M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 673
33-34

Press
~~Mis.~~

Dated 25 – 5 – ~~19~~1858

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 25th May 1858.

No. 33. Read the following letter from Lieutenant Colonel H. COLBECK, Senior Magistrate of Police; to T. PYCROFT, Esq., Chief Secretary to Government, dated 20th May 1858, No. 10.

SIR,

I am almost ashamed to trespass upon the valuable time of the Government, more especially when I am aware that more weighty and important matters must be occupying their consideration, but as an enquiry is about to take place into the conduct of certain Officers of the Police, I have the honor to hope it may not be deemed out of place to submit the following for the consideration of the Right Honorable the Governor in Council.

2. The Government is aware that I have previously brought to notice the irregular and objectionable proceedings of certain parties as coming under my own particular observation and causing me extreme trouble and anxiety.

3. Repeatedly have I endeavoured by every means in my power in as delicate a manner as possible to effect a reformation in the mode of preparing cases and drawn attention to the misconduct of those whose proceedings I have had reason to be displeased with by bringing the names of the parties and the circumstance of the cases to the notice of the Commissioner. For some time I did so verbally or by private note, but latterly officially, still by some inexplicable working nothing appears to have been done to remedy the evil.

4. When I forwarded the Triplicane murder case, I did so with an endeavour to impress upon the mind of Colonel Boulderson the immediate necessity for stringent enquiry and even before the depositions were sent in I urged this by private note. I was somewhat surprised therefore to receive a letter from him stating that he believed the charge brought against Ramachendra Row and others to be false and fabricated and instead of holding an enquiry into the matter I had made subject of complaint, he endeavours to throw back upon this office the onus of the scandalous proceedings exhibited in the Triplicane murder case.

5. Colonel Boulderson's second paragraph to the Chief Secretary opens in the following manner : " Having previously had some reason to think that some underhand means were at work throughout the investigation in the particulars of the abovementioned murder, I had caused enquiry to be made and in my letter in reply to Colonel Colbeck marked B, I told him that I believed the charge brought against Ramachendra Row and others to be false and fabricated."

6. Firstly, how does this assertion tally with his private note to me communicating his suspicions against Roodruppen and when had he first " previously had some reason to think &c."?

7. My object in originally writing to Colonel Boulderson immediately I discovered Roodruppen's misconduct and afterwards forwarding the depositions instead of bringing the matter direct to the notice of Government was in courtesy and consideration that none of his subordinates should be accused except through the head of their Department; but Colonel Boulderson appears not to think right to pursue a similar course of delicacy and justice towards me and the first I hear that the charges I had made were false and fabricated and that by one of my subordinates, is by the Minutes of Consultation under date the 11th Instant, which discloses to me that some petition the contents of which are up to this moment to me unknown have been received together with other charges against my Interpreter.

8. Although this petition and the charges are apparently made against Mahomed Eusoof, I cannot but consider they must unavoidably reflect upon me for they emanate from cases conducted at my hands.

9. The petition of Narraina Pillay possibly alludes to a case dismissed by me on the 22nd April last.

10. It may not be known to the Government that I believe there has been much trickery in that case. Narraina Pillay is in some way connected with a man in the Commissioner's Office named Sawmy, who has I am persuaded been extremely active in this matter. A petition marked A, which I have the honor to forward, may throw some light upon the subject, and the written proceedings I also enclose.

11. I cannot but be impressed that the line of conduct pursued by Colonel Boulderson has been extraordinary as though he has had little experience as a Magistrate still he is an old Judge Advocate and would, I should have thought in the first instance, thoroughly investigate

the accusations I have made against certain Officers under his control sending for the depositions in the murder case and requesting my attendance. Instead of which the trial of his own Police Officers appears to have been entirely lost sight of in the anxiety to prefer counter charges.

12. From all the unpleasantness that has arisen out of the murder case, I have determined at least until Police matters are better ordered, to conduct even ministerial enquiries in open Court and from the Bench.

13. On the morning of the 18th Instant, at 11 o'clock, Mr. Lafond informed me that there was a case of robbery to a large amount entered for my disposal, at the same time placing in my hands an information taken in regard to it by Ramachundra Row. At about half past 1 o'clock P. M. I opened the case. A few minutes sufficed to shew me it was somewhat of the same description as numbers that I had had the misfortune to be compelled to waste my time upon and the sequel discloses in my judgment a proceeding highly irregular and disgraceful.

14. I would have forwarded this case to the Commissioner of Police, but fearing a repetition of the proceedings in the murder case, I hope to be pardoned sending it direct for the perusal of the Right Honorable the Governor in Council.

15. I may here remark that all the parties examined with the exception of one solitary witness named Ramasawmy, gave their evidence in Hindustanee and that the prisoners spoke in the same language. This language I understand, consequently there could not be the smallest mistake in the interpretation which would have remained unobserved by me.

16. Upon the case itself I shall make no comment. It is forwarded with its various exhibits and it will be for the Government to judge of it.

17. It is with deep regret that two Officers of the age and standing of Colonel Boulderson and myself and holding such responsible posts should appear before the very Government they are bound in every way to serve and assist in the antagonistic light of the present correspondence. But for my part I believe I am actuated by motives neither unkind nor cavilling but with a due regard to my own and the public safety, for I solemnly declare that I never now commence upon a case in the slightest degree of more than ordinary importance, but I do so with fear, suspicion and dread lest my own character should be injured by some of the snares and pitfalls which abound in the cases got up by the Police.

18. In conclusion I would make one request as the first step towards a reformation in the preparation of cases previously to their being sent up to this Court. It is this:

19. That in the event of a case of Felony or Larceny occurring the preliminary investigation at the Commissioner's Office is not allowed to pass from the hand of one Justice of the Peace to another, but that he who commences if possible concludes it so far as the initiatory proceedings are concerned and that the case be sent with a list of all the witnesses and prisoners on bail or in custody direct to the Magistrate without any reference to the Officer who attends daily from the Commissioner's office at each Court to take what is termed "the Reports."

20. With regard to this taking of reports (at my Court at least) I urgently request it may be discontinued. I have found the practice fraught with many objections and giving rise to confusion and mischief.

21. If the report sheet is sent at 10 o'clock each day to my Court, I will take care that the cases are carefully entered by a Clerk.

22. Apologising for this unpleasant trespass upon the patience of Government.

No. 34. **ORDER THEREON**, No. 673; dated 25th May 1858.

Resolved that copy of the above letter with its original enclosures be forwarded to Mr. Hudleston for his consideration and for any remarks that he may have to offer on it in connection with the inquiry which he is now pursuing.

Mr. Hudleston will also explain in his report what is the system followed in the Madras Police for preparing cases and bringing them before the Magistracy, and will ascertain by reference to the several Magistrates as well as to the Commissioner what is their opinion in regard to the system.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

To Colonel A. Colbeck CB
&c. &c. &c.
&c. &c.

The humble petition of Soobroya
Chitty Son of the late Seallah
Chitty residing in Meersaubpettah

Respectfully Sheweth,

That your honor's petitioner including his two brothers named Comorasawmy and Moorogappen Chitties Established three Boutiques at Meersaubpettah near Talliars Station House, in the which various provisions are sold by 10 or 12 men on monthly wages for the upwards of 40 years with propriety by dealing honestly with the Merchants of Veeramettoo to the amounts of 4 or 5000 Rs. per Mensem, and petr. begs to inform your honor that one Narrainah pillay had on the 23d Thaee, [illegible]r Sathar cunum, corresponding with 1850, purchased a House and ground for Rs. 200, situated in Meersaubpettah and in the Street of San Saib who was the proprietor thereof and who sold it to him and subsequently Narrainah pillay sold off the materials of the roof to one Jamaul Saib for Rs. 90, and the particulars of the ground on which petitioner built his dwelling House are as follows. Narrainah Pillay asked petr. to give him 140 Rs. that he will incur all other expences and erect a House, and that he will allow petr. to reside in one of the Rooms on rent, and by deducting the monthly rent, that will pay the accruing interest on the remainder principal together with ten Rupees per mensem till the full liquidation of the interest & principal this circumstance, the foundations were dug up, and walls raised of 4 feet in height by spending the 140 Rs. and then stopped it, and petr. of course asked him for the money which he promised to lay out for the erection, to which he pleaded inability, and mortgaged the title deed to your Petr. and also furnished an agreement to petr. who upon this spent 900 Rupees and completed the House. The accounts of the erection accepted & signed by said Narrainah pillay together with the aforesaid agreement including 4 Documents in favor of petr. were filed in one place which was known to said
Narrainah pillay

