

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	714	Press
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Dated	2 . 6	1858

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 8th June 1858.

No. 3. Read the following letter from E. B. THOMAS, Esq., Magistrate of Coimbatore; to the Chief Secretary to Government, Fort St. George, dated 22nd May 1858.

SIR,

1. With reference to No. 501, Minutes of Consultation, 19th April 1858, sent for my information, and shewing Bawany Lala's case as still pending before the Home Government, I beg to be permitted, (as I am just quitting India on leave) to offer a few remarks.

I am not aware that there is any need of further explanation from me of the real facts of this case, than what I have already fully afforded to Government and the Sudr, but as the agitation seems still continued, in this false and fictitious case, I beg once more to assure Government, (if that be necessary) that all the alleged hardships and injustice asserted by Bawany Lala, are pure fictions and simple untruths.

2. He mainly rested and gained his cause, at Madras, in the Supreme Court, on an asserted *alibi*, (the usual refuge of natives;) I was unable at the time to do more than furnish clear and counter evidence, of the man's presence and complicity in the attempted disturbance at Coimbatore. Bawany Lala procured paid false evidence to any extent, among them being his own brother; who has, since Bawany Lala's death, *admitted* to me, personally, that "the whole of his evidence at Madras was entirely false," on asking him to give me this declaration in *writing*, he naturally, and shrewdly declined, saying, "you might *then* prosecute me for perjury."

* My being on leave, and on the point of embarkation. This fact, which I must request Government under present* circumstances, to receive on my own word and honor, I could prove, if at Coimbatore, by most respectable evidence; but thinking the case had died out, I did not trouble myself to record it at the time.

3. The fact however of the false alibi, is sufficiently and incontestably proved, by the [†] Herewith enclosed. document† I lately applied for in the Coimbatore Session Court, bearing Bawany Lala's own signature at Coimbatore on the very day he swears he was absent at Paulghat, exhibiting the credibility and character of the whole evidence adduced by him; if I could have had the slightest idea of the advantage to be taken of my absence, and the unblushing falsehoods by native evidence in the Supreme Court, I could have met and personally refuted it, at once. I did not anticipate *such* bold mis-statements, and was advised that my appearance was not necessary.

4. I beg also permission to forward to Government an original address presented to me, (by *all* the respectable merchants of Coimbatore,) when I lately left, entirely free and unexpected. I should never have thought of mentioning it to Government, had not this false and vexatious case been *since* revived. If ever I did my public duty in 33 years' public and active service, I did it in the case under review; in which I have, through native intrigue and false evidence, with well paid European lawyers' advocacy, been so long and so unfairly maligned and misrepresented; as this matter is still before Government, and it is but fair to me they should have all facts before them, I beg also to enclose for perusal, two other papers; one an address†

† To the Supreme Court at Madras. regarding Bawany Lala, with which I had nothing to do; and only learnt afterwards, showing the man's real character and origin, the other

a memorial drawn up by my brother in England, to meet the calumnies and mis-statements, carried, for party purposes, even to the Home Government, and adverted to by Lord Clarincede, in the House.

5. Captain Snow's letter therein adduced, speaks for itself to facts and occurrences under that officer's own eye, and the character of the complaint got up may be judged of by these facts, and by the false alibi, so unblushingly sworn to at the Supreme Court.

ஆனந்தவராயுடைய புகாரின்படி 16வ. கல்பா கோயமுத்தூரிலிருக்கும் எல்லப்பகவுண்டன் மகன் வைபாபு ரிங்கவுண்டனுக்கு ஷே. தாலுகா மன்னபாவையத்திலிருக்கும் வேலப்பிள்ளைமகன் ஆண்டியப்பன் எழுதிக்கொடுத்த வண்டி ஒருது வாங்கிக்கொண்ட கடன்பத்திரம்மென்னவென்றால், இதற்குமுன் ஆண்டியத்திலுள்ள உன்னிடத்தில் நான் கிராயம் தீர்த்துவாங்கிக்கொண்டது வண்டி கடுகினை

