MADRAS RECORD OFFICE.

Government of Madras.

[illegible] DEPARTMENT.

G.O. No. [illegible]	Press Mark
[illegible]	
Dated [illegible]	

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 23th June to 1st July 1859.

No. 22. Read the following letter from V. H. LEVINGE, Esq., Acting Magistrate; to J. POTTER, Esq., Deputy Secretary to Government, Fort Saint George, dated 21st June 1859, No. 250.

PARA. 1. In reply to the Extract from the Proceedings of the Madras Government, dated 1st June 1859, I have the honour to report that in my opinion none of the parties concerned in the said should have any part of their sentences remitted, and that those parties who have absconded should not have the proceedings against them forgone.

2. The property of the parties named in the margin was attached on the 1st and 25th January and 1st, 2nd, 3rd, 4th and 11th February 1859, under Circular 2, Section XVII, Regulation IX of 1816, they having failed to appear to a summons issued for their attendance. The period allowed by the Section and Regulation having nearly expired, I was prepared to apply to Government for confiscations. These parties were the leaders and instigators of the calumny; they evaded appearance hitherto, and if now permitted to escape, such parties would be most unfair to those who have been punished even if the remaining part of their punishment was remitted and the policy which dictated the parties would be questioned by them. I think they should be made to appear and give security to keep the peace. There is no evidence against them to warrant their committal to the Sessions Court.

3. The parties named in the margin are living in fact, having failed to give security to keep the peace, solely on the ground of their being such bad characters that no one will be answerable for them. Their sentences have still 6 months to run.

4. The town never was so orderly and quiet as at present, and I am convinced that owing to the absence and punishment of the ringleaders mentioned in the above 3 paras.

5. The persons named in the margin have been released by me having furnished security to keep the peace, with the exception of those in the months of December 1858, and January, February, March and April 1859.

6. The persons named in the margin were sentenced by the Sessions Court and Magistrate's Court.

The sentences passed on the prisoners from 1 to 7, will expire on the 15th March 1861, that on the 8th prisoner on the 6th February 1862, and that on the 9th prisoner on the 3rd March 1862.

7, 8, 9. The petitions and the enclosures received from Government are herewith returned.

No. 23. Minute by the Honourable the President, dated 25th June 1859.

Sentence on Criminal Prosecutions of the Judicial Proceedings consequent on the Tanjore Affair.

The instances in which the exercise of clemency is above suitable and [illegible] The allegations on which complaint against the State, has subsisted by native judges

any injury against their fellow-villagers. It was taken up and approved by persons of the Tribe, and not without a sense of right (however misplaced) on the part of both. Enough has been done for the vindication of the Law by the Magistrate's sentence upon those persons concerned in the riot, who were likely to be deterred, by the fear of the Tribunals and Village Munsif, and by the punishment which has been already inflicted by Private vengeance, and the Magistrate reports that "the town never was so orderly and quiet as at present."

I therefore propose that the petitioners should be informed that the prosecution of appellants the remainder of the sentence from the approaching anniversary of Her Majesty's assumption of the Government of India will be remitted — and that it is necessary that the persons who have absconded should return and submit themselves to the Law.

I am of opinion that the Tahsildar and Magistrate should not be censured for their conduct. Even if they took no part in instigating the riot, the fact that they did not support the authorities in preserving the peace, is sufficient ground against them.

(Signed) C. B. TORRENS.

No. 38 Order passed, 25th June 1859, No. 892.

The Government have had under their consideration the proceedings of the Court of Session against the persons concerned in the riot which occurred in the town of Tinnevelly on the month of December last.

2. They observe that the Tinnevelly and the Nanguneri Munsifs were concerned

Seven persons were sentenced by the Sessions Court to two years' rigorous imprisonment with hard labour in irons — which on appeal was reduced by one Puisne Judge to seven years, on the ground that the riot of which they had been convicted was given [illegible] and excessive opposition against which it was the necessary to employ a Military force.

