M.R.O. 1—29,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 118-119 Press
~~Mis.~~
165-167

Dated 30. 1. 1861 ~~19~~ .

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
30th January 1861.

No. 165. Read the following letter from H. A. BRETT, Esq., Magistrate of Salem, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 22nd January 1861, No. 28.

I have the honor to request you will lay before Government the accompanying copy of a report from Mr. Hathaway, Acting Head Assistant Magistrate, dated the 18th instant, No. 11, on the subject of a disturbance created by some Soldiers, belonging to a party of the 1st Dragoon Guards, which came up from Madras to Tripatur by Railway on the 17th instant, and to request the Government will instruct me in what way they would wish me to proceed in this case.

2. It appears that 8 or 9 Soldiers, who were more or less intoxicated, first attempted to break into a liquor shop at Tripatur; and that on the Police interfering, some of the men, 3 of whom have been clearly identified, committed a serious assault on the Police and the Taluq Tahsildar.

3. On referring to the usual letter from the Quarter Master General's Department, I find that the Detachment to which these men belonged consisted of 35 rank and file, and 4 Officers. Captain Gunter, the Officer in Command, has taken the men who committed the disturbance on to Bangalore, with the concurrence of Mr. Hathaway, who explains that he did not think it proper to detain them; first, because he is not qualified to act as a Justice of the Peace, and, secondly, because there is no suitable place at Tripatur in which the men could have been kept in confinement, pending a reference to my office.

4. I beg to be informed whether the Government consider it necessary that a Justice of the Peace should hold further proceedings in the case; or whether the Military Authorities at Bangalore should deal with it. At present, the Joint Magistrate, whose Head Quarters are at Ossoor, is the only Officer in this District near either Bangalore or Tripatur, who is qualified to act as Justice of the Peace. The place where I am now engaged in making the settlement is 140 miles from Bangalore.

5. I regret that Mr. Hathaway, who in other respects was well able to dispose of the case, had not the legal qualification for so doing. A Justice of the Peace is much required at Tripatur, I therefore beg the Government will permit Mr. Hathaway to qualify, and will inform me what course he ought to follow for that purpose. Under Act XVI of 1841, the oath can be taken and subscribed to in any Court within the District, but it is still necessary, I believe, that a Commission should issue from the Supreme Court.

6. The Government will observe that the Inhabitants of the Town were on this occasion disposed to retaliate on the Soldiers when they heard that the Tahsildar had been treated with violence, and that only through the proper conduct of the Police on duty, an actual conflict between the Inhabitants and the Soldiers was averted. To prevent similar risks in future, I beg to suggest that Soldiers arriving at Tripatur by Railway, to be passed on by transit, should on all occasions be marched to their quarters, and kept to them, for the few hours they may have to wait. I should be glad to see this rule enforced in respect to any more Detachments belonging to the Dragoon Guards that may be coming up. I have received notice that a second party of this Regiment was to come on the 21st instant, and a 3rd on the 25th.

7. There is no need that any Soldiers should enter the Town of Tripatur in order to reach either the rest house or the encamping ground, which are both conveniently situated in respect to the Railway and the road leading to Bangalore.

From W. F. HATHAWAY, Esq., Acting Head Assistant Magistrate of Salem, to H. A. BRETT, Esq., Magistrate of Salem, dated Tripatur, 18th January 1861, No. 11.

I have the honor to report to you a disturbance that occurred in this town yesterday evening (the 17th instant.)

2. At about half past six in the evening the Tahsildar heard that some men belonging to a detachment of the King's Dragoon Guards on their way from Madras to Bangalore were creating

a disturbance in the bazar, and were trying to break into the shop of a man who sells European liquors. He sent one of his peons and a Policeman to see what was the matter; but they returned almost immediately, saying that the Soldiers would not desist, and were creating a great uproar. He immediately went to the place with some peons and some of the Police. They met the Soldiers coming away, about 8 or 9 men. They were very disorderly and drunk. One of them struck a Policeman, Kundasawmi, with a piece of wood he had in his hand, and some of the other people who were standing near were hit.

3. Two men, by name Hillier and Stringer, are identified as being the men who were breaking into the liquor shop; and another, Ellis, was also with them, and struck some of the people standing near. The Tahsildar ordered the Police not to do anything, but just to follow the men to find out their names. The Tahsildar and his men followed them into the compound of the Traveller's Bungalow, but as the Dragoons then made their way through the hedge into their own lines, (which were on the other side of the school) the Tahsildar turned back, and was going out of the gate towards the Camp when two Dragoons ran after them hitting right and left.

4. A Dufladar, Hamed Khan, received three or four blows on his back and shoulders with a stick, and one of them hit the Tahsildar in his face: and just as he got out of the compound, he was either knocked over or fell himself. He has a large bruise near his right eye, but he does not know whether it was occasioned by the blow or the fall. A peon named Pacha Meah of my Office received rather a severe wound on the head and two of the Police were hit with sticks.

5. As soon as I heard of the disturbance I rode to the camp with Lieutenant Baillie, had the roll called, and brought up the witnesses to see if they could identify the men. They without hesitation picked out three by name, Hillier, Ellis and Stringer, although it was 10 o'clock by that time, and there was no light but a small lantern. We then changed the position of the men and mixing them with others, but they were picked out again immediately. They were left under custody of the Military for the night, and again this morning they were mustered with all the other men dressed in uniform, but were again identified at once.