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யம் நூ. 20 - அதின் வெள்ளையெருது உஇ கிராயம் நூ. ௩௭ - ஆ. நூ. இளக்கு முன் ஆடிமீ த்தில் நான் உன் னிடத்தில் ரெக்கம்கொடுத்தது நூ. ௧௧ - பாக்கி நூ. ௪௭ - இந்த நாற்பத்தியேழு நூ. ௫௫ இதற்குத் த ராக்செஸ் புரட்டாசியு த்திற்குள்ளாக செலுத்திவைத்து இந்த பத்திரத்தை வாங்கிக்கொள்ள உள்வான் இந்த செடுத்தப்பினால் இந்த பத்திரம் பிறந்ததேதி முகல்க்கொண்டு தொகை செல்லும் காலம்வரைக்கும் சட்டப்படிக்கு வயசேர்த்து கூடியவட்டியும் முதலும் உடையவன் வேண்டும்போது செலுத்திவச்சி கொடுக் கவுள்ளவன் இந்தப்படிக்கு என் மனோஜியிலே எழுதிவைத்துக்கொடுத்த கடன்பத்திரம்.

இதற்கு சாத்திகள்.

சுப்பராயன் அறிவேனென்றும்,

பவானிலாலா அறிவேனென்றும்,

பெரியகுள்ளகவுண்டன் அறிவேனென்றும்,

இவர்கள் சம்மதியில் எழுதினது ராமசுவாமியாபிள்வென்றும் கண்டிருக்குது.

ஆண்டியப்பன் ருசெயன் றுகண்டிருக்குது.

கையொப்பம்

1856ஆம் சப்டம்பர் 11 தேதி நாக்கல்

ப - சுப்பராயன், முன்பு.

(True Copy.)

(Signed) S. N. WARD,
Civil Judge.

E. B. THOMAS, Esq., Collector and Magistrate of Coimbatore.

MOST HONORED SIR,

We, the undersigned Merchants, Sowcars, Agents, Shop-keepers, Ryots and other respectable residents of the town of Coimbatore and its vicinity, unconnected with the employ of Government, desirous of bearing testimony to the high esteem in which your honor is held by us, and in token of the many and distinguished services rendered towards our welfare as well as to the happiness of the people in this district in general, most humbly and respectfully beg leave to take this opportunity on your approaching departure to England, to present to your honor with this address and with it our best and sincere wishes that it may please the Author of all good to bring your honor once more amongst us.

2. We will not presume, most honored Sir, to dwell upon the many and various measures your honor had organized during your administration of upwards of 9 years in this district, to develop the several improvements made in the country from time to time, nor will we state the anxious solicitude your honor had felt to promote the welfare and interest of its people by your efforts to complete them to a state of efficiency and usefulness, feeling very confident that the Government will have fully appreciated these valuable undertakings with their entire approbation, but we beg most honored Sir, to be allowed in fairness to observe, that the close supervision you have exercised, the rapidity of their completion, the strict economy which you had practised and the intense interest which you have manifested to render the whole of them, works of real public utility and permanency, has not only excited our admiration, respect and esteem, but have convinced us that such untiring exertions have rarely, certainly never have been witnessed under previous administrations in this district.

3. We beg further humbly to state that we have heard with deep regret that your honor is now obliged in consequence of ill-health to return to England for a short period, but we do longer than what may be deemed actually necessary, for we feel fully persuaded that from your honor's knowledge of its people, the wants and requirements of the country, together with those principles and qualities of mind which your honor so richly possess for administrative powers, character, and position, to establish British supremacy in all its bearings.

4. Those of us who have been more fortunate to transact business with your honor in your official capacity, desire gratefully to acknowledge the very kind and considerate treatment which we always met with at your hands, in your honor's presence we felt we had a benefactor who

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could sympathize with us, your honor's counsel and assistance we also felt we never asked in vain; and when differences amongst us did occur, your honor was unhesitatingly asked to arbitrate, the justice of your judgment in all such matters was never for a moment called in question, your decision was final because it was correct. Under this impression it would be impossible most honored Sir, for any of us not to view with feelings of lively gratitude and respect the warm attachment and interest your honor had ever evinced towards promoting our welfare, and the cordial manner you had co-operated for the common good.

