

MADRAS RECORD OFFICE.

Government of Madras.

In receipt DEPARTMENT.

G.O. No. 990

Press

Mis.

14 to 17

Dated

21-7-1928

Not to be folded or roughly handled

990

Fort St. George, Judicial Consultation, 27th July 1858.

Read the following letters.

No. 14. From Colonel J. C. BOULDERSON, Commissioner of Police ; to T. PYCROFT, Esq., Chief Secretary to Government, dated 6th July 1858, No. 90.

SIR,

1. With reference to Extract Minutes of Consultation, under date 5th Instant, No. 905, Judicial Department, subject as per margin, I have the honor to report that a good deal of excitement prevailed in Royapettah, among a certain class, following Sunday the 29th June, in consequence of the Wesleyan Missionaries there resident, having allowed a boy about 15 years of age named Vizayarungum, who had expressed a desire to become a Christian, to remain in their premises contrary to the wish of the parents, by whom the restoration of the lad to their care was demanded. Under these circumstances fearing a breach of the peace might ensue the Police guard immediately outside the gate of the Mission compound, (on the opposite side of the road) was considerably strengthened. By Thursday morning it seemed that the excitement had abated considerably, and it was understood that the parents intended to seek redress in the Supreme Court.

2. On Thursday afternoon, however, intimation was received from the Mission House, that the Missionaries feared that the parents and relatives of the boy intended to commit violence on them and their property, and requested my protection. I immediately sent my Deputy, Mr. Lafond, who is an old, experienced, and well known Police Officer to the spot, with orders to further reinforce the Police guard at the Tannah before mentioned, to the extent he might find necessary, and to order the European Constable of the District to remain there all night. Mr. Lafond was also desized to prevent the Police Officers from siding with either party and not enter the Mission garden unless their services were needed to preserve the peace.

3. If the above orders had been carried out, the chances are, no riot would have taken place, but for reasons given in his report, of which a copy is appended, it will be seen that Mr. Lafond considered there was no fear of any disturbance taking place and that he left the spot under that impression, but with the intention, however of sending a Constable to the Tannah, and it appears that Officer arrived after the riot had commenced, but in time to assist in quelling it, and to arrest some of the parties concerned, who were about half past 7 o'clock P. M. conducted to the Jail, by my order, by a party of the Police Troop, who arrived just in time to perform that duty. It is due to Mr. Lafond, who has always proved himself a zealous Officer to say, that I feel certain he would not have left the place if he had seen the slightest chance of a disturbance taking place. Unfortunately Mr. Lafond, when he left the spot himself sent the Jemadar of the division for another Native Officer, and the Inspector left the place about the same time, thus no superior Officer of Police was present at the time of the riot. Of this circumstance it seems the lad's relations and friends took advantage about dusk to commit riot on the Mission Premises, where they did considerable damage to property, but without inflicting injury on any person.

4. The Inspector of the District Mr. Stuart, who lives close by, in the Royapetta Police compound, is accused of not having returned to the Mission house, so quick as he might and ought to have done. This charge he positively denies, he says he was aware that life and property were at stake, and that he went without the least negligence or delay to the Mission house on the occasion in question. His conduct will be brought to light during the course of the trial which is to be held upon the rioters in the Supreme Court, during the present Sessions, and if necessary, he will in due course be called to account.

On the afternoon of the 1st Instant I received a note from Mr. Inspector Stuart, enclosing one from the Revd. Mr. Jenkins, requesting the assistance of Police Officers; in reply, I wrote to Mr. Stuart to call upon the Jemadar of the 3rd Division for 4 Peons and place them at the Club House Tannah, which is close to the Revd. Mr. Jenkins' Premises, and at the same time, intimated that as the lad whom they were about converting was under age, it would be better for the Revd. Mr. Jenkins to make him over to his father. I mentioned this in order that Mr. Stuart should act with caution. After 5 o'clock that evening, I rode down direct from the Commissioner's

Fort St. George, Judicial Consultation, 27th July 1858.