Narrainahpillay who clandestinely entered that room thro' the window on the 6th May 1832, and made away with the same, and on the 7th of the same month petr. preferred his complaint before Mr. Ellio who ordered petr. to find out the place where it was concealed that it shall be put in petr's possession — After this when he and a few oth assembled in the House of one Iyahsawmy Nyker where Narrainah pillay signed the Bill of Sale in favor of petr. in the which witnesses also signed, on this occasion petr. deposited the title deed and documents in the same assembly, when Narrainahpillay forcibly took them up and delivered to one Rungapah Moodilly before ever money could be paid to him, and petr. of course snatched off from Rungapah Moodilly, whereupon disputes ensued among parties and came before your honor on the 3d April 1833 when your honor ordered Narrainah pillay to have recourse to the Court, after this Narrinahpillay borrowed 50 Rs. from one Cundapah Moodilly upon furnishing his document, and paid the same to Lawyer [illegible] who pleaded before Mr. Elliot that as if his Client deposited the aforesaid Title deed &c. instead of petr. whereupon Mr. Elliot ordered Ramanjooloo Iyer to enquire and Report, before whom Narrainah pillay furnished his deposition but when the witnesses were examined the case proved to the reverse; and it was dismissed, after this the said Cundapah Moodilly to make sure of the 50 Rs. given by him for Lawyer, took Moochilikays from Narrainahpillay & petr. who subsequently learnt that Cundapah Moodilly don't know to read & write but only took Moochilikays to make sure of the 50 Rs. consequently petr. withdrew from that Purchase, — And on the 18th August 1836, Narrainah pillay came to petr. and spoke in good terms and signed a Bill of Sale in favor of petr. for Rs. 130 and received the same from Petr. who immediately applied to the Collector of Madras by depositing the Vouchers and fees, a Notice was affixed, whereupon Narrainah pillay opposed it with false information, and petr's application and the Vouchers &c. had

had been deposited in the Collector's Cutchery 19 months ago, — Petr. had at this interval submitted 4 petitions to the Collector Requesting for the Return of the title Deed & Documents &c. and they are not as yet complied with, this circumstance being known to Narrainahpillay who with the assistance of one Sawmy-pillay of Police Commissioner's Court, and of his uncle's named Chinnapillay, and the Inspector Mr. Burden, his case (Petr's) was informed to Mr. Clarke in a manner which induced him to issue the warrant &c. as alluded above, and while petr. was in the Commissioner of Police Court, the aforesaid title deed &c. were brought by Collector's Peon, which were first inspected by the aforementioned Sawmy pillay, Chinnapillay & Burden and they threatened petr. and his witnesses, petr. begs to know from your honor whether they are authorized to do so, Therefore Petr. craves for thorough investigation and Equitable Justice. —

M[illegible]
15th March
1838.

As, in duty bound
Shall Ever Pray.

To Colonel A. Cotton C.B.
Sitting Magistrate of Police Court
H.i. Recd at Royapettah
16th March
1858—

18th March 1858. Madras to wit— } The Deposition of Naraina Pillay an Inhabitant of Madras

I am a Shopdealer & live in Meersaibpettah of Madras. I know the Rr. Sooboorya Chetty he lives in Meersaibpettah. I have known him for the last 20 years. I have a house of my own in Meersaibpett. The Rr. Sooboorya Chetty and his family lived in it. They left it about 30 years ago. ~~He~~ I never had any dealings with the Rr. Sooboorya Chetty. I live at present in a house of my own in Meersaibpettah. In the year 1849 I purchased a house from the widow (Heabee) and Children of one Sunda Sahib for 200 Rupees, and having paid the money I received from them the original Title Deeds of the House and a Bill of Sale executed in my favor by them. This house is situated in Chunda Sahib's lane within about 200 yards ~~from~~ of my dwelling house. The Title

Deeds & Bill of Sale of the house so purchased by me ~~were in the keep~~ I deposited† with a ~~woman~~ woman named Moothummay who lived under my protection. Soon after the purchase ~~of~~ the ~~house~~ family of Chunda Sahib quitted the house & put me in possession of it. ~~I~~ I placed no tenants or lodgers in the house as it required alterations. Moothummah had also access to the house. About the latter part of the year 1852 I proceeded to Cheevarum on business placing the House in charge of Moothummah. About 4 months afterwards I returned† from Cheevarum & found the Rr Soo Chetty and his concubine Moneat in possession of the House. ~~on the day of my ar~~ ~~soon after my arrival~~ On inquiry M. told me that she had lent for inspection the Title Deeds and Bill of Sale connected with the House to the Rr Soo. C. at his own request and that of two other men named Koolwocanie Moody and Chennaspilly, adding that she had first refused but at the recommendation of the Caste two parties she ~~had~~ was induced to give the Title Deeds and Bill of Sale to the Pr Soob Chetty, who had taken possession of the House ~~4 days afterwards~~ - The ~~Days after~~ day after my arrival I went to the House & asked the Pr S. who was there how he had come into the House. S. Chetty said that he had laid out money in building the house and disputed with me.

19th March 1858.

About 10 or 15 days afterwards I had ~~an Eje~~ a Notice of Ejectment served upon him thro' Mr Branson ~~to eject him from the House~~ - After this — the Prisoner Soo Chetty ~~then and his friends~~ agreed to purchase the House from me - The price of the House was settled at Rs 900 - and a Deed of Sale to the

6

same effect was drawn out ona Cudzan —— by a man named Sevageanah Moody - ~~This Do & I signed the document and it the Docu-ment was signed by me and~~ The Deed of Sale was signed by me and two ~~attesting~~ witnesses named respectively Rungappah Moody and Iyahsay Naick. This took place in the house of ~~Eje~~ the witness Iyahsay Naick × ~~within a month~~ about a month after the date of the ~~Eje~~ Notice of Ejectment ~~was to~~ served upon the Pr Soo Chetty as aforesaid - On this occasion the above two ~~attesting~~ witnesses, the Pr Soo Chetty, Sevageanah Moody the writer of the Deed of Sale, ~~a man~~ two men named Veerasy Chetty & Moonesawmy Pilly & myself were present - besides ~~these the~~ ~~[illegible]~~ these there were some others also present whom I do not know -

× also situated in Meersahpettah

~~Then~~ signed the Document and ~~hold~~ keeping ~~had it in my hands~~ it in my possession I asked the Rs. Soob Chetty in the presence of all those present to ~~pay me~~ give me the sum of 900 Rupees ~~the price what~~ for and in consideration of which ~~the~~ my House was ~~to~~ agreed to be sold to him. The Rs. Soob Chetty was delaying the payment of the money saying "I will give you the money – he is bringing it". I then ~~stretched out my hand with~~ handed over the Deed of Sale ~~to hand~~ to one of its attesting witnesses named Rungapah Moodely and before ~~it was~~ he received ~~from me left~~ it from me, the Rs. Soob Chetty,

a man named Veerasany Chetty and two others ~~brought~~ who had come there with the Rs. fell upon my hand; and

the two former ~~that~~ snatched forcibly from me the Deed of Sale and ~~gave it to them~~ delivered it to ~~those~~ the other two men ~~whom I~~ who ran away with it while I was quarrelling with the Rs. Soob Chetty and ~~the~~ Veerasany Chetty. I ~~sent down a~~ ~~had~~ sent a man to report this circumstance at the nearest Tannah from whence a Tallier came and took us ~~at~~ to his place. The Rs. Soob Chetty said to the Tallier "it is true the Deed of Sale was drawn out. I neither paid ~~the~~ him the money nor took the document from him." The Case was eventually dismissed at the Police; ~~as it was of a civil nature~~ but when ~~it was a motion~~ it was again brought to the notice of the Police through an attorney, ~~the Rs.~~ a man named Sundapah Moody at the request of the Rs. Soob Chetty ~~came~~ promised me to ~~bring the matter to~~ ~~a [illegible]~~ settle the matter.