Two were sentenced to three years' imprisonment and fined sentence has been suspended.

Twenty-eight persons were acquitted by the Sessions Judge by the grant of the prisoners. Twenty-four did furnish it. The remaining four are in fact the [illegible] terms as yet unexpired.

Eleven persons have absconded and their property has been attached under Section 512, Regulation IX, 1816.

3. The Magistrate reports that the town of Tinnevelly was never so orderly and quiet as at present.

4. On a full review of all these circumstances the Government [illegible] of opinion that the Law has been sufficiently enforced by the punishments inflicted on a number of persons [illegible] Majesty's assumption of the Government of India on the 1st November next — on the Tempus, at which time the Court has ordered [illegible] and a number of the absconders, without fear of their sentences being enforced, will [illegible] their property attached by the Magistrate.

5. Government therefore think the petitioners in Nos. 1847 of 1859 and [illegible] should inform the Government whether the petitioners will surrender themselves to the Law before any orders can be passed on their case.

6. Government permit the petitioners in Nos. 1847 of 1859 and [illegible] Nos. 1 and 2 of this G.O. on the 1st of the next, the date they must [illegible] petitions to that effect, failing which the petitioners on the petitions will be considered [illegible] of their recognizances to the service of Government.

(Signed) [illegible]
Chief Secretary.

Lt. J. Carnegie.

[illegible]
Tinnevelly
Mr. Commissioner of Police
Trichinopoly Division to the
Secretary to Government
Criminal Department

[illegible] the case will be [illegible] Tinnevelly Riots [illegible] Claim of the [illegible]

consideration of the subject and confine the application to a restoration of the penal consequences of this act described in Paragraph 3 of the former Order.

As this was a dispute between Christians, I should be glad [illegible] if the Government were able to express their [illegible] some indulgence were [illegible] the law has been duly [illegible] vindicated 1st By showing the [illegible] many of the former Rioters and 2nd By punishing the Instigators [illegible] that not a [illegible] petition of the sentence [illegible] be entertained [illegible] Government [illegible] the petitioners [illegible] from [illegible] the [illegible] immediately [illegible] Village [illegible] Tinnevelly [illegible]

the same time for the liberty of intruding into your valuable time with perhaps little long details, your Excellency's personal perusal of this Case will be a source of Consolation to the Memorialist and the protection of your decision will earn you the name of Lord of Tinnevelly.

2. That in 1832 an attempt having been made by the means of the Pallapatty Village to carry contrary to usage, the Corpse of a man (not Christian) thro' the street of Poothathanny, Mr. Bird the then Magistrate, after a full and careful investigation of the matter, issued a general order dated 10th March 1832, Enclosure A, prohibiting the carrying of the Corpses of men of each Caste generally thro' the said street, contrary to the usual and usage of the Country. This same order was respected and acted on by his successors Messrs Eden and Maynard without any objection or disputing by any one for a long period.

3. That on the 7th December 1845 a Christian weaver having died, Rev'd Mr. Sargent the well knower of the above general order, taking advantage of a Magistracy occasioned by the sudden death of the last incumbent, tried to convey the Corpse of the said Christian, contrary to Customs and orders of the local authorities, along the road leading to the Swamy and Vellala Families' place of interment called Carny. The Inhabitants of the place being informed of this illegal proceeding of Mr Sargent, offered objection peaceably as it was an infringement of the orders of the authorities. Upon this opposition a lengthened correspondence ensued between Mr Sargent and Mr. Hume,

the

Enclosure B — the Acting Collector in Charge, who, at last, decided on the 11th December that Mr Bird's order of 1832 should be carried into effect and accordingly prohibited the carrying of the Corpse as intended by Mr Sargent. Then the Corpse was buried by him in the Protestant Compound.

