M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1456 Press Mis.

55-56

Dated 28-10- 1855

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 22nd to 31st October 1859.

No. 55. Read the following letter from THOS. SYDNEY SMYTH, Esq., Advocate General; to the Chief Secretary to Government, Fort Saint George, dated 17th October 1859.

I have the honor to submit the following Report for the information of the Honorable the Governor in Council, with reference to the Fourth Criminal Sessions of this year.

2. Dooroogan *alias* Manikum, was tried and convicted for the murder, on the night of the 18th June last, of a drunken prostitute named Ayelandum. The prisoner afterwards made a full confession. Had he been acquitted, I should have had him at once taken into custody as an escaped Convict, as he had been convicted of another murder at Bellary, in 1854, by the Sessions Judge, and sentenced by the Foujdaree Udalut to transportation for life. He had managed to escape and to return to Madras some two months before this last murder. He was executed this morning.

3. With respect to the case of the stabbing of some Native cultivators near Poolicarney by some Soldiers or Soldier of Her Majesty's 44th Foot, I mentioned in my report of the 11th July last, paragraphs 7 and 8, that I had reason to believe, that the guilty party was Private McDougall, then in hospital, against whom I should cause informations to be laid as soon as he recovered, as I was informed that 4 of his comrades were able to prove his guilt, and I trusted would not shrink from doing so when put upon their oaths.

4. I accordingly had informations laid against McDougall, who was duly committed and tried, but I regret to say, acquitted—not, however, by any fault of the Jury, but solely owing to the disgraceful perjury of his comrades.

5. When Privates Mackay and Leech, who were tried last July, were in confinement previous to their trial, I understand that they forwarded a communication to the Commanding Officer, stating that they were innocent, that McDougall was the only guilty party, that they felt aggrieved at his having laughed at them, for being punished in his stead, and begging that inquiry might be made of certain Privates whom they named, who, they said, knew the whole truth.

6. Upon this, Serjeant Baker, was directed to enquire what these men knew, and to write down their statements. He accordingly took down the statements, of which I annex copies, from Private Pulford, Wm. Greenough, John Greenough and Thomas Jones.

7. Of these four, Jones alone, when sworn and examined as a witness, adhered to his former evidence, but it was comparatively immaterial, as it merely referred to the subsequent finding of McDougall's bayonet, and as Jones had not been with the excursion party the preceding day when the Natives were stabbed.

8. Pulford and William Greenough, however, who had asserted in their statement written down by Serjeant Baker, Pulford, that he had "seen McDougall take a bayonet from his sleeve and run after some Natives," and that McDougall told him afterwards, when confined in the guard-room, "that he believed he had touched two of them"—William Greenough, that he "saw "McDougall with a bayonet on a stick thrusting and cutting at the Natives," and that afterwards, in the guard-room, he "heard McDougall say, he thought he should get the worse of it,"—these two men swore they knew nothing whatever about the matter. Both swore positively they never had seen McDougall quarrelling with, or even near, any Natives; that they never had seen a bayonet in his hand, and that he never had said any thing to them in the guard-room.

9. The statement made by these two men to the Serjeant was quite voluntary, and taking it in connection with McDougall's own statement, of which I also forward a copy, I have no doubt it was the truth. If so, then their sworn statement before the Court at McDougall's trial was deliberate, wilful and gross perjury.

10. I am not aware of any mode of punishing their conduct as it merits, because their statement to the Serjeant was not made upon oath, but a communication from Government might perhaps lead to their character being recorded as it deserves in the Regimental records.

Statement of Horace Pulford.—I was at Pullicarney, on Sunday the 17th April 1859. In the afternoon a party of us went out for a walk, first before starting, Williams told me that McDougall had a bayonet up his sleeve; on our arrival near a village, I saw McDougall take a

bayonet from his sleeve and run after some Natives, and I then left the party and did not rejoin it again, I was confined as soon as I got home, and McDougall told me in the guard-room, that he believed he had touched two of them (Natives) and that he had hid the bayonet.

Statement of Wm. Greenough.—I was one of a party which went out for a walk on Sunday the 17th April 1859, at Pullicarney, when we came near a village, I saw McDougall in a garden quarrelling with some Natives, and I saw him with a bayonet on a stick thrusting and cutting at the Natives. When I saw that he was quarrelling, I turned and went home, I was confined, and in the guard-room, I heard McDougall say, he thought he should get the worse of it.

Statement of John Greenough.—On Sunday the 17th April 1859, at Pullicarney, a party went out for a walk, I went as far as the cook house with them, I went in the cook house, got a light and remained there about half an hour and then went and lay down till I heard the bugle sound the "fall in," while in the ranks, I saw McDougall coming in, and Serjeant Johnston told me and Private Jones to take him to the guard-room. McDougall was first on the steps of the Bungalow, when we took him, he was without his cap and cover, he had no bayonet with him then. The following day, I was at the rear with Jones, and McDougall was escorted there from the guard-room, he asked us if we would do him a favor, we said we would, he then told us that his bayonet was in the garden, under a tree, and asked us to go and get, we went and found it, Jones placed it on my bed, and I oiled it and put it in the scabbard.

Statement of Thomas Jones.—At check roll-call at Pullicarney, on Sunday the 17th April 1859, myself and Private M. Greenough were told to go and take Private McDougall to the guard-room. McDougall was first entering the Bunglow and we confined him afterwards. Several of us were in the garden looking for the missing bayonet, and I found a coat belonging to Private Thomas Mackey who was a prisoner on the following day, I was at the rear with Private M. Greenough when McDougall was brought there, he asked if I would do him a favor and fetch in his bayonet, I said I would, and went in company with Private Greenough and found it in the place he told me it was.