Office to the Revd. Mr. Jenkins' gateway, where I met the 3rd Division Jemadar Chundrabhan with some Peons and about 20 or 30 people standing on the side of the road. The Jemadar told me that Mr. Stuart was inside with the father and mother of the lad talking with the Revd. Mr. Jenkins. In the crowd, I identified 3 or 4 only of the party who were connected with the lad and all the others were passers by, and one amongst them whom I had caused a few days before to be put up before a Magistrate for trespassing into the Revd. Mr. Jenkins' compound. I addressed myself to him and the others and remonstrated with them regarding their conduct and advised them to quit the place or otherwise that the Police would have them apprehended and taken before a Magistrate, if any one of them attempted to trespass into the compound of the Revd. Mr. Jenkins; meantime, I desired the Peons to go to the Tannah; no sooner they moved off, the crowd also began to disperse; the reason for my sending the Peons away, was that their presence invariably causes a body to collect. I told the Jemadar, that I would come back and rode off towards Royapet. I was absent about 20 or 30 minutes when I came back. I stopt near Lieut. Proudfoot's house when Mr. Stuart and the Jemadar came up towards me, at this time there was no crowd or any person lurking about the place. I desired Mr. Stuart to keep all the Peons at the Club House Tannah and send for Shaik Hoossain Constable and make him stop at the Tannah also, and that they all should have a good look-out. After remaining some time and observing that there was nothing to apprehend, I accompanied by Mr. Stuart and the Jemadar passed the Revd. Mr. Jenkins' gateway to the Club House Tannah, where I repeated my caution to be on the look-out and to take care that nothing goes wrong. I remained in Royapet until past 6 o'clock. Seeing all quiet, I was in consequence induced to leave the place.

Madras, 4th July 1858.

(Signed) GEO. JNO. LAFOND,
Deputy Commissioner of Police.

(True Copy.)

(Signed) J. C. BOULDERSON,
Commissioner of Police.

No. 15. From the Honorable Sir CHRIS. RAWLINSON, Knight, Chief Justice of Her Majesty's Supreme Court, Madras; to the Right Honorable the Governor in Council, &c. &c. &c., Fort Saint George, dated 12th July 1858.

MY LORD,

I have the honor to enclose a copy of a Presentment made by the Grand Jury on the 7th Instant, during the late Sessions.

Its contents do not, I consider, require any comment from me. I will only add that I fully subscribe to the remarks contained in the 1st para. and as regards the riot at Royapetta that nothing transpired during the trial of the case to explain (what is to me a perfect mystery) how the Mission Premises were allowed to be in the possession of a riotous mob of more than one hundred persons for about one hour and a half without the slightest interference on the part of the Police.

Grand Jury Room.
Madras, 7th July 1858.

The Grand Jury present that from the evidence which has come before them in two or three cases, they are induced to believe that the Police establishment of Madras, is wanting in that efficiency, the maintenance of which is so necessary for the prevention of crime, and the preservation of the public peace.

Without referring to the origin of the case of riot in Royapettah, the Grand Jury feel themselves called upon to request the attention of your Lordship to the gross want of vigilance on the part of the Police, in permitting a serious riot during the space of an hour and a half in one of the most populous Districts of Madras, and in the immediate vicinity of a Police Station. The Grand Jury have no evidence before them of any interference by the Police during the disturbance, although it is proved that an Inspector and several Peons, were on the Premises immediately before its commencement.

(Signed) W. E. UNDERWOOD,

Foreman.

(A true Copy.)

(Signed) FREDK. ORME,
Dy. Clerk of the Crown.

Fort St. George, Judicial Consultation, 27th July 1858.

No. 16. From THOS. SYDNEY SMYTH, Esq., Advocate General; to the Chief Secretary to Government, Fort Saint George, dated 12th July 1858.

SIR,

I have the honor to submit the following report of the cases in which I considered it necessary to conduct the prosecution at the Criminal Sessions just concluded.

2. The first was that of Chinniah for larceny, for stealing Rupees 210 from the cash chest in the Arsenal in Fort Saint George, a very clear case, in which the prisoner was convicted, and sentenced to 7 years' transportation to the Tenasserim Coast. On this case I have only to observe that the prisoner stated, at the Police Office, that he had received the money from a 2nd Tindal of Lascars named Narrainsawmy, and a Lascar named Madooray. It is almost certain, from the prisoner's youth, from the situation of the room in which the cash chest is, and from other circumstances of the case, that he had some allies in the robbery, older hands than himself, and some one at all events to keep watch while the robbery was being effected; and I have learned from Major Wilson, that the prisoner let fall some words that indicated that the money had been flung over the wall to him. The Police say they have been able to discover nothing against either Narrainsawmy or Madooray; this may be partly accounted for by the whole of the money having been spent by, or found with the prisoner, but these two Lascars ought, I would suggest, to be carefully watched.

