M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 381 Press ~~Mis.~~

21-22

Dated 22.3.~~1922~~

Not to be folded or roughly handled

No. 21. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Barraghury, 12th March 1858.

SIR,

1. Mr. Smith has informed me that he has addressed the Government on the subject of a disturbance which took place on the 3rd Instant at Shoratoor in the Nedinganad Talook.

2. A large body of the principal inhabitants have come to me with a complaint of which I have deemed it right to place the accompanying translation before Government.

3. I am not fully informed of the circumstances of the matter, but its general features are these: Certain gentlemen connected with the Railway were passing by a temple, in which a large body of Hindoos were collected for the celebration of a feast. They were attended by a Teer servant. The near approach of a Teer defiles a temple and puts a stop to a feast of this character, an excited mob set upon the Teer, and the gentlemen were likewise mobbed and hustled. The Teer remained in the hands of the assailants.

4. The next day Mr. Smith permitted or accompanied a "rescue" by the Railway people and the temples and houses were possibly entered with a view to capture the persons supposed to have been engaged in the riot of the previous evening.

Letter from Acting Joint Magistrate, Palghaut, dated 6th March 1858.
Do. do. do. dated 10th do.
Statement of A. D Ross, Esq., of the Madras Railway Department, made before the Joint Magistrate on the 5th do.

5. I send copies of the correspondence which has ensued. I have no detailed information from Mr. Smith, nor have I learnt that the ordinary process of the law were insufficient in the case or that the Talook Police and Joint Magistrate's establishment had proved unable to cope with the matter.

6. I will keep the Government informed.

To W. ROBINSON, Esq., Acting Magistrate of Malabar.

Petition of 1st, Poyatah Illata Narraina Namboodry, Proprietor of Choratoor and Trikangod Temples—2nd, Parakat Shree Komaren Namboodry, younger brother of Parameshwara Numboodry, the Samoodayon (Manager) of the aforesaid two Temples—3rd, Ramen Chenat Govinda Podwal—4th, Kandom Cherat Shangoo Nair servants in the Temples—5th, Nochoor Gramom Cheena Vass Putter—6th, Parrakat Mangat Ramen Nair; and 7th, Parrakatil Govinda Nair, Mookiastens, inhabitants of Panamanna Umshom in the Nedinganaad Talook.

We beg to prefer the following complaint against, 1st the Railway Engineer Mr. Coe, 2nd Government Engineer Captain Johnston, 3rd Mr. Ross, and 4th Mr. Smith, the Sub-Collector of the Southern Division of Malabar.

On Thursday, the 22nd (4th March 1858) of the present month of Koombhom, the Engineer Officers above mentioned, with ten or twelve other Europeans, whose names we do not know, and Railway servants and workmen, amounting altogether to about 500 persons, came with the Sub Collector to the aforesaid two temples, and to the houses of ourselves and others, and committed a riot. Although the Adigharya Tahsildar and other Talook officials were eye-witnesses to the grievous acts committed on this occasion, still, as the Sub Collector was on the opposite side, they afforded no redress. In consequence of the great grievance and apprehension which this has casued, all the families residing at Choratoor and Trikangod have fled to the Cochin Rajah's Territory and other places, and we, who are the only persons remaining, have come before your Worship to represent our grievances.

In the first place, we pray your Worship will deign to listen to the recital of the painful circumstances which we detail, and, redressing our grievances by an order in accordance with justice, enable us to return to our houses in the Sircar country and thus afford us protection.