and took a Moochelica (an Agreement) from me to the Rt. Soocketty – This was in the year 1853; I cannot say what part of the year I don't remember the date of the month – The matter has since been ~~pending undisposed of~~ in the hands of the arbitrator named Cundappah Moodely, who has taken as ~~a depositions~~ statements from me ~~on the subject~~ – ~~that~~ & my witnesses ~~and~~ respecting the ~~e~~ subject under reference to him – but the Rt. Soocketty did not at all make his appearance even if he was called by the arbitrator – and no ~~depositions~~ statements whatever has been taken from him – ~~The House in question has since been in the hope~~ The Rt. Soocketty and his concubine named Moonéal have ~~since~~ been living in the House now in dispute-

In the month of August 1856 I saw ~~a~~ a Notice from the Collector's Cutcherry at Madras suspended ~~to~~ to the wall of the House ~~where in which it was~~ from which I came to understand that I had sold the ground upon which ~~it~~ the house is built to the Rt. Soocketty ~~and that he was~~ and that he was to get a Certificate for the ground and House in his name after the expiration of the time mentioned in the notice – Four or 5 days afterwards I ~~presented before~~ presented a petition to the Collr. Mr. Cunliffe to the effect that I ~~ha~~ had not at all sold the ground to the Rt. Soocketty as exhibited in the Notice above referred to and that he is endeavouring to usurp my property – The Sheristadar of the Collr. Cutchery sent-for me and read out ~~the~~ a Deed of Sale ~~which~~ to me saying ~~that that~~ was the Document which the Pr. says I executed in his favor – ~~the Doc~~ It was put into my hand and I was asked if the signature ~~of Narrainsamy~~ ~~is the signature of~~ was mine. I said it is not my signature – there ~~has~~ ~~been~~ is a dispute about the house between me & the Pr. & ~~that~~ it has been referred to an Arbitrator. The Arbitrator Condappah Moody was sent for and on the inspection of the Moochelca he produced signed by ~~me~~ the Pr. Soo Chetty & myself the Collr. declined to grant Certificate to the Pr. Soo Chetty. About 4 months ago I brought to the notice of the Commr. of Police ~~that~~ the Deed of Sale deposited by the Pr. Soo Chetty at the Collr. Cutchery x is a forged one and to institute an enquiry into the matter – About ~~[illegible]~~ days ago a Warrant was issued by the ~~D.~~ Commr. of Police for the apprehension of the Pr. Soo Chetty ~~and [illegible]~~ ~~A~~ – The Tamil Cudjan marked A now shewn to me I don't know. ~~It bears a name similar to mine but it is not my~~ ~~in~~ The signature ~~att~~ attached to it is similar to my name but it is not written by me – neither do I know anything of it – I did not ~~at all~~ at any time sell the house to him, nor have I ever executed any kind of document in his favor about the House –

x and alleged to have been executed by me in his favor –

22nd March 1858. I wish to withdraw my charge against

the Prisoner ~~[illegible]~~
and I hope you will
shew us mercy - we
are poor people -

Case dismissed
22nd March 1858 -

5018
2 to 9/5

Royapet Police Court
Tuesday the 18th May 1858
Before
Henry Colbeck Esquire
Magistrate of Police

Prosecutor	Prisoners	Charge
Jaffer Saib	Runnee Bee and Mahomed Ausheem	Stealing Sundry gold, Silver jewels and ready money of the Value of 375 Rupees

Jaffer Saib On Solemn affirmation States

I made a Deposition before one of the Deputy Commissioners of Police Tanjore Ramachundra Row on the 15th day of this month - In Consequence of that Deposition a Search warrant* was issued - The Search warrant was to Search the house of the Prisoner Mahomed Ausheem - A Police Tallier by the name of Ramasawmy executed the warrant - I accompanied Ramasawmy when

* Search Warrant issued upon the information taken by Ramchundra Row - consequently infor: mation by Inspector Sheik Hoosain illegal & irregular, vide Sec 94 - Act 13 of 1856.

when he executed the Warrant. The Warrant was issued at the Commissioner's Office. I was at the Office when it was issued. I went with Rama Sawmy from the Commissioner's Office, to the house of the Second Prisoner Mahomed Ausheem. Mahomed Asheem was at home. The house was searched. none* of my property was found there. Mahomed Ausheem was taken into custody. We then proceeded to the Jemedar's Tannah Triplicane. The Prisoner Runnee Bee was released upon bail. Chindammah* becoming bail for her. Mahomed Ausheem was ordered to be confined* in jail. Yesterday we all went to the Commissioner's Office. there was some enquiry made, and Mahomed Ausheem was released on bail. The box now before the Court, is one of the three boxes stolen from my house. Last Saturday was the first time I saw it after I

missed

* No property being found, the arrest of the Sepoy Mahomed Hashim illegal. vide Warrant issued by the Deputy Commissioner.

* Chandammah a Prisoner unaccountably metamorphosed into a witness, permitted to bail her fellow Prisoner!

* How the Depy Commr sanctions the violations of the terms of his own Warrant which runs thus:" diligently to search for the said goods & if the same or any part thereof shall be found upon such search, that you bring the goods so found & also the body of the said Mahomed Hashim". but no goods being found the Warrant did not empower the seizure of the body of Mahomed Hashim.

How does it appear that the Dy Commr sentenced Mahomed Hashim confinement in jail.

missed it from my house. It was shewn me by the Inspector of the Triplicane Division Sheik Hoosain. The box was open and empty. when it was stolen it was locked and contained money, to the amount of 190 Rupees. The money was loose in the box. The gold and silver articles which were also stolen as stated in my Deposition were kept in another box which was much smaller than the one now produced. It was also locked. Another box which was also stolen contained some papers, and a signet. Nothing else was forthcoming except the box now before the Court. The aggregate value of the property is 375* Rupees. All the Property stolen was in the same room, and in a large box in that room. The room was not occupied, but locked. and we. that is my mother and myself used to sleep in

the

* Compare value of property in Exhibits B & C with information D all before the Depy Commr of Police vide his signature & Evidence of Inspector Sheik Hoossain

They all correspond

Value of Jewels Rs	185
Cash	190
	375

the hall of the house - The last time I saw my property safe was on Friday night about 11 O'Clock - I missed it about 6 O'clock on the following morning - (Saturday) - when I got up, the first thing which attracted my attention on rising was the door of the room in which the property was kept being open - Rummee Bee was not at that time in the house - Mahomed Ahseen was not in the house either - Rummee Bee had been only two days in my house, when this robbery was committed - Rummee Bee knew that the property stolen was in the room I had described - because she was present when I had taken two Rupees from the box now produced, to pay her the same upon the mortgage of a Dakshaw, which she said was the property of Mahomed Ah Sheen - On the night of Friday - I became confused after eating my rice - Rummee Bee had prepared it - My mother

mother partook of the same rice and she became stupified. Because Rummee Bee had nothing to do she cooked our rice - I did not ask her to cook it - I know she cooked our rice because my mother told me so, and I saw her preparing the greens - My mother brought the rice for me to eat - we both eat together - Rummee Bee was not at home - I do not know where she was - I had seen Rummee Bee at 5 O'clock and the rice was brought at 8 O'Clock - After eating my rice I smoked a Hookah - my mother did not smoke - I took three or four pulls at my hookah and then became stupified and fell down - I took the hookah immediately after eating my rice - When I began my hookah my mother was putting away the pots and Chatties - I do not know when my mother became bahosh - My mother told me " she became stupified otherwise I should not have known it. I became behosh by the rice and the curry. I can swear that the curry and rice made me behosh but not the hookah. The first clue I had to the robbery was, the woman Chundamah telling me that she had seen the two Prisoners Rimnee Bee and Mahomed Ausheem come with a light to my house on the night of the robbery about midnight. Chundamah told me this at the Jemedar's Tannah. Rimnee Bee was in custody at that time. Mahomed Ausheem was not in custody. When Chundamah told me about Rimnee Bee and Mahomed Ausheem having gone with a light to my house on the night of the robbery she (Chund*amah) was herself in custody at the Tannah. Rimnee Bee is the kept woman of Mahomed Ausheem. I did not know this at the time when I let her the room. I found it out after the robbery. I never saw Mahomed Ausheem at my house. I gave Chundamah into custody because I suspected her as well as Rimnee Bee. Chundamah is released. I do not know how she was released. The box now produced was lost on the night of the robbery. The next time I saw the box was, on Saturday last. The Jemedar shewed it to me and said "is this your box". It was lying on a table at the Tannah. I went to the Tannah first about half past 7 O'Clock that morning. I saw the Jemedar. I saw the box now produced brought to the Tannah. A Police Peon brought the box to the Tannah accompanied by a Pig-Breeder, that was at 10 O'Clock when the box was brought. The Peon who brought it gave it to another Peon. There were present at the time, the Jemedar and the Police authorities of the Tannah. The Peon said "I was passing by a well. I saw a crowd. and this box was floating on the water." Then it was shewn to me and