2. The next case is that of Vencatasawmy Butten and Amoorthum, charged with the murder of Soobboo Laul. This case was investigated before Colonel Colbeck, and dismissed by him in April last. About the latter end of June I heard from Dr. Porteous some facts connected with the case, shewing that in his opinion the case was one of murder, and could not have been a case of suicide. I thereupon requested the Honorable Company's Solicitor to procure for me the depositions in the case. On perusal I was of opinion that though much of the evidence was of a most unusual nature to be adduced on behalf of a prosecution, in fact merely evidence for the defence, though not entered as such, nor in fact adduced by the prisoners, so far as I can learn, and though the evidence of the two men (Vencatachella Naick and Parthasarthy Pillay) who said they saw a body carried from Vencatasawmy Butten's house on the night when the murder was probably committed, was highly suspicious and unsatisfactory, yet I was clearly of opinion that, independently of all this, there was quite enough of circumstantial evidence to have called on any Magistrate to commit the case. I therefore wrote to the Honorable Company's Solicitor, giving an abstract of the view I took of the case, and mentioning the further evidence I understood Dr. Porteous could give (of which however I understand that Colonel Colbeck had been informed by Dr. Porteous himself in April) and requested him to urge Colonel Colbeck to take up the case again, as otherwise I must send the case before some other Magistrate, or myself prefer an Indictment before the Grand Jury. Upon this Colonel Colbeck took up the case again, took Dr. Porteous' evidence and committed the case for trial.

3. The case quite broke down at the trial, Vencatachella and Parthasarthy not only contradicted the statements in their depositions, and still more so those in their examination before the Coroner, but otherwise shewed themselves quite unworthy of credit. Vencatachella seems to have volunteered his evidence to the Police, and to have urged Parthasarthy to give his, and whether they were or were not in fact instigated by Roodrappen Naick the Talliar (as seems to have been suspected by the Magistrate) I think it would be very unsafe to condemn him, or any man, on their evidence. The circumstantial evidence too quite broke down. Mr. Grant, the deceased's employer, proved on cross examination that there was a deficiency of Rupees 85 in the deceased's accounts, over and above the Rupees 225 the amount of deficiency stated in his examination taken by Colonel Colbeck; and shopkeepers from the bazar proved that on Monday the 15th of March the deceased had paid Rupees 31 for a shawl for the prisoner Amoorthum, a fact not noticed in the depositions. These two additional facts materially altered the complexion and effect of the circumstantial evidence; but to show how would require a very long explanation. The prisoners were acquitted, and most properly so on the evidence; but that the deceased was murdered I have no doubt whatever, and I think that strong suspicion attaches to both prisoners.

4. I think Colonel Colbeck certainly committed a grave error of judgment in dismissing the case, especially if he was at the time aware—as I understand he was—of Dr. Porteous' opinion, on whose evidence, formally taken, he ultimately committed the case. He appears to

Fort St. George, Judicial Consultation, 27th July 1858.

have acted on the idea that the Grand Jury would not find a true Bill. The idea that this is the proper test or criterion as to whether a Magistrate ought to commit or not is a most erroneous one, and unless removed is likely to interfere very seriously with the due administration of justice.