In the Choratoor temple aforementioned, it is usual to celebrate a feast for six days uninterruptedly. On Wednesday the 21st (3rd March 1858,) of the present month of Koombhom, which was the 3rd day after the commencement of the feast in question, at 5½ P. M., the gentlemen the 1st, 2rd and 3rd defendants, came inside the wall of the temple yard, by the road leading westward from the temple, bringing with them a Teer servant, and stood at the entrance of the Pagoda. They were prevented, and informed that it was not usual for gentlemen to enter into such place. They then drew back, there was at the time a Brahmin, employed as a Cash-keeper in the Railway Department, present in the temple. He mentioned that the servant who accompanied the gentlemen to the spot was a Teer, so that the temple was in consequence polluted. Upon this, the 2nd complainant's elder brother, Samoodayom Mamboodry said, that as the Teer in question had boldly defiled the temple and prevented the ceremony of the feast, he should be made over to the Adighary or Head of thevillage. The Teer was called out too, but failing to come, was stopped. The gentlemen attempted to rescue him, but the people then present at the Pagoda, without permitting this, retained the Teer there. The gentlemen returned to their houses. The Samoodayom aforesaid mentioned the matter to the 6th and 7th complainants the Mookiastens, who reported it to the Adighary of the Umshom. This Officer, early the next morning, came to the spot, and, after holding enquiries, submitted a report of the whole circumstances to the Tahsildar. He delivered the Teer into the charge of the village Patrol. The temple was duly purified and the ceremony of the feast recommenced the next day. On Thursday, the 22nd (4th March) at 1 P. M., the three gentlemen, defendants above mentioned, with the Sub Collector, and 10 or 12 other Europeans were seen coming on horseback and on foot, accompanied by about 500 persons, armed with Swords, Guns, Sticks, Knives &c. Upon this, the people who had come for the feast became terrified, and commenced to run away. By this time the gentlemen with their attendants had entered the temple and penetrated even to the Sheer Kowil or sanctuary, and laid hands on, and took, every article to be found there. Of the persons who were running away from the temple, the following individuals fell into their hands: viz., 5th complainant's elder brother Venkat Rayen Putter, Kalat Koorpoo, Kokat Krishnan Nair, Elliakat Ayapin, Anakaren Ramen, Caddoopatten Coonhen and Tottoongul Koonhoony. They seized and bound these persons, and severely beat, and inflicted briuses on, them, and also put them in chains, besides this, one of the gentlemen inflicted a wound, with a sword, on the head of one named Chetary Shangoo (a man of Codapattom caste,) they (defendants) then entered the 4th complainant's house named Candan Cheratah veed, a house belonging to Trikangod Devassom temple, in which the Samadayom was living, and a house situated on the west side of the said temple, and also the temple itself, after entering all these, breaking open the doors &c., they looted all the property in them.

The gentlemen themselves then ran to seize the Samoodayom Namboodry, and seeing him escape from fear of life, discharged their guns at him twice or thrice, but he was not hit. Seeing these disturbances, the (Brahmin) women, who are not accustomed to leave their quarters, and all other women, as well as men left their houses from terror, and have escaped out of the country. The man of the Cadoopattom caste, who was wounded, has been removed and retained by the Sub Collector, who is paying all his expenses. We have learnt, that adverting to the fact that the Samoodayom Parameshware Namboodry was shot at, and is not forthcoming, a complaint has been received by the Sub Collector from the Railway gentlemen in which the said Namboodry has been charged as a guilty party.

The ornaments of great value, belonging to the two temples aforesaid, the vessels used in ceremonies, copper and bronze utensils, various articles brought for the feast, and the properties of the houses entered as above by breaking open doors, were carried off by the people during the disturbance, those remaining are lying about quite unprotected since the feast in question was interrupted, there has been no performance of ceremony in these two temples. The Tahsildar, Sheristedar and Police Gomastah of the Talook came to the spot the next nay, Friday, and knowing personally all the circumstances of the case, returned.

Since the commencement of the British Rule no such disturbance or oppression to the people as this is known to have occurred in this country, there were such occurrences in the reign of Tippoo. We are unable to enter into a full detail of the acts committed during the disturbance

in question. Having learnt that this complaint preferred against the Sub Collector, whose authority is co-ordinate with your's, cannot be tried by you, we have, with much regret, represented these circumstances to the Subordinate Court. With reference to the prevailing impression that the people of this country are in the habit of representing trifling matters with exaggeration, we beg to state, that if your worship repair to the spot and hold enquiries, you will be satisfied, that we have not represented even half of what has taken place.

If, until the truth of this case is ascertained and redress afforded us, your worship leave this district, and the Sub Collector succeeds in your room, we, the inhabitants of the place, will have to abandon the country. If this source of grievance is not taken into consideration by your Worship, the guardian of the people, there will be, as you are aware, no alternative left to us.

Our principal witnesses in this case are the Tahsildar, Adighary and other Government Officers. We do not know where the women and children of our families, who have run away from a dread of their lives, have taken refuge. It is from a fear that we would suffer much ill-treatment from the Railway gentlemen, should we fall into their hands, that we have come hither.

There being no persons in the two temples aforesaid, we do not know how much of the properties in them, which are of very great value, have been carried away and by whom. We therefore pray, that an order may be passed directing an account of the property to be drawn out and the property itself taken care of, and preventing oppression on the part of any one towards our families until this case is settled, and we return to our homes.

Dated 27th Koombhom, 1033 (9th March 1858.)

(True Translation.)

(Signed) W. ROBINSON,
Acting Magistrate.

From H. G. SMITH, Esq., Acting Joint Magistrate; to W. ROBINSON, Esq., Acting Magistrate of Malabar, dated Camp Shoratoor, 6th March 1858.