* Chandamah. is here distinctly shewn to be a Prisoner

* a wonderful finding of part of the stolen property invariably opens the plot where an attempt is made to obtain conviction upon fabricated evidence

at any rate, it was the Pros[illegible] box wh. had been stolen & the Peon brought it to the Police Office!

and it is the Box now before the Court. Rumnee Bee slept in my house only one night— when I got up at 12 o'Clock to make water Rumnee Bee was standing* in the street covered with a sheet— That is the night I became senseless. It was at 12 o'Clock when I went out to make water— I recovered my senses. I did not discover the robbery then. I know it was 12 o'Clock because I heard the clock strike—

* Another notorious trick to prove the proximity of a Prisoner to the spot where the alleged robbery is said to be committed

Nothing very extra- ordinary in this a beggar being near his lodging

Chundamah On Solemn affirmation states— I am a married woman and live at Ally Baugh Goontah Triplicane. The Prisoner Mahomed Ausheem lives opposite to my house. Either on wednesday or Thursday last I engaged a room in the house of the Prosecutor at the request of the mother of Mahomed Ausheem for the Prisoner Rumnee Bee who was living in the same house with Mahomed Ausheem. Rumnee Bee also gave me four annas to put up some tats. On Thursday I introduced her to the Prosecutor this

this was at night— The Prisoner returned to the Sepoy's house. The next day about noon I carried meals for Rumnee Bee to the Prosecutor's house— the meals were given to me by Mahomed Ausheem's mother. Rumnee Bee was in the Prosecutor's house. I left them and came away— On Saturday following the Second Prisoner's mother gave me a Dakshaw and desired me to take it to Rumnee Bee and ask her two Rupees upon it. I took the Dakshaw to the Prisoner Rumnee Bee, left it with her and returned home— This is all I know. I have known Rumnee Bee for the last 10 or 15 days— I do not know whether Rumnee Bee is kept by Mahomed Ausheem— they both lived in one house. I did not tell the Prosecutor that Rumnee Bee was kept by Mahomed Ausheem— I heard that the Prosecutor had been robbed—

I heard this either on Saturday or Sunday morning last - the Prosecutor told me he had been robbed. the Prosecutor said "three boxes have been stolen from my house - You introduced that Prostitute, you must be responsible". I threw sand into my mouth and swore upon my Child which was on my hip - He would not listen to me - * I was given into custody as well as Remmee Bee - We were taken before the Jemedar - I was put in the jail - Remmee Bee was also confined in a room - Some Talliars came into the room and said to me "the woman Remmee Bee has confessed that Mahomed A Sheem keeps you - that you have gone shares in the stolen property and so you had better make your confession" * All this while the Talliars were pulling me by the petticoat and upper garment and threatening me with a rope; and through fright I said Mahomed Au Sheem and Remmee Bee had stolen the property - They then brought me out of the room - they repeatedly asked me about it - I fearing they would aga[in] put me in jail and ill treat me I said it is true they took the boxes. The Tallia[rs] told me "Remmee Bee says that you and Mahomed Au Sheem had committed the robbery". I said that Mahomed Au Sheem and Remmee Bee had taken the boxes - I said this of my own accord because I was frightened. because they beat me, threatened me and pulled me abou[t] I never said that I saw either Remmee Bee or Mahomed Au Sheem go to the Prosecutor's house at midnight with a light - neither was I instructed to say so - The Prosecutor was present at the Tannah while I was there - but he did not see me threatened and beaten - he was at the Tannah, but not in the room where I was - The Talliars and myself were in the room - The Jemedar was sitting in the Hall - I said that

Remmee -

* Chandamah proved to have been a Prisoner -

* a common dodge of Police Officers to entrap Prisoners into making a confession -

Very common over all the world as I fear

Rimnee Bee and Mahomed Ashum had committed the robbery to the Jemedar– I did not tell the Jemedar that I was threatened– I cannot recognize the Salliars– there were four or five Salliars– It is all false my saying that Rimnee Bee and Mahomed Ashum went to the Prosecutor's house in the midnight– I never saw them go– I do not know the box before the Court. The first time I saw the light coloured box now before the Court was at the Jemedar's Tannah– I do not know who brought it.

Candir Mohidun On Solemn affirmation States

I am a Pensioned Darcothee and live in Chepauk Street Triplicane. The night before last about 8 o'clock I was sitting with one Abdool Russool in talking to him in front of his house– A Police Peon named Mahomed Esoof came there with the witness Chundamah and her Son. and asked me

to

to bail her– I asked him what for– the woman said "I told* freely that I saw a woman and her husband both of them [illegible] under passing on the Street with a light. I asked them where they were going they said they were going on business In a little while afterwards they returned, the man carrying two boxes and the woman one". I asked her how she came to watch till they returned– She replied she was sitting there answering the calls of nature– She also said Rimnee Bee had mentioned to her having seen a large sum of money in a box in the Prosecutor's house, when she mortgaged the Dakshaw– I replied Yes, he is the owner of some bandies and he must have money– I bailed her and she went away to her house– Immediately afterward the Prosecutor came to my house and said to me "Somebody is teaching* her– She will run

away

* Mark the circumstance of Chundamah being taken for bail to such persons as these & then relating word for word what the Police Officers would have her say. The object of this is transparent & the same trick will be seen to be repeated several times in the depositions of this man & Abdool Russool

* All this preparation is evidently made to counteract the anticipated denial of Chundamah before the Magistrate and her probable disclosure of the means used at the Tannah to obtain her evidence. A novice might be deceived in this way but I have had hundreds of similar cases.

away - take care of her". I sent for her and taking her by the hand I took her to the Round Tannah and there requested the Duffadar to relieve me from the bail - but her son interceded and requested me to continue the bail - I consented and on being assured by him as well as Duffadar of the Round Tannah that the woman should be forthcoming whenever wanted - I returned home - I do not know the name of the Duffadar of the Round Tannah, but I shall know him when I see him - he is a Mussulman - The Police Peon's name who came with the witness Chimdamah is Mahomed Esoof - It was the woman the witness Chimdamah and her son who requested me to bail her - She said that what she had told me as to seeing Immanee Bee and Mahomed Ausheem go with a light to the Prosecutor's house at midnight on the night of the robbery was

told

told entirely of her own accord. —

I asked her how she came to wait till the return of the Prisoners with the boxes in order that I might test the truth of her statement - I knew the witness Chimdamah before. She lives upon my ground - She told me of her own accord what Immnee Bee had stated about seeing the money in the Prosecutor's box when she had mortgaged the Dakshaw - I know nothing of her having mortgaged any Dakshaw - She told me Immnee Bee and Mahomed Ausheem were at this time in custody, but that she was ordered to be released on bail - Chimdamah said that Immnee Bee and Mahomed Ausheem were kept in custody, but that she was made to be a witness. She (Chimdamah) did not tell me who had made her a witness - I have not given evidence in this matter any

where

I see no improbability in the supposition that before consenting to become bail for Chimdamah the witness should have required to know what the state of the case was where. The Prosecutor brought me to give evidence. This morning the Prosecutor took me to the Inspector Sheik Hoossain's house. The Inspector asked me what I knew in this matter. I told Sheik Hoossain all that the woman Chundamah had said to me. Sheik Hoossain told me I must come to this office and tell it all. There were present at this time Abdool Russool, the Prosecutor Jaffer Saib, the Inspector and myself. The Inspector did not write down what I said — he said he had a Subpoena from the Supreme Court or he should have come himself. The Prisoners Ummee Bee and Mahomed Ashem were neither of them present in the Inspector's house. I have not been taken before any Magistrate. It was upon the Inspector's order that I came as a witness this day. The witness Chundamah was not present.

present at the Inspector's house. It was upon the woman Chundamah telling me that Ummee Bee had said there was so much money in the Prosecutor's box that I said "yes, he is the owner of Bandies, and must have plenty of money". The Prosecutor came and told me to take care of the woman that she would run away because there were some persons sitting* and teaching her what to say. The Prosecutor said that there were five or six men in Chandamah's house teaching her what to say. Chundamah at this time was in her own house — this was after I had bailed Chundamah. The Prosecutor came to my house because he had been told that I had become bail for the woman. I am a man of landed property. the husband of the witness Chundamah earns about 5 Rupees a month. I became bail for

* Another attempted foil to the expected disclosures of Chundamah.

for her because she is poor, mother of some children and lives upon my ground.