5. But we cannot fairly dismiss this subject without advancing upon two points in which we found your honor's whole soul, as it were, employed in benefitting these works of improvement, and where no effort was spared to ensure success, the first is the diffusion of good sound education and knowledge in the district, to raise the tone and character of the people, and with it in giving promotion to those of the most deserving, and secondly, in giving a stimulus to habits of industry and activity in the various occupations and branches connected with agricultural, horticultural and arboreal pursuits, all having a direct tendency towards the prosperity of a country and its people, and this last point we notice prominently, because the subject is one of great and general interest in any country; but more particularly in India, where such encouragements are of paramount importance, involving as they do the comforts, and even the existence of millions of our fellow creatures.

6. We would not trespass further upon your honor's time and attention, but we will only just remark before closing this address, that the municipal arrangements so judiciously carried out under your honor's direction, for the safety and protection of life and property in this town, as well as at other places in the district, for instance, on the Neilgherries, and with this your honor's various charities to feed the poor, medicine to heal the sick, and protection to raise the distressed, are acts which we and our offsprings shall ever view with lively feelings of recollection to the latest hour of our breath.

7. In conclusion, most honored Sir, we respectfully beg to offer our best wishes and prayers to the Author of all goodness, for your honor's speedy restoration to health in your native land, and that the same Almighty Power will bring you once more to India, a land where your honor's services have proved you an efficient and notable public servant to the State, a true and steady benefactor to its people.

We beg to subscribe ourselves,

Most Honored Sir,

With sentiments of the highest respect,

Your most obedt. humble
and devoted servants.

Coimbatore, 12th April 1858.

க. வெங்கிட்டரமணயா.
ருமசாமிசெட்டியார்.
And several others.

(True Translation.)

To the Judges of the Supreme Court.

Mazurnamah of the undersigned merchants and inhabitants of the Zillah of Coimbatore, regarding the well known wicked conduct of Bavany Lawlah.

1. The said Bavany Lawlah, was, in the beginning, a common cooly, bearing (selling) plantain leaves for hire; then for some time, as a school-master, and lastly as a servant, on a monthly pay of 1½ or 2½ Rs. under a certain Tobacco merchant; whom he deceived afterwards, and opened for himself a tobacco bazar, and when he was dealing in it, he prosecuted many of his customers in the Court, claiming from them Rs. 50, whilst they were actually due to him only Rs. 5, the value of goods given to them, and thus ruined them.

2. He was employed under a Regimental Soobadar, on his death, he deprived the widow of his master, of her small estate, which was in her possession, she being a female.

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3. He traded as a partner with one Annoo Row, whom he deprived of his properties, through the means of frauds.

4. He having set on his own people to bring unjustly a law suit against one Sawnah Pully Yauyee, dispossessed of her also large estate.

5. A few years back he was an Arrack renter, when he was in the habit of collecting torch robbers, and sharing with them, that (what) they obtained in their thefts; notwithstanding this, he was providing false witnesses on the behalf of prisoners when they were apprehended, and so bailed out (given bail) for such suspicious character; receiving bribes; and with their assisting assistance, having received a sum of 500 Rs. from the parties concerned in a robbery which took place 4 months ago in Cunnapolyem, at Pulladum talook, he has come down to Madras.

6. We, a large community of this country, are prepared to declare on our oath, that the said Bavany Lawlah, and his brother, are always the source of disturbances in this district.

7. He has about 6 or 7,000 Rs., which ought to be divided among his 3 brothers. It is a well known fact, that even this small estate, was not acquired by him lawfully, but unjustly, annoying parties in different ways.

8. In proof, that he is in a very low estimation of the people, we beg to state, that certain men, not bearing his wicked conduct, have beaten him with their shoes, on different occasions in the public street, as he forced (insulted) females during night times against their will, they have beaten him with broomsticks also.

9. We assure your Lordship, that no one in the district, that is honest, (except the wicked people who are his dependants,) will tell "that he is a man of good conduct, honesty, and ample estate."