SIR,

* Not with the Circuit Records, but of the same purport as this

As a sequel to the letter* I wrote you yesterday, I have the honor to enclose a copy of the deposition given by the Adighary of this Umshom, and request you will order the Police Officers in your District to use their utmost endeavours to apprehend the parties named therein.

It is very evident from every deposition I have taken, that the assault committed on the Railway Engineers was most unprovoked, and it is equally clear that Paracata Namboory was the chief ring-leader. The attack also it seems was confined entirely to Nairs.

† One of the large Proprietors.

The Namboory† being, as reported to me a man of great wealth and influence, both here and in the Cochin Territory, I yesterday addressed the Government requesting them, should ordinary means fail, to allow me to offer a reward of 1,000 Rupees for his apprehension; telling them at the same time, that my reason for naming so large a sum was that it might prove an inducement to some of his retainers to give him up.

This I doubt. I went through the country last year and found none. The matter was a sudden ebullition of feeling excited by, what in this country is deemed, sacrilege.

There has long since been an ill-feeling here against the Railway Officials which is, I imagine, owing to their just going to commence a new section of the line which passes through the land of those who are at present averse to it. I think therefore that, certainly till I can apprehend the Namboory, and some of the other ring-leaders, a small Detachment of the Malabar Police Force should be sent here to protect the persons and property of the Railway Engineers.

I yesterday wrote to General Cullen to request him to do all he can to apprehend the Namboory, as I hear he has fled into the Cochin Territory.

From W. ROBINSON, Esq., Acting Magistrate; to H. G. SMITH, Esq., Acting Joint Magistrate of Malabar, dated Pyolly, 10th March 1858.

SIR,

I have the honor to acknowledge the receipt of your letter, dated 6th Instant with enclosure. I have had the advantage likewise of conversing with Captain Johnston and learning some par-

ticulars of the case to which they refer from him. I have no doubt you are rapidly preparing the case for committal.

The exciting cause has, I observe, been the approach of a Teer follower of the Railway officials within pollution distance of a temple where Hindoo worshippers had collected in anticipation‡ of a sacred feast, which they were preparing to celebrate. If the Teer in question approached the temple, he could scarcely (however unconscious his masters may have remained) have been ignorant of the violence he was doing to the feeling of his fellow subjects; and they appear to have resented in a manner of which this is by no means a solitary instance (however imjustifiable) in Malabar.

‡ It had already lasted some days I find. They were in the midst of the celebration.

A case¶ of precisely the same character occurred in Calicut a few years back. The defence taken was justification and provocation. With a view to conviction, this fact should be kept carefully in mind during the investigation.

¶ Of a horsekeeper following his European Master through the street of the Tallecl Pagoda.

I would venture to suggest very great care in discriminating the precise character of the attack in the first instance, was it directed at first and chiefly, as has been the case in other similar instances, against the Hindoo? or was the attack made directly on the Europeans without reference to the Teer?§ It may be difficult to reach the precise truth on such a point for, in any such case the European is immediately involved in the riot. The attached dependant seeks his protection, a rescue is attempted and an affray is the result. Still, for the information of Government, as well as the ends of justice, no pains should be spared to discriminate these facts.

§ Who alone defiles, for, the European or Mussulman, may pass without ceremonial taint where a Teer or low caste Hindoo could not pass without desecrating a Temple.

I would ask you likewise to draw up a full and circumstantial report of the proceedings of the day subsequent to the affray, and under your own supervision, with a statement of the temples and houses entered and by whom. For, my experience in these matters leads me to anticipate an angry canvass of any summary proceedings however easily and satisfactorily they may be justified, when explained.

If you think that I could be of any use in the neighbourhood, I need scarcely add that I will quickly join your camp.

I am unable to detach the Malabar Police Corps on this duty, and I think that at all events for the present the disaffected are dispersed.

I fear 1000 Rupees would be thrown away if offered for the apprehension of Paracat Namboodry. The ordinary process of the Law is far more effective when the absconded individual is wealthy and influential.

I gather that the temple in question is not on the line.

(True Copies.)

(Signed) W. ROBINSON,
Acting Magistrate.

Statement of ANDREW DAVID ROSS, Esq., of the Madras Railway Department.