Statement of John McDougall.—That on Saturday evening, he with other men (Leech, Mackey, Pulford and Wm. Greenough) made it up to go out the following evening and each take their bayonets to have revenge on some Natives who had insulted them some days before. At about 4 o'clock on Sunday, the above men with himself and J. Greenough, who turned back on going few yards, went on to the village when it turned out that himself was the only man who had brought his bayonet, although they had all agreed beforehand to do so, he McDougall states, that on reaching the village, he drew out the bayonet but only flourished it over his head and did not strike or attempt to strike any one, he put it on a stick on seeing the Natives armed with long spears to defend himself better. On his way home he hid the bayonet behind a tree and when a prisoner in the guard-room Private Jones came and asked him where the boyonet was, when he, McDougall, explained to Jones where it could be found.

No. 56. ORDER THEREON, 28th October 1859, No. 1456.

The second paragraph of the above letter, in which the Advocate General reports on the fourth Criminal Sesssions of this year, will be communicated to those Officers, who were furnished with copy of the Proceedings of the 1st August last, No. 1029. The remaining portion of the report will be communicated to the Military Department.

(Signed) T. PYCROFT,
Chief Secretary.

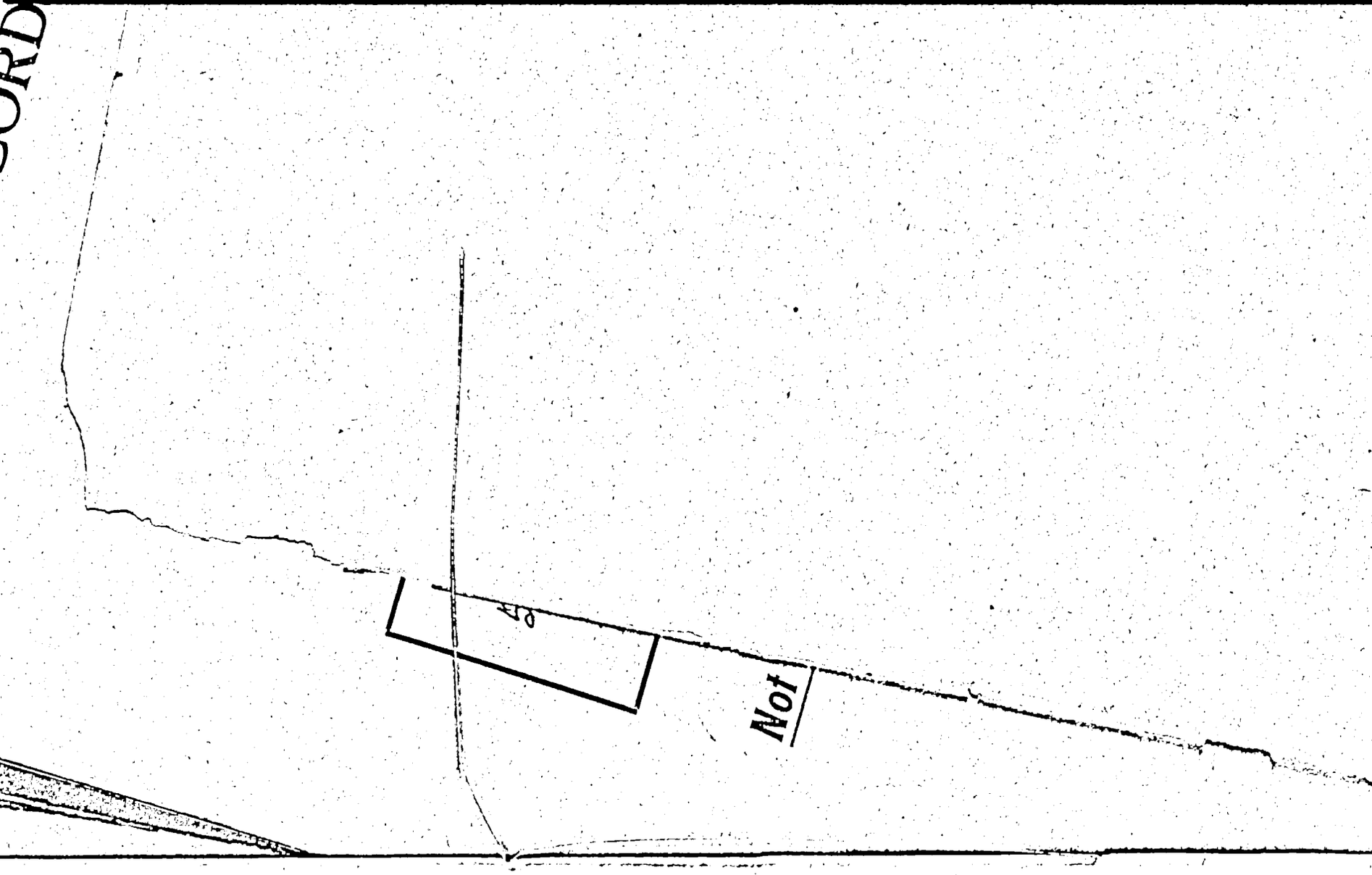
Exd. F. Cartledge.

No. 1456. 28th October 1859.

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The Commissioner of Police.
" Inspector Genl. of Jails.
" Magistrate of Bellary.
" Mily. Deptt.
" Advocate General.

Paras 2. Dispd. of.



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