5. There seems too to have been a strong suspicion existing in the Magistrate's mind respecting the conduct of the Police officials in this case, especially Ramachendra Row and Talliar Roodrappen Naick, and I cannot say I am surprised at it, for Ramachendra Row seems to have had the conduct of the case, and it appears to be an undoubted fact that former transactions had occurred between him and the accused Vencatasawmy Butten, such as, among Natives, do constantly form a ground of deep and abiding enmity. When, under these circumstances, Roodrappen Talliar, who would naturally be supposed to act under Ramachendra Row's orders, is found bringing up some very suspicious evidence, and keeping back—or rather not producing—other evidence which the Magistrate thought important, there was quite enough in my opinion to warrant the Magistrate in entertaining suspicions, and in endeavouring to prove the case thoroughly, and though it is unfortunate that the Magistrate should have, as I infer from the proceedings, manifested those suspicions so unguardedly as plainly to have induced the prisoners, or their friends, to get up charges against Ramachendra Row so improbable as to be altogether incredible, yet I think there would be great danger in taking any step that might tend to fetter a Magistrate's freedom of action in investigating, when officially before him, the proceedings of Native Police Officers of whatever grade, most especially with reference to persons against whom they have, or ever had, any grounds of personal enmity. I think that the case against Vencatasawmy Butten ought never to have been entrusted to Ramachendra Row, and I think that if he was desired to take charge of it, he ought to have requested that it might have been transferred to some one else. As regards Roodrappen Talliar I think it fair to add that he appears to me less to blame than I had imagined from reading his (so called) cross examination by Vencatasawmy Butten on the 18th April, and his supplementary depositions of the 13th and 14th April. I am now not at all satisfied that those depositions were correctly taken down. When he was re-examined in the presence of the Honorable Company's Solicitor on the 2nd July (which was probably some support to him) he openly and flatly denied before the same Magistrate that he had given his evidence as entered in the former depositions, and he gave an explanation which he repeated in Court at the trial and which I considered satisfactory, and on one occasion the Chief Justice also expressed his assent. In fact he gave his evidence fairly and well. It was plain that he and Colonel Colbeck regarded each other with very strong feelings, for it was with great difficulty that I succeeded in preventing them from going into these matters before the Court. Bearing this in mind, and comparing Roodrappen's deposition of the 2nd July (which I believe is correctly taken) with the preceding ones, I cannot say that I see any thing against him beyond the probability (if it amounts to that) that he instigated Vencatachella and Parthasarthy to give the evidence they did, and this probability seems to me to depend mainly on this, that, knowing the enmity that existed between his superior Ramachendra Row and the accused, he would naturally think that if he could procure the conviction of R. Row's enemy, he would ensure R. Row's favor to himself.

6. Another case was that of S. Valoo Moodelly and Ramadavoo Moodelly indicted for poisoning one Noor Ahmed with arsenic in December last; a case brought by the Police before Colonel Colbeck late in December or early in January, and dismissed by that Magistrate. A few days ago I accidentally heard from Doctor Porteous that 100 grains of arsenic had been found in the deceased's stomach, and when, upon inquiry, I found that the case had never been committed, I requested the Honorable Company's Solicitor to procure the depositions for me. On reading them I found what appeared to me a very suspicious case independently of the direct evidence, as to which I had very considerable doubts. I found it beyond a doubt that the man had died from the effects of arsenic, that a few hours before he had been at the prisoner's house, that they had arsenic in their possession, and that one of them had, or probably had, strong reasons for wishing to silence him, and was seen conducting him to the hut where he died, the owner of which hut told a story which was plainly false, and only showed his wish to conceal the truth. When to this was added the evidence of a man who said he saw the prisoners mixing the poison and giving it to the deceased, I felt that even the doubts naturally attaching to this latter statement, ought not to prevent the case from being judicially investigated. I therefore wrote to

Fort St. George, Judicial Consultation, 27th July 1858.

the Honorable Company's Solicitor requesting him to state my views to Colonel Colbeck, who had dismissed the case, and ask him to take it up again especially as, since he had dismissed it, the Police had discovered two witnesses, whose testimony I thought very important. Colonel Colbeck however declined to do so, whereupon I sent up an indictment to the Grand Jury, who at once found a true Bill.

7. At the trial one of the most important witnesses could not be found, two others failed to prove important facts stated in their depositions, and moreover the direct evidence, that of Kistnappa Naidoo, entirely broke down, he denied having seen the milk in which the arsenic was mixed, drank by the deceased, though he had said so expressly in his deposition, and he varied so seriously from it in other particulars that I stopped the case with the full concurrence of the Chief Justice, who also intimated a strong opinion as to the effect of Dr. Scott's evidence. Whether the memory of the other witnesses would have served them better had the case been tried at the January Sessions, as it ought to have been, is mere matter of speculation; but the memory of the most honest witnesses may fail, if six or seven months are allowed to elapse between the taking of their depositions and their examination in Court, to say nothing of the opportunity thus allowed for buying off the most telling evidence.