Abdool Russool on solemn affirmation states

. I am a Pensioner of Government and live both in Triplicane and Black Town. I have a house in each place there is only a wall between my house and the Prosecutor's house - about four days ago at - gun fire in the morning I was preparing to bathe, when I was attracted by a noise - it was as the noise of a person being beaten that is - it was as the noise of blows. Immediately afterwards there was a cry - Instead of bathing I came out. I went direct to the Prosecutor's house. I asked the Prosecutor what was the matter he said "I have been robbed - I have been robbed" - I said "what have you lost - look - look." He went into a room and dragged out a large box which was open - it appeared

as

though it had been with a Key - I said "why do you cry - what have you lost, from it? - See, See" - he said "there is a Jewel named Chappaun Kullee is missing" - and then the Prosecutor and his mother going into the room - said, "See, there are three boxes gone, and all the money and Jewels - this is not the doing of anybody except that woman". Immediately Jaffer Saib said "I will go to the house of Mahomed Hasheem and wherever I find that woman I will bring her" - he accordingly brought the woman out from that house - he brought the woman and made her sit there and said to her, "none excepting you did this" - Yesterday you brought a Dakshaw and took 2 Rupees upon it and when you followed me into the room you saw from where I took out the money" In the meanwhile, the Prosecutor's mother brought a light and said "here is a light in my room - I never placed it there - who put it there?" - The people then advised the woman to go into the house and look again and see what had been lost - She brought out a small earthen cup in which there was Charcoal* - Upon that, the Prosecutor went and brought a Peon - a Peon came, stood there for a few moments, and then took them both - he stood there for a few moments: because they would not go with him - We then advised the Peon not to take Rumnee Bee alone but to seize Chundamah* also because she had introduced Rumnee Bee - Chundamah was present then; but when she wanted to go home to get her sheet we advised the Peon not to let her go but to take her to the Tannah. - " Chundamah - Rumnee Bee, the Prosecutor

* This is evidently intended to corroborate the alleged statement of Chandamah -

* Chandamah made a Prisoner

Prosecutor and all those who were present at the time went to the Tannah - This was about day light - I then went to my house, and said my prayers - this was between 6 and 7 Oclock in the morning - they all went to the Tannah. I do not know what transpired afterwards - In the Evening of the same day, Cauder Mohdeen and I, were sitting in the front of my house, Chewing betel, and met - then a Peon whose name I dont know brought Chundamah - I said "what is it" Chundamah said - "if any body will be bail for me, I would be released and speak the truth". I said "what will you say?" She said "what I saw, I will say." I said "if you will say before me, I would become bail for you" Chundamah* said "I know this - I used to rise early - there is a man named Mahomed Ausheem and a woman

* Singular coincidence!

woman named Runnee Bee - Runnee Bee was coming with a Cup* of Charcoal and a lamp over it - I asked her where she was going to - Shortly afterwards Runnee Bee and the Prisoner Mahomed Austheen passed by my house - In Mahomed Austheen's hands there were two boxes and in Runnee Bee's hands one. They both entered into the house of the Prisoner Mahomed Austheen". I said to Chundamah - "why did you remain so long outside". She said she sat down to answer the calls of nature, and then she saw - Cauder Mohdeen who was sitting with me, called Chundamah - Cauder Mohdeen giving the strictest warning to Chundamah - went to his house - I also told the woman not to be afraid and went to my house. Shortly afterwards on my return from the Bazar I observed four or five persons sitting close to my

* Vide former part of this witness' ~~her~~ statement where Prosecutor's mother is made to bring such a cup of charcoal out of room where robbery is said to have been committed.

my house - there were among them Chundamah and Cauder Mohdeen - I asked them why should they all be seated there - Cauder Mohdeen answered that he hears somebody is teaching* the woman - he had no confidence in her and that he would not be bail for her - he would take her to the Tannah and relieve himself - I then asked Chundamah what was the matter with her - She answered "my words will always stand good". I desired her to repeat all what she had previously told me - Cauder Mohdeen would not trust her and so took her to the Tannah - While Chundamah was being taken to the Tannah I called and asked her to speak the truth - She assured me the same way as she had assured me and Cauder Mohdeen before - Cauder Mohdeen again said I will not let you go but will take

* The oldest of tricks repeated

take you to the Tannah - he took her to the Tannah and in front of the Duffadar he made her again repeat her evidence. The Duffadar said it is "no use detaining her here; let her go" and she went away to her house. It was on the morning of Saturday last about gun-fire - that I was aroused by the sound of blows as mentioned in my evidence - It was like a person beating violently upon his chest - Immediately I heard the sound of the blows I went into the Prosecutor's house - I went immediately - The Prosecutor was standing in the yard beating his breast and crying "I am robbed - I am robbed". The Prosecutor at that moment discovered that he had been robbed - I said to him "why are you so confused - go and see what you have lost." - Immediately after this, when he brought

22

brought out the box he told me what he had lost - It was then he said "None except Ummee Bee has committed this robbery." It was at that moment the Prosecutor said "I will go to the house of Aleahomed Sutheem and wherever Ummee Bee is I will drag her out." He went and instantly brought back Ummee Bee - Chundamah was at this time in her house - I do not know who brought Chundamah - Chundamah came almost immediately after Ummee Bee - Jaffer Saib said to Ummee Bee "None except you have committed the robbery" - Ummee Bee said, "take me wherever you please - look at my face and see if I am guilty" - Chundamah was told by the Prosecutor that she was an accessory to the robbery - I draw thirty Rupees a month - besides my

pension I have houses, money and lands -
I am a Gentleman - I do not know why
I was asked to become bail for Chundamah
but I used to help her when she was starving -
I have not been to the Commissioner's Office
to give any evidence in this matter - I came
here by the Orders of the Inspector &
Sheik Hoossain - when the Inspector told
me to come here and give my evidence
I was in my own house - the Inspector
did not come to my house - I went to the
Inspector's house - I only went once - it
was this day - the Prosecutor told me
that the Inspector wanted me - the Inspector
did not say he had sent for me - the Prosecutor
told me that the Inspector wanted me -
I went there and asked if I was wanted.
The Inspector said "whatever you know
say" the Inspector ordered me to come
to this Court - I do not know that
Chundamah was ever a Prisoner - I said
Chundamah was brought to me to be
bailed

bailed - I do not know why she was
asked to be bailed - I don't know
that she was a Prisoner I did say
in my evidence "I will bail you if you
will tell all the truth." If she was
bailed she would be released from
custody - the bailing of Chundamah
is releasing her from custody. I do
not know whether she was in custody
or not. - I told the Peon not to let
Chundamah go for her Sheet on
account of my suspicion about her
statement - Chundamah was not a
Prisoner then - Chundamah was at
liberty - What I mean by saying she
was not in custody is, the Peon had not
hold of her with his hand - She was
brought to me for bail - the Peon
brought her holding her by her hand -
I and the witness Cawder Mohideen
were sitting there - The Peon asked us
to

to bail her. She must have been a Prisoner and She was held by a Peon.