6. Although from the confusion and disturbances no one observed accurately each blow that the rioters gave, and there is therefore some contradiction as to who hit each man, yet there cannot be the slightest doubt of these three men having been of the party. The evidence is strongest against Hillier, and he was apparently intoxicated at the muster.

7. They each declare that they never left the lines, and bring up comrades to prove it, but I have merely entered these men as witnesses and have not gone into their evidence.

8. The greater part of the force marched off in the night to Bangalore, or otherwise all who were concerned in the disturbance would probably have been identified the next morning; but Captain Gunter, who was in Command said that he had orders to march them on to Bangalore, and could not detain them.

9. The affair might have been very serious, as the town people, on hearing that the Tahsildar and his peons had been ill treated, became rather excited, and endeavoured to press into the camp, in which case a serious fight would have ensued; but the Head Constable immediately turned out his men, and kept back the people till the affair was settled.

10. I have examined the witnesses, and send you all the depositions. As there is no mention of an Assistant having jurisdiction under Regulation IV of 1809, I have sent the case to be committed by you to the Supreme Court.

11. Although the offence of resisting Officers of Justice in the execution of their duty is a grave one, yet, as there is no suitable place of confinement here, I have not detained the men as prisoners, or required bail of them, but have allowed them to proceed to Bangalore, the Officer in Command guaranteeing to send them back when required.

(True Copy.)

(Signed) H. A. BRETT,
Magistrate.

Proceedings of the Madras Government, Judicial Department,
30th January 1861.

No. 166. ORDER THEREON, 30th January 1861, No. 118.

Resolved that the above report be referred to the Military Department.

2. Under the circumstances represented by Mr. Brett, the Honorable the Governor in Council is pleased to appoint Mr. William Frederic Hathaway, to be a Justice of the Peace within and for the Presidency of Fort Saint George and the several provinces and places thereto subordinate.

3. Application will be made to the Judges of Her Majesty's Supreme Court of Judicature for the issue of a Commission of the Peace on his behalf. On being apprized of its having issued, Mr. Hathaway will qualify himself before the Zillah Court of Salem.

(Signed) T. PYCROFT,
Chief Secretary.

No. 167. To the Honorable Sir ADAM BITTLESTON, Kt., Puisne Judge of Her Majesty's Supreme Court of Judicature at Madras, dated Fort Saint George, 30th January 1861, No. 119.

We, the Governor in Council, having duly nominated and appointed Mr. William Frederic Hathaway, Acting Head Assistant to the Collector and Magistrate of Salem to be a Justice of the Peace, within and for the Presidency of Fort Saint George, and the several Provinces and places thereto subordinate, request you to issue from the Supreme Court, a Commission of the Peace on his behalf, in conformity with the provisions of Act VI, 1845, for which this will be your Warrant.

2. Mr. Hathaway will qualify before the Civil Court of Salem.

(Signed) W. A. MOREHEAD.
(„) PAT. GRANT.
(„) E. MALTBY.

Exd. T. O'Connor.

For orders

Perhaps this had best be dealt with by the Military authorities - & if so the papers will be made out by the Military Dept.

Mr Hathaway may be made a Justice of the Peace.

26.

Council of
2nd Feby 1861.

94

Judicial Depart.t

Proceedings of the Madras Govt.

Read the following letter
from the Magistrate
of Salem.

(Here enter 22d. Janry. 1861
No. 28)

Order thereon 30 January 1861. No 118.

Resolved that the
above report be refer-
red to the Military
Department that the
Soldiers who created
the disturbance
may be dealt with
by the Military
Authorities.

Under the
circumstances re-
presented by Mr.
Brett

Court of Salem.

To the Military Depart.
For the Magte of Salem.
Civil & Sessions Judges &c
H. W. Hathaway Esq

Dosp. 30-1-61.

Brett the Honorable the Governor in Council is pleased to appoint Mr. William Frederic Hathaway to be a Justice of the Peace within and for the Presidency of Fort Saint George and the several provinces and places thereto Subordinate.

Application will be made to the Judges of H. M's Supreme Court of Judicature for the issue of a Commission of the Peace on his behalf. On being apprized of its having issued Mr. Hathaway will qualify himself before the Court

Fiat

Disp.d 2d Feby

JUDICIAL DEPARTMENT.

No. 19.

~~The Honorable~~

~~Chief Justice, and~~

The Honorable Sir Adam Bittleston Kt.

Puisne Judge of
Her Majesty's Supreme Court of Judicature at Madras.

Honorable Sir,

We, the Governor in Council, having duly nominated and appointed Mr. William Frederic Hathaway, Acting Head Assist.t to the Collector and Magistrate of Salem

to be a Justice of the Peace, within and for the Presidency of Fort Saint George, and the several Provinces and places thereto subordinate, request you to issue from the Supreme Court, a Commission of the Peace on his behalf, in conformity with the provisions of Act VI, 1845, for which this will be your warrant.

2. Mr. Hathaway will qualify before the Civil Court of Salem.

Fort Saint George
30th January 1861.

Judicial 1067 Depart.t
No 318

Proceedings of Govt

30 January 1861.

Judicial 1861 Depart.

No. 119

To
The Honble Sir A. Bittleston Kt
One of the Judges of
the Supreme Court of
Judicature at Madras

of 30 January 1861