

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	323	Press
		Mis.
27-28		
Dated	16-3-	191860

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
for the month of March 1860.*

No. 27. Read the following letter from J. D. ROBINSON, Esq., Acting Magistrate of North Arcot, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Chittur, 2nd March 1860, No. 16.

I have the honor, with reference to Proceedings of the Madras Government dated 15th ultimo, No. 180, to enclose for their information copies of Mr. Elliott's letter and decisions containing the information called for in paragraphs II and III of the Order thereon. From these Government will learn that the Head Serjeant who occasioned, and the four towns-people who took most prominent part in the recent disturbance at Velúr, have been convicted and severely fined. With this lesson before their eyes, and the Inspector General's recent order on the subject of native processions, the towns-people and constabulary will, I trust, learn to keep their proper places, and give no occasion to a recurrence of these disgraceful collisions.

From E. F. ELIOTT, Esq., Acting Joint Magistrate, North Arcot, to J. D. ROBINSON, Esq., Acting Magistrate, North Arcot, dated Vellore, 29th February 1860, No. 88.

With reference to your letter, dated 23rd instant, No. 160, enclosing copy of the Proceedings of the Madras Government, dated 15th instant, No. 180, and requesting me to furnish you with the information called for in paragraphs II and III of the Order thereon, I have the honor to enclose herewith copies of the decisions passed by me in both the cases referred to, which I believe to contain the clearest and most concise representation of the facts as they are stated to have occurred.

The first intelligence of the disturbance reached me at Arcot on the afternoon of the 5th instant, at $\frac{1}{2}$ past 5 o'clock, and I lost no time in returning to Vellore, where I arrived at 11 o'clock the same night and found every thing perfectly tranquil. So much was I impressed with the idea of the trifling nature of the disturbance that I did not deem it necessary to trouble the Government with any communication on the subject, and it was not till your arrival three days afterwards that I heard that it had been brought to the notice of Government by the Military authorities, when you observed that you would write and report, thus rendering it unnecessary for me to do so also.

REGINA *versus* ARANAGI NAICKEN, Head Serjeant of Vellore Town Police.

CHARGE.—*Abuse of authority.*

The defendant is charged with having at Vellore town in the Taluq of Vellore and Zillah of Chittoor on the 6th of February 1860 at 10 A. M., while discharging the duties of a Head Serjeant of Police in the said town, and by virtue of his Office, knowingly exceeded his powers, and wilfully and illegally stopped a Hindoo religious procession, whilst proceeding through the streets of the said town, by forcibly arresting the tom-tom beaters thereof and removing them to the police station house, the same being in wilful and direct contradiction to the orders of his superior Officer and to the detriment of the public peace.

The prisoner pleads not guilty, but admits having stopped the procession and states it was according to the orders of Mr. Burden his Inspector—he makes no defence.

The Inspector of Police Mr. Burden proves the existence of an order to the effect that no processions are to be interfered with, and cites 2nd and 3rd witnesses, both Serjeants of Police, to prove that this order was distinctly explained to all Serjeants of the Town Police about one week before—which they do. The 1st and 4th witnesses depose to the stoppage of the procession by the prisoner and the arrest by him of the tom-tom beaters thereof.

For the foregoing reasons the prisoner is found guilty of the charge, and sentenced to pay a fine of 40 Rupees, in default two months' imprisonment without labor under Section 44, Act XXIV of 1859.

VELLORE,
14th February 1860.

(Signed) E. F. ELIOTT,
Acting Joint Magistrate.

*Proceedings of the Madras Government, Judicial Department,
for the month of March 1860.*

REGINA versus 1. GOVINDOO MOODELIAR, 2. SESHACHELLUM MOODELIAR, 3. VEERASAWMY,
4. SHESHA PILLAY.

CHARGE.

The 1st, 2nd, 3rd and 4th defendants are charged with having together with several others unknown, on the 6th day of February 1860, at $\frac{1}{2}$ past 10 A. M., unlawfully and riotously assembled and gathered together before the Police station house in the main street of the town of Vellore in the Taluq of Vellore and Zillah of Chittoor to disturb the peace, and being so assembled and gathered together did then and there unlawfully and riotously make a great noise and disturbance, and did then and there remain and continue making such noise and disturbance for the space of six hours and more, to the great disturbance and terror of the inhabitants there being and residing and with having refused to disperse themselves and peaceably to depart to their habitations though required and directed to do so by the Police and local Military authorities.

The 1st defendant is further charged with having on the same date aforesaid and in the same place unlawfully directed the 2nd defendant to order the shops in the bazaar to be closed, thereby endangering the peace.

The 2nd defendant is further charged with having on the same date aforesaid and in the said town of Vellore, and while then and there unlawfully assembled as aforesaid, knowingly and unlawfully and by virtue of his caste influence, required and commanded the shop-keepers to close their shops, thereby endangering the peace.

