend to prosecute thieves and robbers at Salem, at times when the cholera is prevailing in that town, or has prevailed there recently. This fear is most natural, for experience shows that strangers visiting Salem are always more liable to attack from this disease, than the resident inhabitants. As a case in point, I may mention that one of

Baramahl talooks.
Darasupoory.
Tengericottah
Tripatore.
Kishnagherry.
Balaghat talooks.
Ossoor.
Denkencottah.

Fort St. George, Judicial Consultation, 11th August 1857.

the prosecutors and one of the witnesses, besides 2 prisoners, in the 4 cases referred to in para. 9 of this letter, died of cholera at Salem, while the case was going through the Subordinate Court.

23. It happens that no difficulties would be experienced in carrying out this plan for want of accommodation. The District Moonsiff's Court at Darampoory, is held in a building which was formerly a dwelling house. This building is large enough for every purpose the Judge might require. There is a room available for his own private use, and another room which would answer for his Court, without interfering with the accommodation required by the District Moonsiff himself. There is also a building separate from the premises to which I am now referring which the Magistrate could use as a place of confinement for persons awaiting their trial. This Court might be held once a month or at any time most convenient. If the prisoners were occasionally detained for a whole month without trial, they would suffer less hardship than a trip to Salem generally involves.

24. If this arrangement should be adopted, it would be proper for the Magistrate and his Assistants to take special care that no cases, which they might dispose of under the extended powers conferred on them by Section LIV, Act VII of 1813, were sent to the Session Judge for disposal.

25. Since I commenced this report, I have received a copy of an Extract from the Minutes Received July 17th 1857. of Consultation, under date the 18th of June 1857, No. 693. With reference to the remarks made by Government in this extract, I beg to explain how the Magistrate in this district exercises a general control in the Police Department.

26. It has been generally understood that every Magistrate must reserve to himself the Police charge of a certain number of talooks, in obedience to the rule that he must not divest himself entirely of his Magisterial duties. I, at present have Police charge of seven talooks out of the fourteen. I do not know that I ever have made over to an Assistant the charge of all the talooks in my division; but if I ever did so, I should not thereby have divested myself of what, in my opinion constitutes a general control over the Police. That the Magistrate may exercise such a control effectually, it is the rule in this district to send him in all cases a copy of the first report made by the village officers, when a crime or serious offence has been committed within their villages, and, 2ndly, a copy of the report subsequently made by the head of Police, or any other Police officers by whom the case is investigated. These reports are sent to him from every talook in the district. No crime is therefore committed without being brought to his knowledge, and it is in his power by this means to watch over and direct the proceedings of the Police whenever occasion seems to call for it.

27. For the purpose of this general control it is not necessary that a Magistrate should exercise any judicial functions, by trying simple cases of theft, or assault, or the like. There is not a Magistrate who does not feel that these calls upon his time interfere with duties of much more importance to the general welfare. An officer placed in what is called the Police charge of a talook tries cases of this kind when they are sent to him, and decides on all cases referred to him by the heads of Police under Regulation IV of 1821. He also receives all miscellaneous reports. There seems no good reason why an Assistant duly qualified should not be allowed to exercise all these duties to any extent that his time will allow of. The Magistrate would then be able to give all the time that is now occupied with details to the duties of general superintendence.

28. I hope that the case as I now put it will receive the consideration of the Government. I do not know that the Court of Foujdaree Udalt has ever issued any order prescribing the best mode by which a Magistrate may exercise a general control over his district. The question has been narrowed to the one point, whether he may delegate all general details to his Assistant, or whether he ought to reserve some portion of them to himself, by way of proving that he has not divested himself of the whole of his duties as Magistrate of the district.

(Signed) H. A. BRETT,
Magistrate.

Fort St. George, Judicial Consultation, 11th August 1857.

Statement showing the number of cases of gang and highway robbery, committed or attempted in the district of Salem, during the three months from 1st April to 30th June 1857.