4. That Mr. Hume appeared at the time of the Missionary's letter, forwarded on the same day the whole Correspondence with Mr Bird's Order of 1832 for the information of the Session Judge Mr. Elliot, the Judge (Enclosure C) suspending his Court at half past 1 P.M., annulled the order of Mr Bird and that of Mr Hume and directed that the body be carried contrary to usage according to the wish of Mr Sargent. The Inhabitants having publicly protested against this decision, Mr Elliot who, when holding the same position in Salem, was suspended for 3 years for such an irregularity and usurpation, ruled that the Court saw no reason for departing from the order of the 11th December. (Enclosure D)

5. That on the 11th Idem Mr. Hume, Acting Magistrate in charge having intimated that another Christian of the same Caste is about to expire, begged Mr Elliot's instructions for his guidance in the event of that man's death, informing him at the same time that the former Case was not sent him as an Appeal, but merely for his information. Upon this rejoinder Mr Elliot, the Session Judge, cancelled his order of the 11th Idem, which he unjustly upheld on the representation of the Inhabitants and instructed Mr Hume to act according to the usage of the Country. On the 19th Idem, this decision having been publicly proclaimed throughout the

the

the District the Inhabitants were not aware that an
oath was put to Mr Sergeant's intrigues.

6. That on the 21st Idem, Mr Livinge, Acting Magistrate took Charge of the District from Mr Ames. This Change gave a fair opportunity for [illegible] Mr Sergeant to renew his intrigues. With this purpose he ordered that the Christian of the Pullam Caste, who had been taken very ill to the Sergeant's [illegible] at Palamcottah, be brought down immediately to the [illegible] Dispensary, a distance of 5 miles. On the next day his corpse was conveyed in a coffin by his order along the [illegible] street leading to [illegible], and without the order of the local authorities having been previously obtained to that effect. Then the [illegible] Brahmins [illegible] of that place opposed it as a proceeding [illegible] the Public [illegible] in respect to the orders of the local authorities promulgated on the 19th Idem.

7. That after this opposition the corpse was taken back to the Dispensary and then Mr Sergeant wrote to Mr Livinge misrepresenting the opposition as a [illegible]. Whereupon the Acting Magistrate sent to the Pullar one of his Delegates with instructions to aid the Missionary in conveying the Christian corpse as proposed by him. Then the Pullar personally [illegible] the Acting Magistrate of the opposition [illegible] in language [illegible] his orders which was in direct contravention to their proclamation on the 19th Idem. Mr Livinge having become very [illegible] at this was sent on the morning of the 22 Idem [illegible] of his Delegates [illegible] with orders to the Pullar for carrying out immediately his yesterday's orders again the Pullar complained.

the

the Acting Magistrate by urging his inability to conform with his orders on being advised to apply for Military force by his said Christian [illegible] who was his present [illegible] to Mr Sergeant and without listening to the Head Christian's protest against the said advice Mr Livinge repaired on the spot on the evening of the same day accompanied with 3 Companies of Native Infantry and a staff of his Peons as well as the [illegible]. At this appearance the people of the Town alarmed, some collected there for curiosity sake and others without knowing where to go in case of danger at this juncture, Mr Livinge ordered the Military to fire and about more than 60 men fell victims, including the [illegible] who had been [illegible] on the spot as spectators. Then the Magistrate [illegible] with this company [illegible] by [illegible] a young man lying [illegible] or car, and stabbed his head with a bayonet. Thus he put an end to this poor young lad's life. What a [illegible] of the British nation. Is there any cruel action parallel to this in the history of the world? After completing this carnage, the Acting Magistrate accompanied the [illegible] of the corpse thro' the [illegible] street, considered a sacred one by the natives, and thus buried the body of the Pullam Christian [illegible] burial ground.

8. That on the 23 Idem, Mr Livinge having [illegible] his proper sense, [illegible] with Mr [illegible] for the justification of his cruel order. For this purpose, the [illegible]

[illegible]