Kistnasing On Solemn affirmation States:

I am a Jemedar of the Madras Police Stationed at the 3d Division. On Saturday last about 7 o'clock in the morning a Peon named Baulajee of my Tannah, brought the Prisoner Jummee Bee, the witness Chindamah and the Prosecutor with a large box, a dish and a Dakshaw. and reported to me that the Prosecutor had complained to him that the box had been broken open and property to the amount of 100 Pagodas has been Stolen. I asked the Prosecutor in the presence of Jummee Bee what the case was about. He Said two or three days ago Chindamah brought and recommended to him the widow Jummee Bee saying that She had no relations and that She would be a

help

help to his old mother and that She would also pay a rent. He Said he then admitted her as a lodger in his house – On the same day She Mortgaged to him a Dish and received from him Eight annas. Yesterday (Friday 14th May 1838) She brought a Dakshaw and received from him two Rupees upon it. He further added that he saw the Prisoner Jummee Bee Standing in the hall at the time seeing him open his box in the room and take from it the two Rupees which was given to her as aforesaid; at that time he said, he took out 7 Rupees from the box but gave her two Rupees and kept with him the remaining five Rupees – and that on the very night a robbery was committed in his house and property to the amount of about 100 pagodas was Stolen. I asked the Prisoner Jummee Bee about the robbery. She denied all knowledge of it. I then said to Chimdamah how is it you have recommended such a woman as Rumnee Bee. She replied "I was not aware of this". She was poor and I introduced her to the Prosecutor." I know the Prisoner Rumnee Bee well. She was the wife of a body guard Sepoy. She deserted her husband with some jewels. I then ordered the Peon Baulojee to take the case to the Inspector. I sent the case to the Inspector with the Peon. I do not know what enquiry he made in the case. The Inspector brought the case again to my Tannah where, in my presence about 12 o'clock a Statement was taken from the woman Chimdamah by the Inspector. It was taken in English. I produce it. The paper is marked **A**. Another Statement was taken from the Prosecutor. These two Statements were sent to Mr. Laford at the Commissioner's

Office

Office. The same day between two and half past two O'clock the case was ordered to be brought to the Commissioner's Office. The Prosecutor and the woman Chimdamah were taken there but not the Prisoner Rumnee Bee.* She was made to remain at the Tannah. When the case was enquired into at the Commissioner's office the first time I was not present, but yesterday I was. The two Prisoner's Rumnee Bee and Mahomed As Sheem were present when the enquiry took place at the Commissioner's Office. The witness Chimdamah was also present. The enquiry was conducted by the Deputy Commissioner Ramachundra Row. The paper which I have just produced to this Court marked **A** was not then produced. It was in the hands of the Inspector. I do not know why it was not

produced

* The Prisoner Rumnee Bee being kept at the Thannah!

produced. The other paper I spoke of was a paper containing the Statement of the Prosecutor. That Statement was written at the Tannah. It was written by the Inspector's Son (the writer). It is with the Inspector now. It was sent to the Commissioner's Office. I saw it there. I know that on Saturday the other paper was sent to the Commissioner's Office. I was present at the enquiry yesterday before the Deputy Commissioner Ramachundra Row. I did not see the paper marked **A** before the Deputy Commissioner yesterday. It was not produced. I did not see the other paper I allude to produced before the Deputy Commissioner. I do not know why they were not produced. I do not know where they were. The paper marked **A** now produced to the Court I have received from the Inspector this morning. It is usual to take

Confessions

Confessions from Prisoners at the Tannah. The witness Chundamah* was never a Prisoner at the Tannah. She merely sat there. The witness Chundamah was released on bail. It was the Order of the Inspector. It was never the order of the Inspector to me to say, She was not a Prisoner. She was kept at the Tannah like a Prisoner. We never release persons on bail that are not Prisoners. Chundamah was released on bail. She* was a Prisoner, this being a theft case. I know the witnesses named Cauder Mohideen and Abdool Ruzzool. I never sent any Peon to either of the witnesses to ask them to bail Chundamah (the witness). I was ordered by the Inspector to release Chundamah on bail. I placed her in charge of a

Peon

* Chandamah never a Prisoner!

* Chandamah a Prisoner!

Peon named Vurdiah to release her - The Peon Vurdiah delivered her to a Peon at the round Tannah who released her on bail - I told the Peon to take the woman Chimdamah and release her on bail - but he took her to the Round Tannah and from there she was taken by a Peon to get bail - I was never at the Inspector's house while the witnesses were examined in this Case - The Inspector* made Chimdamah a witness instead of a Prisoner -

* The Inspector here makes Chimdamah a witness!

Sheik Hoossain On solemn affirmation States.

I am the Inspector of the Triplicane Division - On the Morning of Saturday I went to the Tannah - About 7 O'Clock a Peon named Baulajee brought two women with the Prosecutor Jaffer Saib to the Tannah - The one was the witness Chimdamah and the other, the

Prisoner

Prisoner Ammee Bee - I asked the Prosecutor what ~~is~~ the case was about - he said, "Three days before the Prisoner Ammee Bee came to his house as a lodger - On the Evening of Friday last she left the house saying she wanted to go and bathe - and that when he came out of the house to answer the calls of nature he saw her standing in the street - and that he imagined she must have come out to answer the calls of nature and that he went in and laid down - He said also that on the following morning at day break, he saw a large box open in his house and that three smaller boxes that had been usually kept in it were missing - that he reported this at the Tannah and the Peon brought the case here" - The witness Chimdamah said "I arose as usual on the night of Friday about 12 O'Clock to take my meals being a

fasting day. I felt a pain in my Stomach -
I sat to answer the calls of nature, I then saw the Prisoners Rumnee Bee and Mahomed Ausheem come out of the house of Mahomed Ausheem. The Prisoner Rumnee Bee had a cup and a light. I asked her where she was going to. She said she was going on her business - I remained for sometime in the same posture and after two Indian hours I saw two boxes with Mahomed Ausheem and one with Rumnee Bee and they were going with them. - After Chundamah had finished her Statement, Mr. Lafond came to the Tannah on his way to this Court - I reported to him this case. - Mr. Lafond said to me "take a writing from the Prosecutor and search the Prisoner Mahomed Ausheem's house." I accordingly took a writing from the Prosecutor, and sent it to Mr. Lafond for his approval - Shortly afterwards

afterwards Mr. Lafond sent for me - I accordingly went to the Commissioner's Office with the Prosecutor and the witness Chundamah - Mr. Clarke was there, also the Commissioner, but the Commissioner went upstairs. I told the case to Mr. Clarke - Mr Clark told Ramachundra Row to take a statement and to issue a warrant to search the house of the Prisoner Mahomed Ausheem - I ordered the Talliar Ramasawmy in whose name the warrant was issued to search the house. The Talliar came in the evening of the same day, with the Prisoners Rumnee Bee Mahomed Ausheem and the witness Chundamah - I ordered the Talliar Ramasawmy and the Peon who followed him to keep the Prisoners Rumnee Bee and Mahomed Ausheem in custody and to release the witness Chundamah

The Second day the case was taken to the Commissioner's Office and the witness Chundamah stated* different from what she had stated on the first occasion. I received a Paper containing Instructions to write the Charge in the "Charge Sheet" and I acted accordingly. The case was sent to this Office. The place where I first heard of this case was a few yards from my house on my way to the Tannah. The Peon Baulajee informed me of this. he brought Rumnee Bee and Chundamah as Prisoners. I do not know whether they are both Prisoner's now. I released all three Prisoners on bail. The Prisoners Rumnee Bee and Mahomed Autheem had been locked up but they were brought here on bail. Ramachundra Row made Chundamah* a witness. (The paper marked A being put into the witness's hands he continues as follows) I know

* acknowledged variation in Chandamah's statement who yet appears the sole witness sent to this Court by Depy. Commr. of Police!

* Ramachundra Row makes Chandamah a witness!

this

this paper. It contains all that the witness Chundamah had seen and done. The paper was taken on Saturday about 12 or 1 O'Clock in the afternoon. It was taken by Mr. Lafond's Order. My Son wrote it. there was another paper taken from the Prosecutor. I do not know where it is. I ordered it to be given into the Jemedar's hands. I have never written anything regarding this business in my house. I have seen two witnesses at my house this morning. I do not know their names. I shall know the men if I see them. (The witnesses Cawder Mohdeen and Abdool Ruzzak being shewn to the Inspector he says) they are the men. The Prosecutor brought the men to my house. I never sent for them. Ramachundra Row was the Justice of the Peace who had the charge of the case. The warrant was issued by Ramachundra Row. The warrant was entrusted with Ramasawmy Tattar. I was present when the enquiry was made by Ramachundra Row. Ramachundra Row saw the paper marked **A**. Ramachundra Row directed that the woman Chundamah should be made a witness. It is not usual to take papers of the description marked **A**. from Prisoners but she being a witness* her statement was taken with a view that she might not vary in her statement. Upon my oath, Chundamah was a witness* when the paper marked **A** was taken. I said that the paper marked **A** was taken between 12 and 1 o'clock. Chundamah was released on bail yesterday but she was not a Prisoner. We cannot release a person on bail who is not a Prisoner. Chundamah was not a Prisoner before she was released on bail. She was made a witness

* Was Chandamah a witness when Statement A is said to have been taken?