This disturbance appears to have arisen from the illegal stoppage of the procession of an idol through the streets of the town by a Head Serjeant of Police, who arrested the tom-tom beaters and took them to the station house, where the idol also was taken and deposited on the ground in front of the building; the Police in the station house perceiving the illegality of the proceedings of the Head Serjeant and in the absence of their own Inspector as also of the Magistrate, endeavored to point out to the 4th defendant, the trustee of the pagoda to which the idol belonged and the manager of the procession, that a crowd was collecting and momentarily increasing in consequence of the idol having been so deposited, and desired and requested him to remove it, stating that any grievance he had to complain of would be enquired into and adjusted hereafter, but without effect at first; the 4th defendant insisted in walking into the station house and using threatening language to the Head Serjeant Aranagi and abusive language in regard to the Police, in consequence of which the Police writer Rungaswmy and Head Serjeant Narrayanasawmy (witnesses Nos. 4 and 6) were compelled to put the Head Serjeant Aranagi out of the way and conceal him in a side room; finally, after a great deal of talking they managed to prevail on the 4th defendant to consent to the removal of the idol, but before this was effected the 1st and 2nd defendants came into the station house and forbade the removal of the idol, and retired outside to hold a consultation, while consulting they were also requested by the Police—the witnesses before mentioned—to use their influence to disperse the crowd and cause the removal of the idol, but without effect; the 1st defendant then is stated to have given directions to 2nd defendant to shut the shops, and 2nd defendant is stated to have gone himself to the Commissariat bazaar and according to the evidence of 7th witness, to have given that order, and to have returned and proclaimed he had done so; by that time the Officers had come to the station house, and the evidence of Lieutenant Laughton and Captain Batten proves that by this time a considerable crowd had collected, and that the 3rd defendant distinguished himself above the rest, addressing himself in Hindoostanee even to these gentlemen, declaring that he would sooner cut his throat than allow the idol to be removed—this he did not do once but repeatedly; it was then that Captain Batten sent for the 1st and 2nd defendants who were stated to him to be on the spot and holding a Panchayet close by, and to be the influential men of the town, to endeavour, by their aid and influence, to disperse the crowd and remove the idol; these parties appeared and as Captain Batten states, exerted themselves to disperse the crowd but positively refused to remove the idol, and the 1st defendant even went so far as to use abusive language to the Police; eventually a portion of the crowd was dispersed through their exertions and Captain Batten returned to his quarters where he was afterwards called upon by the 1st and 2nd defendants and others, who ventured to enter on stipulations, as they stated, at the request of the people, which Captain Batten refused to listen to, and reprimanded them severely

*Proceedings of the Madras Government, Judicial Department,
for the month of March 1860.*

for doing; they then asked for a Military guard which was given them, and eventually at about 5 o'clock the idol was removed and the crowd gradually dispersed; the shops were also again opened but not till Captain Batten had ridden through the town and re-assured confidence by his presence; the principal evidence against the 1st and 2nd defendants is that of Captain Batten, and his allusion to their having been engaged at the time of his arrival holding a Panchayet is corroborated by the evidence of the station writer Rungasawmy and Head Serjeant Narrainsawmy, their influence with the people is sufficiently borne out by this fact, and their being made the means of the stipulations the people required being preferred through them. With regard to the 2nd count I do not consider it sufficiently established, and believe, from the evidence adduced on this point, that it was more through the fear occasioned by the crowd than other causes, which made the bazar men shut their shops. The evidence of Lieutenant Laughton and Captain Batten both, clearly brings home the charge to the 3rd defendant; the 4th defendant as the manager of the procession, had it quite in his power to remove the idol when he was required by the Police to do so, which it is clearly proved that they did; the excuse he pleads for not doing it "that one man could not do it—it was the work of 10 men" is utterly worthless; he could and should have removed it at once, and the evidence of the 4th and 6th witnesses proves that he at first agreed to do so, which implied his power to do so.

The 1st defendant called witnesses to prove he was in his house till 1 P. M. and that he did order the idol to be removed; they were examined, but their evidence was of no use as regards 1st point, as the part which 1st defendant played in the crowd occurred after 1 P. M., and as regards the 2nd, one witness declares he addressed the crowd generally and another that he might have addressed the 4th defendant, whereas the evidence for the prosecution clearly shows that he positively refused to allow the idol being removed, and is the more credible version of the two.

For the foregoing reasons the charge having been established against these defendants, the 1st and 2nd defendants are sentenced to pay a fine of 30 Rupees each in default one months' imprisonment without labor, the 3rd defendant 20 Rupees in default one months' imprisonment without labor, the 4th defendant 40 Rupees in default one months' imprisonment without labor under Section 2, Regulation III of 1831.

(Signed) E. F. ELIOTT,

Acting Joint Magistrate.

(True Copies.)

(Signed) J. D. ROBINSON,

Acting Magistrate.

VELLORE,
14th February 1860.

No. 28.

ORDER THEREON, 16th March 1860, No. 323.

Mr. Robinson's attention will be called to paragraph 4 of the Order of the 24th ultimo, in which the Government resolved that the rules of the 12th September 1859 are to be closely observed, and that the spelling of the names of particular places, which have become stereotyped by long usage in a conventional form, is not to be altered.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. S. T. Augustin.

list

No. 323 - 16th March 1860.

Mr. Robinson's attention will be called to para 4. of the Order of the 24th Ult., in which the Govt. resolved that the rules of the 12th Septemr. 1859 are to be closely observed, & that the spelling of the names of particular places, which have become stereotyped by long usage in a conventional form, is not to be altered.

The Magistrate of
North West.
"Inspector Genl. of Police."

JP
11th 1860

Handwritten header in Arabic script.

Main body of handwritten text in Arabic script, consisting of several lines.

Handwritten text at the bottom of the left page, possibly a signature or date.

Per 20th Feb 1860 Oct 31 32

Handwritten note: *14 March*

Indt. L. to Eng. 23^d
March No. 9 of 1860

20 March

Indt. 1860 Sept 1860

From J. D. Robinson Esq
Agent
To J. D. Robinson Esq
Chief of Post

Dated 2nd March 60

Quid 3 shillings

At 16th 16th
No. 361

Reference to Report
of Madras Post dated
15th 1860
Copy of Mr Elliott's
letter and decision
concerning the information

27 March
1860

27 28

With recorded Order