Operations of Police in regard to cases occurring prior to the quarter under report.																														
Description of crimes.	Committed.			Attempted.			Total.		No. of cases in col. 7 in which parties have been apprehended and No. of such parties.					No. of cases in col. 9 in which parties have been convicted by the Courts and No. of persons convicted.			Proportion of stolen property entered in col. 4 that has been recovered.		No. of cases in which parties have been apprehended.					No. of persons apprehended.		No. of persons convicted by the Court.		Value of property recovered.		Remarks.
	No. of persons supposed to have been concerned.	Value of property said to have been stolen.	No. of cases.	No. of persons supposed to have been concerned.	No. of cases.	No. of persons, cols. 3 & 5.	No. of persons, cols. 3 & 6.	No. of cases.	No. of parties.	No. of cases in col. 9 in which parties have been convicted by the Courts	No. of parties, and No. of persons convicted.	in col. 4 that has been recovered.	No. of cases in which parties have been apprehended.	No. of persons apprehended.	No. of persons convicted by the Court.	Value of property recovered.	Remarks.													
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18													
Gang robbery.....	25	313	Rs. A. P. 7,531 7 5	4	31	29	344	6	37	1	1	Rs. A. P. 170 6 8	...	...	...	...	Of the 25 gang robberies, 9 were attacks in houses with torches, &c., and the other 16 were attacks on persons watching fields and cattle-pens. Of the number entered in columns 9 and 10, two cases (1 torch-light robbery in a house, and the other attack on persons watching fields and cattle-pens) each involving 7 persons, are under trial before the Court. The numbers (highway robbery) entered in columns 9 and 10, four cases, involving 25 persons, are under trial before the Court.													
Highway robbery..	20	99	1,394 13 0	1	10	21	109	4	25	0	0	882 12 7	...	...	...	...														

Salem, Magistrate's Office, on Circuit,
McDonald's Choultry, 1st July 1857.

(Signed) H. A. BRETT,
Magistrate.

Fort St. George, Judicial Consultation, 11th August 1857.

No. 16. ORDER THEREON, No. 962; dated 6th August 1857.

1. Resolved that a copy of the foregoing letter be furnished to the Court of Foujdaree Udalat for report, especially on paras. 14 and 22 to 24.

2. Meanwhile the Government authorize the entertainment, subject to the sanction of the Government of India, of the 60 additional peons applied for by the Magistrate at the rates noted in the margin, amounting, in the aggregate, to Rupees (260) two hundred and sixty per mensem.

10 Peons at 6 Rs. each...	60 0 0
25 do at 4 1/2 do...	112 8 0
25 do at 3 1/2 do...	87 8 0
Rupees...	260 0 0

Their salaries will be paid from the date each of them is engaged.

Mr. Brett will submit an application in the prescribed tabular form for transmission to the Supreme Government and state the period for which the extra peons are required.

(Signed) E. MALTBY,
Acting Chief Secretary.

Judicial Department.

No. 962

Extract from the Minutes of Consultation

Dated 11th August 1857.

Read the following letter from

the Magistrate of Salem.

(Here inserted 18th Aug 1857 No 265)

1. Resolved that a copy of the foregoing letter be furnished to the Court of Foujdaree Udalat for report, especially on paras. 14 and 22 to 24.

2. Meanwhile the Government

authorize the entertainment, subject to the sanction of the Government of India, of the 60 additional Peons applied for by the Magistrate at the rates noted in the margin, amounting, in the aggregate, to Rupees (260) two hundred and sixty per mensem.

10 Peons at 6 Rs each	60 - 0 - 0
25 do. at 4 1/2 do	112 - 8 - 0
25 do at 3 1/2 do	87 - 8 - 0
Rupees	260 - 0 - 0

Rupees

Rupus (260) two hundred and
 sixty per mensem. Their sale
 will be paid from the date
 each of them is engaged. The
 Post will submit an appli-
 cation in the prescribed form
 and form for transmission
 to the Supreme Government
 and state the period for which
 the extra fees are required.

W

Copy to Foreigner Mount
 " Magistrate of Salem
 " Civil Auditor
 " Accountant General

14 Copies
 Disp'd 12th

No. 962

Extract Mins. Cons.

Dated 14th August 1937

1942. Cont. 121 of 38

Printed at the Government Press

23 July
 At Post