10. He has (is) indebted about 5,000 Rs.

11. When he was required by the Magistrate of the Zillah to give a surety, as one that had disturbed the peace of the country, he was unable to give one in our* district, and he therefore, produced some men of his own character from another Zillah, and he was afterwards thereon released. Though enquiry however strict or extensive was to be made, we are ready to give evidence on our oath, that he is a wicked man. As he is now absent from here, we are safe, without meeting with disturbance or deception, or any irregularity. If he will return here, surely, there will be some disturbances. We have therefore represented this to your Lordship. Before any authority or Court, we are ready to give our evidence about the above facts on our oath.

(Signed) Rungasawmy Cowndun.

(") Rungasawmy Chetty.

And several others.

7th June 1856.

மகா ருஜமாணிய ருஜபுரீ மகாகனம்பொருந்திய
சூப்பிரிம்கோர்ட்டாரவர்கள் சமூகத்துக்கு,

கோயமுத்தூர் கசபாவிலிருக்கும் செட்டிவர்த்தகர்கள் குடியானவர்களாகிய இதனடியில் கையெழுத்து வைத்திருக்கப்பட்ட அனவரும் பவானிலாலாயென்பவனிட பிரசித்தமான கெட்டநடத்தையைக்குறித்து எழுதலான மகஜநாமா.

க - வது. ஷே பவானிலாலாயென்பவன் ஆதியில் இந்தவூரில் ஒருவனுய்ந்து கூலிக்கு வாழையெவல் ஆளாயிருந்து அந்த எஜமானவின் மோசடிசெய்து பிறகு தானே ஒரு கட்டையைவைத்து வியாபாரஞ்செய்து அதில் ரூபாய்க்கு சிலவருத்து அதை ரூபாய்க்கு அவர்கள் பேரில் கோர்ட்டில் பிராதுசெய்து அ வர்களிட ஆஸ்திகவரி அபகரித்துக்கொண்டு இப்படி வெகுபேர் குடிக்கவர்க்கெடுத்து இவனுக்கெட்ட குடிசை கணக்கில்லாதவர்களாயிருக்கிறார்கள்.

உ - வது. கோயமுத்தூரில் ஒரு பட்டாளத்து சுபேதாரானிடம் ஆளாயிருந்து ஷேயான் இறந்துபோன தின்மேல் ஷேயான் பெண்ணாதி பெண்பிள்ளையையே மோசடிசெய்து அவனிடம் இருந்த சில ஆஸ்தியை அப கரித்துக்கொண்டான்.

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க - வது. அண்ணுரவு என்கிற ஒருவனிடம் கடைகூட்டு வியாபாரஞ்செய்து அவவின் மோசடிசெய்து ஷேயானிட ஆஸ்தியை அபகரித்துக்கொண்டான்.

ச - வது. சாணபள்ளியாயி என்பவனிடப்பேரில் அபாண்டமாய் தன்னிட இலாகாதார்கவரி யெடுத்து விட்டு அனியாயமாய் கோர்ட்டில் பிராதுசெய்து அவருடைய பாரீ ஆஸ்தி தோப்பே அபகரித்துக்கொண்டான்.