8. The last case I have to observe upon is that of the riot at the Wesleyan Mission House.

9. Nine prisoners were committed. The Grand Jury threw out the Bill as against three, and the Petit Jury acquitted three more, convicting three only, whom the Chief Justice, after remarking upon the relationship of the first two to the young Convert (the refusal to deliver whom to his father and mother caused the riot) the circumstance that this was the first, the only case of riot that had ever come before His Lordship in Madras, the comparative harmlessness of the mob, the absence of any personal injury to any one, and of any resistance to authority or of opposition to the Police when they made their tardy appearance, sentenced to imprisonment in Her Majesty's Jail for 4 months, and a fine of Rs. 20 to the Crown, with further imprisonment till it was paid.

10. From the peculiar circumstances out of which this riot arose, namely the conversion of a Hindoo to Christianity by the Missionaries, and their refusal to deliver him (against his will) to his parents, and the wide spread though unfounded rumours that have been recently circulated in many parts of India about the connexion of Government with the efforts of the Missionaries. I resolved, as soon as I heard that the Missionaries were about to institute a private prosecution, not to appear in the case lest by doing so, I might unnecessarily give a further handle for such rumours. It soon however appeared that the Missionaries had withdrawn from their intended prosecution, while Counsel was engaged for the defence, and under these circumstances the Chief Justice requested my assistance, which I at once expressed my readiness to afford.

11. The most important fact that appeared was, that, had not the Police purposely withdrawn themselves, after the mob began to collect outside the compound, there never would have been any riot at all. Not till the last Policeman left the compound, did any of the mob enter. The Revd. Mr. Jenkins requested Inspector Stuart and his men to remain at the Mission House as he apprehended a riot; they refused to do so, saying their orders were to withdraw. Government ought assuredly to know who gave such orders, and for what reason and by what authority; for *prima facie*, such orders indicate gross ignorance and neglect of duty. Government too should know whether any information of the actual state of affairs was sent between 5 and half past 7 p. m. by Inspector Stuart, or any one else, to the Chief Commissioner's office (not $\frac{1}{4}$ hours walk distant) and if not, why not; and, if such was sent, why the Horse Police, who might easily have trotted up in five minutes, never came on the scene till near 8 o'clock when all the mob had dispersed, which they did on the reappearance of Inspector Stuart, and 3 or 4 Police men; in fact upon the first cry that the Police were coming.

12. The Grand Jury having made a Presentment on this subject, and the Chief Justice having promised to forward it with such remarks as he considers necessary, it is perhaps unnecessary that I should trouble Government at present with any further observations on this subject.

No. 17. ORDER THEREON, No. 990; dated 21st July 1858.

1. It has been brought to the notice of Government, in regard to the riot at Royapettah, that none of the mob entered the Mission Premises till the last Policeman had left them. The Government are also informed that the Revd. Mr. Jenkins requested Inspector Stuart

Fort St. George, Judicial Consultation, 27th July 1858.

and his men to remain at the Mission House as he apprehended a riot, which they refused to do, alleging that their orders were to withdraw. The Governor in Council resolves to call upon the Commissioner of Police to report whether such orders were issued, and if so, by whom and for what reasons. He also wishes to be informed whether any information of the actual state of affairs was sent to the Commissioner or either of his Deputies between 5 and $\frac{1}{2}$ past 7 P. M., by Inspector Stuart, or any one else, and if not, why not; and if such was sent, why the mounted Police did not come to the scene till near 8 o'clock, when all the mob had dispersed, which, it is observed, they did on the re-appearance of Inspector Stuart and 3 or 4 Policemen, in fact upon the first cry that the Police were coming.

2. The Revd. Mr. Jenkins will also be requested to be so good as to inform Government of what communication he had with the Police on the afternoon or evening of the day on which the riot occurred.

3. The Presentment of the Grand Jury with the letter from His Honor the Chief Justice which transmitted it, will likewise be furnished to the Commissioner of Police for any remarks that he may have to offer on it.

(Signed) T. PYCROFT,
Chief Secretary.