On the evening of the 3rd of March 1858, Captain Johnston, Mr. Coe and myself left on foot the Engineer's Bungalow at Shoratoor for the purpose of looking at a portion of the Railway line to the west of the Bungalow. Before leaving the Bungalow, I said I would let my Peon carry my gun as I thought that in returning we should probably see a hare. We went about a mile along the Railway and then returned by a different road along which I have frequently passed before. As we were going along, I told the Peon to keep close to me in order that he might hand me the gun if a hare should cross our path. He consequently kept close to me not more than two yards behind me. We passed a Covil, we went along the road marked *a*, *a*, in the sketch. After we had left the Covil about 50 yards, I heard loud yells behind. Immediately a man whom I knew to be a Numboory, and whom on seeing again I could easily identify, came up and tried to take possession of my gun and Peon, I pushed away the Numboory and was immediately surrounded by a crowd of Nairs. They, headed by the Numboory, tried to arrest the gun from the Peon, I assisted him in retaining it. After some little time, I took the gun into my own hand, and did my best to defend the Peon from the blows and thrusts aimed at

him. I had great difficulty in retaining the gun as a number of people tried to pull it from me. I was repeatedly knocked and pushed about, had my hat sometimes knocked off and sometimes over my eyes. The Peon, being separated from me, was carried away. I ran towards the Bungalow to get help. I met one of Mr. Coe's Peons Mahomed Saheb, and went back to the crowd to try and recover my own Peon. Mahomed Saheb asked the crowd for my Peon, a few of whom, again headed by the Numboory, rushed upon Mahomed Saheb, knocked him down and were abusing him, when on my going to his assistance, they left him. After this we all went to the Engineer's Bungalow, it being too dark, and the crowd too large and infuriated for us to attempt to rescue the Peon.

The Adighary arrived about 8 o'clock. He was requested by Captain Johnston to go and recover my Peon. He went away and soon returned, saying that the Nairs refused to give up the Peon. He further said he had not sufficient influence over them to compel them to do so. He then gave a list of the persons who refused to give up the Peon. After that he went away, being of no service to us.

Q.—Are you quite sure you gave them no provocation to proceed as they did?

A.—I am quite certain we gave them none.

Q.—Do you recognize any of the prisoners as taking part in the affray?

A.—No, I do not, but I recognize the 1st and 2nd prisoners as being the two who were caught yesterday as guard over the house where my Peon was in custody.

(Signed) A. D. ROSS,
Resident Engineer Madras Railway.

Taken on oath before me, this 5th day of March 1858.

(Signed) H. G. SMITH,
Actg. Joint Magistrate.

(True Copy.)

(Signed) H. G. SMITH,
Acting Joint Magistrate.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

No. 22. ORDER THEREON, No. 381; dated 22nd March 1858.

The Government will await the further information promised by the Acting Magistrate. They will expect from him in due time a full report of all that has occurred.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Ooty. 11th March 1858.

My dear Mr Cycroft

You have been written to Lord Elphinstone on the subject of the Assault on the Railway officials & Capt Johnston. I concurred in the Lt Governor's [illegible] feeling that Mr Smith has been more precipitate than he should be [illegible] quite to approve. The Railway Coolie was one from which more than one much [illegible] has [illegible] in Malabar. Two or three Railway officers with Capt Johnston went to visit [illegible] returning from a Quarry by a footpath which passed close by a [illegible] & Nambudri Temple when preparations were being made for

a

a great feast. The European does not carry ceremonial about, & had they been alone, they would have been able to have escaped, but they unfortunately had taken a Tee servant with them to carry a Gun, and the near approach to the Temple of a man of this Caste suffices to defile the temple & all connected with it. The Tee was immediately mobbed, & with him the European who attempted his rescue. Great violation & excitement were the result, a good deal of hustling & threatening, & struggling with the excited mob ensued, happily no serious accident took place. The Tee was doubtless a good deal maltreated & frightened for the nights in the custody of his officials. They refused to

[illegible]

An express went off from the Fort to the scene of the row. My information is meagre of what then took place, but from Capt Johnston & a few words of the Chiefs own I therefore accompanied by Capts Johnston Majors Cox, Anderson & Clegg, together with a strong body of Madras officials "determined to rescue him (the Tee) "which we did." I learn that proceedings were likely to assume excitement ensued & two Regts at least were ordered & several houses to disperse the people, in search Concerns, after Sahibs supposed to have been engaged in the riot of the previous evening. I hope for

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his own sake, that Mr Smith had taken the precaution of summoning the people to deliver up their Chiefs, & has proceeded in a thoroughly legal & discreet manner. for acts or which an opposite construction can be put, damage a good cause dreadfully in Malabar. I offered to join Mr Smith at once if he felt my presence could be of use. To this he has not responded, but I will not go on leave till I see day light thro' the case. I should like to be on the spot, & had it occurred in an Assistants Division, I should have been there ere this.