ரு - வது. கலால்சுத்தகை சிலவருக்களில்செய்து தீவட்டிக்கொள்வரி செய்யப்பட்ட துஷ்டர்கவரி கைசேர்த்துக்கொண்டு களவுசெய்தவந்த முதலில் பங்குவாங்கிக்கொண்டவருவதும் யாறாவது திருட்டுமுத லாண்தில் பிடிபட்டு கோர்ட்டுமுதலான நியாயஸ்தனங்களுக்குவந்தால் அந்தக்கைதிகளிடம் ரூ - து - இப் படி பணம்பற்றிக்கொள்ளுவதும் அவர்கவரிக்குறித்து பொய்சாக்ஷிகள் ஏற்பாடுசெய்துவிடுவதும் அப்பேர்ப் பட்ட கெட்டநடத்தையுள்ள ஜனங்களுக்கு கோர்ட்டில் ஜாமீன்போட்டால் அவர்களிடம் ர - ரூய - வாங்கி க்கொண்டு ஜாமீன் ஏற்படுத்திவிடுவதும் ஜாமீன்சொல்லிக்கொள்வதும் கைதிகவரி கைசேர்த்துக்கொண் டு சீமையில் களவுசெய்தவரப்பட்ட நகையை அடக்கிவித்து அதின்மூலமாயும் இப்படி கெட்டதொழிலில் இருப்பவன் இப்போ சமீ த்துக்குமுன் பல்லடந்தாலும்கா கண்பாவினயத்தில் நடந்த கொள்வரி விஷயத் தில் கைதிகளுக்கு உபகாரஞ்செய்வதாய் ரூ - ரூபாய்வரையில் அவாளால்வாங்கிக்கொண்டு பட்டணத்து க்கு ஒடிவந்துவிட்டிருக்கிறான்.

சு - வது. ஷேயானும் ஷேயான் தம்பியும் இந்தவூரில் எப்போதும் கலகத்துக்குக்காரணமாயிருக்கப் பட்ட கெட்டநடத்தைக்காரனென்பதைக்குறித்து இந்த ஊரில் உள்ள வெகுஜனங்கள் பிரமாணஞ்செய்ய உறுதியுள்ளவர்களாயிருக்கிறார்கள்.

எ - வது. ஷேயானுக்கு களத - ரூபாய் ஆஸ்தியிருப்பதில் சகோதரன் க - பேர் இருக்கிறார்கள் - இந் த சொல்ப ஆஸ்தியிருப்பதில் வெகுபேர் ஏழைகவரி பலவிதமாய்தொந்திரவுகொடுத்து சம்பாதித்ததே தவிர கிரமமாய் தொழில்செய்து சம்பாதித்ததல்லவென்பது இந்தவூரிலுள்ள வெகு ஜனங்களுக்கு செம் மையாய்த்தெரியும்.

அ - வது. இந்தவூரில் ஷேயான் மிகுந்த குறைச்சல்ஸ்திதியில் இருக்கிறான் யென்பதற்கு திருஷ்டாந்திர மாய் இவனுடைய துன்மார்க்கத்தினால் ஜனங்கள் சகிக்காமல் அனேகந்தடவை செருப்பினுலே வீதியில் அடித்திருக்கிறார்கள் - பெண்பிள்ளைகவரி ராக்காலத்தில் அவாள் னுமதியன் னியில் டலவந்தஞ்செய்து வெ குதடவை வெளக்கமரத்தாலே அடிபட்ட போக்கிரிதடத்தையுள்ளவனாயிருக்கிறான்.

க - வது. ஷேயான் நடத்தை நல்லதென்பதும் மானஸ்தென்பதும் ஆஸ்தி அதிகமுள்ளவனென்ப தும் இந்தவூரிலுள்ள யோக்கியான் ஒருவருஞ்சொல்லமாட்டார்கள் - அவனிடம் சேர்ந்து ஆளாயிருப்பவர்க ளும் நாடோடிகளாகிய போக்கிரிகளும் அவவின் மிகுந்த ஆஸ்திவான் யென்றும் சொல்லுவார்கள் சொல் லியபேர் நடத்தையும் அதேபடிதான்.

ய - வது. இந்தவூரில் ஷேயானுக்கு சுமார் ரூ - ரூபாய்வரை கடன் இருக்கிறது.