* Utterly false!

witness* on Saturday between 3 and 4 o'Clock in the afternoon. She was under our surveillance. She was like a Prisoner until she was taken to the Commissioner's office. The paper marked **A** was taken in Chundamah's presence. Her mark was taken and she declared it to be true.* (The paper marked **A** being put into the witness Chundamah's hands she continues as follows) "I do not know* the paper now shewn me. I did say in the Tannah that I saw the Prisoners with the boxes. I did it because I was frightened. The Inspector was present when what I said was taken down, this was about 11 or 12 o'Clock. I was then a Prisoner. The Inspector was in the hall of the Tannah. Rows took me into a room, shewed me a rope, pulled me by my cloth, gave me some blows and pulled the tape of

* Proves the falsity of his former assertion a few lines above. Paper marked A being taken between 12 & 1 o'Clock and Chandamah sworn to have been made a witness between 3 & 4 o'Clock the same afternoon!

* See the evidence of Chandamah on this point.

* Denial by Chandamah of the original exist=ence of the paper A.

of my petticoat and pushed me. And for that reason I was frightened and made the lying statement. When I attempted to cry - they told me to shut my mouth - I was taken to the Commissioner's Office on Saturday - I was made no promises when I made the statement - It was my fault that I did not disclose this on Saturday. but I did yesterday to the Deputy Commissioner Rama Chundra Row - He asked me why I did not complain on Saturday - I said I did it through fear -

(G. Stuart Constable of Police doing duty at this Court is here sworn, that he will accompany the Inspector and receive from him a certain statement said to be taken from the Prosecutor Jaffer Saib at the Tannah and convey it safely to this Court. -)

Wednesday May 19th 1858
Investigation Continued -
G. Stuart -

George Stuart Sworn states.

In obedience to the orders of the Magistrate I last night accompanied the Inspector Sheik Hoosain to the Jemedar's Tannah in Triplicane and on reaching the Tannah, the Inspector opened a drawer in a table in the Tannah and handed me the two papers which I now produce. The papers are marked B and C. and appended. When the Inspector gave me the papers marked C I observed at the foot of it the word "Inspector" and no signature above it. The Inspector then said "this is not signed by me, Shall I sign and give it to you" I said - I am on my Oath let the paper be as it is - The Inspector was anxious* to sign it. I forbad it. The papers were attached as they are now -

* It is my impression that the declaration marked C was an after thought to serve some purpose -

Inspector Sheik Hoosain is - recalled and on solemn affirmation states

The papers marked B and C were written on Saturday - they bear the date of the 15th* Instant. They were both taken in my presence - My Son wrote them - The papers marked B and C were produced* before Rama Chundra Row - I told the Jemedar to bring all the papers to this Court but he only brought one and left these - It is usual* that all the papers connected with the Charge should be sent together from the Commissioner's Office. I have stated that the Papers B and C were taken on the 15th of this month - for so I recollect - they are written in English and therefore I do not recollect the date - They do bear a date - (The papers marked B and C being again put into the witness' hands he continues as follows.) There is no date in the papers marked B and C. (The Information of the Prosecutor being put into the witness's hands he

*No date to either Paper B or C.

*B & C seen by Ramchundra Row

*It was usual & was always the case in Mr Elliot's time but these proceedings exhibit a fair specimen of how things are conducted now!

he continues as follows) I was present when the Information marked D now put into my hands was taken by Ramachundra Row. The information was spoken by the Prosecutor in Hindoostanee, that is my own language. I understood all that was said in that information. When the amount of the Property was given by the Prosecutor I went out* - I was ordered to bring a Warrant - I do not know the amount of the property mentioned in the Deposition - Both the paper marked B and C were before Ramachundra Row when he took the Deposition - The writings I sent to Mr. Lafond for approval are the papers marked A, B, and C. I do not know whether they were approved of - The Peon took them, and I was directed to attend - I attended - I then laid the Papers before Ramachundra Row

*: One of many most singular coincidences to account for the variation in the value of property said to be stolen!

There is no [illegible] variation. This is Col. [illegible] mistake -

Road. I brought the papers away. Nobody gave the papers marked A, B and C into my hands. They were lying on the table unused and I brought* them away. The paper of Instruction which I said I have received is a small piece of paper written on. I gave it to my Son (The papers marked B and C being put into the witness' hands he continues as follows) The paper marked B is a list of the property which the Prosecutor said he had lost. The amount of the Property stated by the Prosecutor to be lost was 185 Rupees. I do not know what amount of property the Prisoner's Nunnee Boo and Mahomed Husseen now stand charged before you with stealing. I did hear that the Prisoners were charged with stealing property to the amount of 375 Rupees. I heard that at the Tannah on Saturday the 15th Instant from the

* If the papers A.B. & C were legitimate and truthful documents why were they not forwarded to me in a correct manner from the Commr's Office instead of being obtained as shewn in these depositions?

Jewels -
There was also Rs. 190. in cash.

the

the Prosecutor Jaffer Saib. I did not take down that amount in the paper marked C. I did not take down the amount of 375 Rupees in the paper marked C. because the Prosecutor said he had given out more than 60 Rupees. He afterwards said that was the balance in the paper marked C.

Goolam Dustagheer on Solemn affirmation states

I am the Son of the Inspector Sheik Hoossain. (The paper marked A being put into the witness's hands &c he continues as follows) I know the paper marked A. I wrote it at 12 O'clock on last Saturday. The mark at the foot of the paper is the mark of Chundamah the witness. When the paper marked A was taken, my father, the Jemedar, the Prosecutor, the Darogah, and some others were present. She was at the Tannah. I know

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I do not know whether she was a Prisoner. I do not know the Rules of the Police so I do not know whether she could go away or not. (The papers marked B and C being put into the witness's hands he says) These are my hand writing. The paper marked C is correct. The declaration contained in the paper marked C was taken in accordance to Section 94 of Act 13 of 1856. Section 94 only permits an Inspector to take an information under certain circumstances. It is only where property is concealed and it is believed that by the reason of the delay in obtaining a search warrant, the property is likely to be removed, that an Inspector may take an Information. I do not know whether any search was made by the Inspector. The Information marked C is not taken in accordance with Section 94 of the Police Act. It was my fault that there is no date upon the documents B and C. The Information should bear a signature but it does not. I took the information marked C according to Instructions from Mr. Lafond as he said it was a case of urgent necessity to search. I did not search. The reason why the paper marked C does not bear any date or signature is, that it had been cancelled. It was cancelled when the warrant was issued. The search warrant was dated on Saturday the 15th Instant and was issued between 4 and 5 O'Clock in the Evening. The papers B and C were taken at 2 O'Clock on the same day.

Goolam Mohdeen on Solemn affirmation States.