4
Memo.

This must go out to the Governor but I
will take it first for the information of
the members of Council and for such
remarks as they may have to make on it
JP
7/7/58

This explanation simply amounts
to nothing. Had the preparations detailed
by Mr. Leford been made it is impossible
the mob should have remained in possession
of the Mission premises from $\frac{1}{2}$ past 8 o'clock
till $\frac{1}{4}$ before 8 o'clock as the authorities in representing
I reserve my opinion on the conduct of the police till
I see the result of the trial of the
7/7/58
W. de L.

Memorandum.

Memorandum to be sent to the Governor and
the President in the afternoon of the
2nd day of January, 1891, and for the
purpose of the same being read at the
meeting of the Council on the 3rd day of
January, 1891.

6
Memo.

I enclose the letter from the Chief Justice
and presentation of the feared Jury
on the late visit in Ruyapeltat -

as also the report of the Advocate
General on the cases which he conducted
on account of the Crown at the late
sessions -

I also enclose Col. Boulle's
report and its enclosure from the
Fond - with a newspaper containing
a report of the trial.

It will also be necessary to take
some measures in reference to the
conduct of the Police on the occasion
of the late visit - Perhaps the question

suggested by Mr Smyth at the end of
his letter might be put to Col Goulden on
at once - The presentation of the
panel being might also be sent
to him for any remarks or explana-
-tion that he might have to offer -

Mr Smyth's report it will be
seen touches on other matters besides
that of the Logan Petition List - and
reflects somewhat seriously on Col
Colbert's judgment as a Committing
Magistrate - Perhaps it felt would
not desire to have the significant
murder case reopened - but the
opinion expressed by the Advocate

General that the Indians' evidence
was not correctly taken down at
the Police Court ~~may~~ deserves atten-
-tion.

14-7-58.

The Adv. Gen's letter presents the unusual
feature of interference on his part to correct
the proceedings of a Committing Magistrate in
regarding to send up for trial two very serious
cases of murder, the are as yet only cases
casually under Mr Smyth's notice.

His comments on the first of these cases
the conduct of the police authorities in a
somewhat different light for that in which
they were made to appear of Mr Ruddle's
investigation.

I think we ought to require explanation
on the points noticed in para 4 of the Adv. Gen's
letter

Adm viz: What ^{are the} grounds for supposing Ramm
Chunder Row to be friendly with the Pres? ?
Why of such was the case did the Chf Jm? entrust
the investigation to him?

I do not recollect any information bearing so
strongly on these points as Mr. S. seems to insist
upon. On the contrary the former directions ^{to his Dep't} appeared
to me to be natural & proper with regard to
Roodrapark's retention of information. That
information had been made known to the former
I think it was found to be of no value.

The doubts thrown on the records Roodrapark
dispositions of the 13, 14, & 15 April also require
explanation from the Magistrate.

The Magistrate's judgment is also seriously impugned
as the second case, but I do not see that any further
explanations is req^d for him now.

With regard to the Raza Parkah upb I do call on
Court for explanation on the points noticed & the
Adm. Genl. she should be required to state what
he has to say in reply to the presentments of the 1st Jan'y.

C. H. Dwyer I would ask Mr. S. to see what
was necessary where he had to be

Police on the afternoon or evening of the
day on which the riot occurred.

W. D. C.

No 990

Extract from the Minutes of Consultation

Dated 21st July 1858-

Read the following Letters

From the Commissioner of Police (Here enter 6th July 1858 No 90)

From the Honble the Chief Justice
of H. M. Supreme Court of Judicature (Here enter 12th July 1858 No -)

From the Advocate General (Here enter 12th July 1858 No -)

1 It has been brought to the
notice of Government, in regards
the riot at Royapettah, that ~~had~~
~~the Police purposely withdrawn~~
~~themselves after the mob began~~
~~to collect outside the compound~~
~~of the Mission House, there never~~
~~would have been any riot at all,~~

none of the mob having entered
the Mission Premises
till the last Police man had
left the premises. ^{Govt} They are also
informed that the Rev. Mr. Leach
had requested Inspector ~~Stewart~~
Stewart and his men to remain
at the Mission House as he apc

C 19 July

Jud. & Sec. to Cong. 1853
1852 of 1858
Par. 113

Jud. & Sec. to Cong. 27 July
Judicial 1858 de 1858

No. 990.

Alfred H. Morris: Sec.
of 21 July 1858.