யு - வது. இவன் போனவருஷத்தில் ஒரு கலகத்தையுண்டிபண்ணி சீமை சமாதானத்துக்கு விரோத மாய் நடந்ததாக இவனுக்கு இந்த ஜில்லாமேஜஸ்திரோட்டு ஜாமீன்வாங்கியத்தில் இவடத்தில் யாரும் ஜாமீ ன்சொல்லிக்கொள்ள இவன் நடத்தையால் ஏற்படாமல் மலபார் ஜில்லாவில் யாரே ஒரு போக்கிரிகவரி ஜாமீன்யேற்படுத்தி விடுதலையான கெட்டநடத்தைக்காரனாகியிருக்கிறான் - ஷேயான் நடத்தையைக்குறித் து எவ்வளவுதூரம் விசாரித்தபோதிலும் போக்கிரியென்றும் மானஸ்தனல்லவென்றும் அனேக ஜனங்கள் பிரமாணமாய்ச்சொல்ல சித்தமாயிருக்கிறார்கள் - சிலநாள் அவன் இவடத்தில் இல்லாமலிருப்பதைப்பற்றி யாதொரு பெறட்டும் கலகமும் அக்கிரமமும் நடக்க எடமில்லாமல் சவுக்கியமாயிருக்கிறது - மறுபடியும் அவன் இவடம்வந்தால் வீணைகலகம் உண்டாக காரணமாயிருக்கிறது - ஆகையால் அவன் நடத்தையும் ஸ்திதியும் சத்தியமாய் தெரியப்படுத்திக்கொண்டிருக்கிறோம் யார் விசாரித்தாலும் சொல்ல சித்தமாயிருக் கிறோம்

ரங்கசாமிகவுண்டன் ருசு.

ரங்கசாமிசெட்டி ருசு.

இன்னம்மற்றவர்கள்.

CASE OF BOWANY LALLAH.

THE HUMBLE PETITION OF

* The Times, 19th February
and May 14th, 1857.

That Your Petitioner having seen in the public prints,* statements put forth and observations made in Your Lordship's House, which reflect most unjustly upon the proceedings in this case of the Magistrate of Coimbatore, (Your Petitioner's Brother), and that Officer being now in India, and unable, in consequence to meet the charges thus made,—Your Petitioner begs permission, with all respect, to place before Your Lordships the facts of the case, drawn from authentic documents in his possession. He unhesi- tatingly affirms,—that the acts of oppression and of injustice charged, had no existence; —that

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the allegations of Bowany Lallah are, one and all, either pure falsehoods, or, gross perversions of the truth; and that the true and *bona fide* facts of the case are as follows:—

In 1854 the great Mahomedan and Hindoo Festivals of the Mohurram and the Dusserah falling upon the same day (an unusual occurrence), the Government of Madras, well knowing the danger of collision and consequent bloodshed, from the fanatical feelings aroused at such times, issued an order, dated 29th August 1854, to all Magistrates, either to prohibit altogether, in their respective districts, the customary Religious Processions, or, to require the parties celebrating them to keep within their own precincts. It was for an attempt on his (Bowany Lallah's) part to set this order at defiance, that Bowany Lallah, with six others, was proceeded against by the Magistrate, upon information laid before him by the Heads of Police. The sole irregularity in this case, if such it was, under the peculiar circumstances was, that the summons for their attendance did not specify any particular offence, though the parties well knew why their appearance was required.

After a full and patient hearing in open Court, the Magistrate being satisfied, from the evidence before him, that Bowany Lallah and the others were guilty of a most dangerous attempt to break the public peace, required from them under specific provisions of the law, security to a small amount for future good behaviour. It was on failure to produce this security, that they were as the law directed, imprisoned. The limited amount of the security, Your Petitioner submits, is, of itself, decisive evidence that no wrong or oppression was ever contemplated, and as all

upon the spot, it may be added, perfectly well know, and have testified.* Your Petitioner will here adduce an extract from an official letter, addressed by the Magistrate to the Government of Madras, in which the Magistrate expressly and distinctly meets the charges made in Your Lordship's House. Observing, paras. 5, 6, 7.

* See Letters in the public prints — "VERITAS" and "GRENADIER."
"With reference to the other charges that have been brought against me, I could not possibly anticipate the gross falsehoods stated on Bowany Lallah's side at the trial—I could not, therefore, possibly, unless I had been present, have refuted them. Whatever amount of counter-evidence I possessed here, I had no time to send it down to Madras. It was the express advice of my legal advisers not to come down to Madras, or appear personally at the trial; and all the documentary evidence on which my defence mainly rested, was rejected by the Supreme Court, because not attested by a seal, according to the forms which that Court requires. It was properly attested, according to the forms required by the Company's Courts; the production of this evidence would have been sufficient to have overthrown most of the Plaintiff's fabrications." I refer to all his stories, (pure fictions) "of dragging the Plaintiff about from the Cutchery to the prison;" "confined in the prison by night;" "denied his food by day;" "his tendered security refused;" "leave refused to cross-examine the witnesses;" and "needless indignities offered."