I am a Peon of the Madras Police No. 520 Stationed at the Round Tannah. Five days ago, on the day of the Koothoopaun feast about 12 O'Clock at noon while I was passing through a lane opposite to the little gate of the Government house, I observed 2 women looking into a well - I asked them what they were looking for. They replied that they were looking ~~for~~ at some box. - I asked them whose it was They said we do not know whose it is. At that time two tank-diggers were going in the way. I called and told them to go into the well and bring the box out. The box* was accordingly removed from the well. I saw the box. It was empty. The well was then searched but nothing was found in it. I then brought the box to the Duffadar of my Tannah. The Duffadar sent the box to the Jemedar's Tannah. I went with the box and the men who removed it from the well. The Jemedar was at the Tannah at that time - I saw present at the Tannah the Prosecutor Jaffer Saib, Kumnee Bee and the witness Chundamal, the

* The finding of this box is effected much in the usual way in cases like the present -

Inspector

Inspector and the Jemedar. It was a little before 12 O'clock when I first saw the box. It was 12 O'clock when I brought it to the Jemedar's Tannah. The box now before the Court is the one I allude to. The women that I saw looking at the box are not here. I do not know their names. I did not take them to the Tannah. They did not go to the Commissioner's office. I went to the Commissioner's Office and gave evidence before Colonel Boulderson. I gave evidence before Ramachundra Row. I told all this before Ramachundra Row. I was here yesterday. I do not know where the tank-diggers are who took the box out of the well. They were passengers. The tank-diggers went with me to the Jemedar's Tannah. They did not go to the Commissioner's Office. There were only two women, two tank diggers,

and myself present when the box was
taken out - None of them are here - I
do not know Mahomed Ausheem. I
do not know who he is - I do not know
his house

* * *

Hamed Shareef On Solemn Affirmation States

I am a Duffadar Major &c
4 - Stationed at the 3rd Division Triplicane
I know the box before the Court - On
Saturday last about half past 11 o'clock
the witness Goolam Mohdeen brought
it to my Tannah saying that he found
it in a well close to the Ally Baugh
Goontah and brought it from thence -
I sent it to the Jemedar's Tannah at
Triplicane by the very Peon - I did
not go myself - A Hindoo followed
the Peon - he said he was a passenger
and that he took the box out - he
went with the Peon. I never had
any thing to do with bailing the witness

Chindamah

Chindamah -

* * *

Ramasawmy On Solemn Affirmation States

I am a Talliar of the Madras
Police &c x Stationed at Chepauk Tannah
Triplicane - At about 4 o'clock in
the Evening of Saturday last I was
entrusted with a warrant under the
hand of the Deputy Commissioner of
Police Tanjore Ramachundra Row
to search the house of the Prisoner
Mahomed Ausheem - I produce the
warrant - The warrant is marked
E and appended - I searched the house
and found nothing - I took the Prisoner
Mohamed Ausheem into custody and
brought him to the Inspector - (The
warrant marked **E** is put into the
witness hands and he continues as
follows) not having found any
property in Mahomed Ausheem's
house I took him to the Inspector's

I did not Know that I was not authorized to take Mahomed Ausheem into custody unless I found Stolen property in his house.

Defence

Nimmee Bee States. I Know nothing what Should I Say-

Mahomed Ausheem States. On the day of the Koothbaw feast about half past 5 O'Clock I was in my house. All of a Sudden, the Prosecutor Jaffer Saib- five or Six Talliars and the Darogah Came at the Street door of my house. At that time I came out and said why do you Come to my door- They Said 'We wish to Search your house- I Said for what reasen you want to Search my house". They Said there is Said to be Stolen property in your house and for that reason we have a

warrant

warrant to Search it. I Said- good Search. I ordered the females of my family to be goShaw and I took the men into my house- I Said to them wherever you like you may Search It was about 6 o'clock. I assisted them to bring out all my boxes- As it was dusk at the time they had two lights and Searched the whole house- Some Talliars were engaged in the Search of the house and others in Searching a Shed. Then they got a woman to Search the females of my house. Sending the females out of the room, they Searched there. After the Search was over, they asked me to go along with them. I Said I have Guinea-Worm- I am unable to walk they Said there is a warrant against you- if you refuse to come, we will take you forcibly- At the Same time they Showed me a warrant. I Said

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I could not go without the Orders of my Commanding Officer. They persisted and I went. A large crowd assembled. The men took me to the Tannah. As the Inspector was not then at the Tannah I was taken to his house. The Inspector took me, the Duffadar and the Talliar to the up Stairs of his house. I was asked by the Inspector what I knew. I said I know nothing. He Coaxed me very much and asked me to Speak out. I said this Charge was brought against me through enmity. A Talliar was ordered to take me out. I came out with him. I was brought to this Office to the Sargeant, from here I was taken to the Market Tannah Jail and locked up. I was Starving. The following day (Sunday) between 10 and 12 o'clock I was brought to the Jemedar's Tannah. Before I left the Jail the Talliar gave me one anna and a half.

I.

I was asked at the Jemedar's Tannah to say what I knew. I said I know nothing. I was Ordered to be taken back to the Jail. I was locked up. On Monday following about 10 O'Clock a Police Officer came and took me to the Commissioner's Office. I and others were taken before Ramachundra Row. Ramachundra Row first heard the Statement of the Prosecutor and then of the woman Chundamah. Chundamah then* Confessed that she said every thing through fear on being threatened by the Talliars. Ramachundra Row then said, how dare you say so even if you were threatened. The woman Chundamah replied I could not bear the illtreatment and I said so with the view of relieving myself. Ramachundra Row said to the woman Chundamah It is upon your Statement that I issued the

warrant

* Chundamah is here stated to have told the Depty Commissioner that what she had previously said was thro' fear.

warrant otherwise I would not have done so." The woman said "it was my mistake". Ramachundra Row then went to Colonel Boulderson's room with the papers. He went and sat with Colonel Boulderson. They both spoke in English. I did not understand them. Afterwards I was informed by the Jemedar that an Order was given for me to be released on bail. I was accordingly released.

Dismissed

(A True Copy from the Original Depositions.)

A. Theroovengadala Pillay
Record Keeper

Senior Magte of Police

Depositions

in the Case of Larceny

against

Nunnee Bee and Mahomed Hashim.

Dismissed.

Royapet Police Court.
19th May 1858

9/5 8/A.
Ju No 915.

25th May — 6/8

It is this.—

19 — That in the event of a Case of Felony or Larceny occurring the preliminary investigation at the Commissioner's Office is not allowed to pass from the hand of one Justice of the Peace to another but that he who commenced if possible concludes it so far as the initiatory proceedings are concerned and that the Case be sent with a list of all the witnesses and Prisoners on bail or in custody direct to the Magistrate without any reference to the officer who attends daily from the Commissioner's Office at each Court to take what is termed "the Reports."

20. — With regard to this taking of Reports (at my Court at least) I urgently request it may be discontinued — I have found the practice fraught with many objections and giving rise to confusion and mischief.

21. — If the Report Sheet is sent at 10 o'clock each day to my Court

I

I will take care that the Cases are carefully entered by a Clerk.

22 — Apologising for this unpleasant trespass upon the patience of Government.

I have the honor to be
Sir
Your most Obt. Servt.
H. J. Hack.
Senior Magistrate of Police

I do not see what can be done with these papers except to send them to Mr Huddleston for his consideration and for any comments that he may have to make upon them in connexion with the enquiry which he is now pursuing —

He ~~will~~ might also be directed to explain in his report what is the course usually followed in the Police in preparing cases and bringing them before the Magistrate — &c

[illegible] so — [illegible]

I do not quite understand the system followed — called taking or running the reports — but all the magistrates are dissatisfied with the present practice — it need [illegible] be fully enquired into [illegible]

[illegible]

Mr Huddleston should ascertain from all the Magistrates as

note on force [illegible] what is fully there directed in the preparation of cases for prosecution [illegible]

J. M.

No. 1673.

Resolved that copy of the above letter with its original enclosures be forwarded to Mr Huddleston for his consideration & for any remarks that he may have to offer on it in connection with the inquiry which he is now pursuing ——

Mr Huddleston will also explain in his report what is the system followed in the Madras Police for preparing cases and bringing them before the Magistracy and will ascertain by reference to the several Magistrates as well as to the Commissioner what is their opinion in regard to the system.

J.P.

Fort St George
25 May 1858.

Mr W Huddleston } Dispd 25th
with 3 Origl Enclos:

318th May/58 No 16717 - 58759.

In Cons. 25 May
Judicial. 1858. Deptt
From
Lt Col H. Colbeck
Senior Magte of Police
To
T. Pycroft Esqre
Chief Secy to Govt
Dated 20th } May 1858
Recd
No 10 No 915.
3 Enclo
With an order

22 June 1858 No 21022.

Giving cover to Depositions taken in a Case of Larceny against two Prisoners named Nanne Bee and Mahomed Ashim investigated at the Royapet Police Court on the 18th and 19th of May 1858, also to a deposition and petition in the Case of Narraina Pillay –

Judl. Cons. 13th Dec No 2 of 1858.

W.U.