In the mean time, I think no importance to Mr Smith's ideal

of disturbed state of the neighbourhood. of a rigorous but discreet course be pursued. Complaints are in this District like those of Shefo. Their descendants by the English constables in the Canara Coast. The Railway has destroyed a Pagan, & the proximity of the Line deserated it by bringing low Caste people within pollution distance, & many more. that a certain jealousy in regard to their sanctity remains. If so perhaps sharpened must be annulled, and a view unhappy combination of circumstances occurred here. Time will be required to quiet down irritation on both sides. The news by among the unthinking people even of the great Capt Johnston is "the

I have not sent the Mahratta Police corps to the scene — for having report states, that even peaceful families have fled — And I have requested Mr Smith to defer proclamation of the 1000 Rupees reward he sought till we see whether the ordinary course of the Law will not bring the Assembly in. He is the proprietor & patron of the defiled Temple, which is likewise the resort of all the influential Citizens of the neighbourhood whose feelings (reasonable or unreasonable) under the circumstances were those of persons within whose sacred places sacrilege had been committed.

[illegible]

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Bruce.

This document official or the attack upon Capt Johnston and the Railway Engineers has occasioned from Mr Robinson on yesterday evening and is circulated for information with the previous papers —

I conclude that we shall have an official report in due course.

JP

17 le

Malabar Magistrate's Office
Paraghury, 12 March 1855.

From

H. Robinson Esqre

Acting Magistrate of Malabar

To

C. Pycroft Esqre

Chief Secretary to Government

Judicial Department

Fort St George.

Sir,

1. Mr. Smith has informed me that he has addressed the Government on the subject of a disturbance which took place on the 3d Instant at Thorabur in the Nedingunad Taluk.

2. A large body of the principal inhabitants have come to me with a Complaint of which I have deemed it right to place the accompanying translation before Government.

I

Letter from Malcolm Hargrave Esqr. Resident at Nattukottai to Colonel Lee Secretary to the Madras Government made upon the Report of the 5th Inst.

3. I am not fully informed of the circumstances of the matter, but its general features are these - Certain Gentlemen connected with the railway were passing by a Temple, in which a large body of Hindoos were collected for the celebration of a feast. They were attended by a Peon Servant. The near approach of a Peon defiles a Temple & puts a stop to a feast of this character. An excuse was set upon the Peon & the Gentlemen were likewise mobbed & hustled. The Peon remained in the hands of the agitators.

4. The next day Mr. Smith permitted or accompanied a "rescue" by the Railway people and the Temples & houses were possibly entered with a view to capture the persons supposed to have been engaged in the riot of the previous evening.

5. I send copies of the correspondence which has ensued - I have no detailed information from Mr. Smith, nor have I called back the ordinary process of the Courts into operation in the case as that can more conveniently be done by the District Police & Joint-Magistrates Establishment, but I will keep the Government informed.-

I have the honor to be,
Sir,
Your most obedient Servant,
H. Malcolm
Acting Magistrate.

Madura Collector Magistrate's Office
the 12th June 1855.

To
C. Sprott Esqre
Chief Secretary to Government
Judicial Department
Fort St. George.

C-12 — 12th March 1858 — No 402 — 1103

No. 381.

The Govt will await the further information promised by the Secy of State for War.

They will expect from him a full explanation of the case.

Sir,

I have the honor to acknowledge the receipt of your letter No. 2822 of the 22nd ultimo, and to request that you will move His Excellency the Governor in Council to direct that the enclosed Petition be forwarded to the Secretary of State for War.

I have &c.

(Signed) [illegible]

Colonial Office
22nd March 1858

Sir,

I have the honor to transmit herewith, for the information of the Secretary of State for War, a Petition addressed to Her Majesty the Queen, from the Inhabitants of Ceylon, praying for the appointment of a Commission to inquire into the circumstances connected with the death of Mr. Lieutenant Colonel Fraser, late Commandant of the Ceylon Rifles.

I have &c.

(Signed) [illegible]

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I have &c.

(Signed) [illegible]

Colonial Office
22nd March 1858

2822.

No. 232 Received 12 March 1858. Judicial Department.

From
The Acting Magistrate of Galle
To
The Chief Secretary to Government
Judicial Department
Fort St. George.

Dated 12th March 1858
Received 18 — —

Encl. 3

No. 5114.

Submitting translation of a Complaint preferred against certain Railway Engineers &c & Copies of Correspondence in the Galle Joint Magistrate's Office in reference to a riot which occurred on the 3rd Instant at Kovalam in the Neduvanad Talook.

H. B. O. A. 5.3.58

With an order

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