"The facts of the case are simply these: The trial was delayed some days, waiting for witnesses. The Plaintiff was never dragged to any prison during his trial; nor ever slept out of his own house; was never detained an hour in the Cutchery; was under no real restraint; but came to the Magistrate's Court each day in his own bullock carriage; returned to his own house; in different houses) to see that they did not leave the town, and collect them at the Magistrate's Office next day. He, Bawany Lallah, had a full and patient hearing, in open Cutcherry; was invited to cross-examine the evidence against him, and did so; his queries being on the original record. He was asked for respectable security, and had none to give; was never kept from his food, and went to jail only in failure of finding security."

The foregoing extracts will also bring under Your Lordships' notice a further important point in this case; that the action instituted by Bowany Lallah, and tried by the Chief Justice Sir C. Rawlinson, was, in truth and in effect, though not in form, *ex parte*;—That the Chief Justice never had the proceedings of the Magistrate fully before him; and that he was, consequently, led to assume the mendacious statements of the Plaintiff's witnesses as facts. To give but one example:—The Chief Justice was led to believe, and asserts, that the Procession in Coimbatore was peaceable and orderly; that the Plaintiff, Bowany Lallah, was not present with the mob; and that the Magistrate had no sufficient ground, therefore, for his proceedings;— whilst the

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very reverse is the fact, and was and could be fully established by unquestionable evidence. The following letter, published in the local prints with his name attached, by the Officer commanding the troops called out to keep the peace on the celebration of the Festivals, affords ample proof on this point:—

"To the Editor of the Athenæum.

"SIR,—With reference to several statements which have appeared in your columns, having connexion with the case of Bawany Lallah, *versus* E. B. Thomas, Esq., Collector of Coimbatore, in which, apparently on the testimony of those implicated, it has been attempted to prove that, so far from there being any grounds for calling out the military, the processions were of the most peaceable and orderly description. As an eye witness of what occurred, being in command of the detachment, I think the following facts will show that the mob was not very peaceably inclined:—In the first place, they openly set the civil power (right or wrong) at defiance, by moving out from their Yaboot Khanas; 2ndly, they refused acquiescence when they were restricted to certain routes, and showed every disposition to dispute with the military the passage of the interdicted street, opposite which they continued for nearly an hour, their attitude being so threatening that it was considered expedient to load with ball; they (the mob) sent several of their number to inspect the muskets, and to see if they were really loaded, and when they ascertained such to be the case, they withdrew; but it is my firm conviction that that circumstance alone prevented their setting the sepoys at defiance. A few hours after the withdrawal of the troops, who had been out from 10 A. M. to 6 P. M., they returned, and, using insolent and abusive threats, passed along the forbidden way, and not only that,—but they proceeded to where the Hindoo idols were kept, threatening the Bramins that if they did not follow their example and have their processions, they would take out their idols for them. It is needless to say that, under such a threat, the Hindoos became participators in the defiance shown to the Civil authority. The question of the necessity which existed in the first instance for issuing the prohibitory order, it rests with Government alone to decide; but as to the forcible and violent opposition which that order met with, it cannot surely be supposed, as the late verdict would imply, that a few hours incarceration should be considered as too severe a punishment for the principal promoters thereof.

"The other statements about starvation will receive that amount of credence to which they are entitled, not only by the personal friends of Mr. Thomas, but by every one who has a just perception and knowledge of native veracity. Notwithstanding the *alibi*, which has, for want of opposition, been so successful in the present instance, it is my firm conviction that the plaintiff was, with several hundred other Hindoos, in the Mahomedan procession, a fact held up by the *Athenæum* as most improbable. I have reasons for supposing that my name was included among the Plaintiff's witnesses for the purpose of speaking to the orderly and peaceable behaviour of the crowd, perhaps there are some people in Madras who know the reasons for its being struck out, if not, it does not require much intelligence to perceive that, if the Hindoos had not been present with the Mooselman party, whose proceedings alone I witnessed, their conduct, peaceable or otherwise, could not have been of much importance to him. Having resided at Coimbatore for nearly two years, the name of the Plaintiff is quite familiar to me, in connection with the evasion of warrants, and for having his house barricaded; besides the known fact of his having paid emissaries among the Cutcherry servants, so that, before the warrant was out of the Magistrate's hands, he was already putting himself in a state of defence. Such is the character of the man on whose behalf it has been attempted to create a fictitious interest, and whose litigious spirit, promoted thereto by others, and resting on some trifling informality in writ or warrant, originated those one-sided proceedings which, in the present instance, have proved so detrimental to the pocket, but leaving the character for uprightness and honesty of purpose of Mr. Thomas, untainted and irreproachable.

I remain, dear Sir,

Yours obediently,

P. T. SNOW, Capt. 3rd L. I.

Fort St. George, Judicial Consultation, 8th June 1858.

"P. S.—With reference to the foregoing facts, it was ascertained, that the Musselmen had armed themselves and taken leave of their families—two circumstances which do not say much for their peaceable intention.

"The prohibitory order was issued some six weeks or two months prior to the Festivals, allowing ample time for a reference to Madras, had a peaceable settlement of the matter ever been contemplated."

The testimony of this Officer, and of others equally trustworthy and cognizant of the facts of the case, was readily available; and had this testimony and the documents and records of the Magistrate's proceedings been admitted, and been fully before the Chief Justice, instead of being rejected for informality, it would have been manifest that all the allegations of the plaintiff's Counsel, and witnesses, of arbitrary and oppressive conduct, were wholly groundless.

It may be right to add that, within a few weeks, (the Chief Justice concurring), the judgment given against the Magistrate was reversed, the Court nonsuiting, the Plaintiff (Bowany Lallah,) with costs,—the full Court ruling that they had no jurisdiction in the case. And it was owing, in part, to the known opinion, that the suit was not within the jurisdiction of the Supreme Court, that the Magistrate's case was so imperfectly before that Court; and that it has been so entirely mis-stated and misrepresented. The case itself, moreover, was not one of an ordinary character (where there would be no excuse for irregularity,) but peculiar;—where, further, there is not the shadow of a ground, even for suspicion, that the Magistrate, Mr Thomas, was influenced in his acts by any unworthy or private motive. Nor by ought, but by an earnest desire to fulfil, under the orders of the Government, and the laws enacted for his guidance, an arduous and responsible duty. This, Your Petitioner is prepared to prove that he did, justly and uprightly; and that the allegations to the contrary, of injustice and oppression, are false and calumnious.

(Signed) J. F. THOMAS,
Madras Civil Service.

No. 4. ORDER THEREON, No. 714; dated 2nd June 1858.

Ordered to be communicated to the Honorable the Court of Directors with the report, when received, from the Court of Sudder Udalut, on Bhowanee Lala's case, called for in Extract Minutes of Consultation 19th April last, No. 501, and the papers which have to be furnished by the Honorable Company's Solicitor.

(Signed) T. PYCROFT,
Chief Secretary.

No 714

At
B
Will

Ordered to be communicated to the Honorable the Court of Directors with the report, when received, from the Court of Sudder Udalut, on Bhowanee Lala's case, called for in Ex. Minis. of Cons. 19 April last No 501, and the papers which have to be furnished by the Honorable Company's Solicitor

Fort St. George, 2
22 June, 1858-3

Copy to Mr Thomas Esq. 22 June 58
Madras

The proof now ad-
duced of B. & J. is
in great accordance
is most satisfactory
& fully meets the requirements
of the Honorable Company
was

C. No. 398 20.4.58

Jan. 1. Letter to Engr. No. 10 & 12.7.58.