

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 2/8	Press ~~Mis~~
<i>97-98</i>	
Dated <i>19. 2. 1861</i>	~~10~~ .

6/6

Not to be folded or roughly handled

19-6-30

74

*Proceedings of the Madras Government, Judicial Department,
19th February 1861.*

No. 97. Read the following extract from the Proceedings of the Government of India, in the Home Department, dated Fort William, 20th December 1860, No. 2,842.

Read following papers :—

From Captain J. C. HAUGHTON, Superintendent of Port Blair, to W. GREY, Esq., Secretary to the Government of India, Home Department, dated Ross Island, 14th November 1860, No. 51 B.

I regret to report for the information of the Governor General in Council that a disagreement has arisen between the Commandant Mr. Bruce and 2nd in Command Mr. McGregor of the Andaman Sebandy Corps, which in my opinion renders it necessary that they should be separated, for I cannot conceive it possible that after what has occurred they will ever heartily co-operate.

2. On 26th ultimo, Mr. McGregor addressed to his Commandant the letter marked A annexed, calling upon him to explain what steps he had taken to acquit himself "of the very serious charge of murder" laid against him by Mr. Green in the hearing of the writer and others of the Corps.

3. The Commandant very naturally declined to submit his conduct to the censorship of his Subaltern, and told him (annexure B) to prefer any complaint he might have to make to me. Mr. McGregor's letter was then forwarded to me by the Commandant for such notice as I might deem fitting.

4. I had already heard something of the matter which, combined with the contents of Mr. McGregor's letter, led me to believe that the latter had overheard a squabble at the Commandant's break-fast table, and had availed himself of it to write the letter in question. It appeared to me that coarse language and vituperation had been exchanged at his own table between Mr. Bruce and Mr. Green, language such as is unfortunately but too common among persons in their rank in life, but I did not consider that anything which reached me warranted Mr. McGregor in supposing that his Commandant had been guilty of a heinous crime—and still less in any case did I consider him warranted in addressing his Commandant in the manner he did. I therefore called upon Mr. McGregor to withdraw the letter and apologize for having written it, as in no case could I consider him justified in the course he had adopted, or if he still consider that the nature of the language was such as to render further inquiry indispensable, he would state more particularly what had occurred.

5. Mr. McGregor did not think fit to withdraw the objectionable letter or apologize, but addressed to me annexure C., the explanations contained in which appeared to me to confirm the view I had already in part taken. It is clear that Mr. McGregor never believed there was any ground for charging Mr. Bruce with murder, and although the squabble was unseemly and disgraceful in every way, still looking to the fact that Mr. Green owed no allegiance to Mr. Bruce, the former being a shop-keeper here on intimate terms with the latter, living with him in fact, and that the quarrel took place in Mr. Bruce's quarters, he could have been only overheard in consequence of the imperfect mat division existing between Messrs. Bruce and McGregor's quarters, I did not think Mr. McGregor was at all called upon to take notice of the matter.

6. While this was pending I received letter annexed marked D, charging Mr. Bruce with having been drunk on two occasions. I have reason to believe that Mr. Bruce occasionally drinks deeply, and it will be seen he retorts the charge on Mr. McGregor. I called the parties before me, and examined the latter in the presence of the former. I did not think the statement made by Mr. McGregor warranted my bringing up the Sergeant Major and Jemadar to give evidence of the state of their Commanding Officer on Saturday, and from the statements made by the only two independent witnesses I could call, it seems to me clear that on that day Mr. Bruce was not in a state that justified Mr. McGregor in asserting he was "drunk," nor on the Sunday following. Mr. Bruce's toast "confusion" to his "enemies" was no doubt intended to apply to Mr. McGregor, and to be overheard by him, and it is clear that this was the immediate incitement to the charge. I greatly doubt the suitability of persons of Messrs. Bruce and McGregor's station and previous habits in life for solitary stations like this, where they are brought in such close contact, and thrown so much on their own resources. At the same time I do not think that a Second in Com-

Proceedings of the Madras Government, Judicial Department,
19th February 1861.

mand is needed with so small a force, having myself served in the field for two years with a Corps nine hundred strong, having only two European Officers with it, and I beg to recommend Mr. McGregor at least may be transferred to one of the Police Battalions in Bengal.

From Lord H. ULICK BROWNE, Under Secretary to the Government of India, to Captain J. C. HAUGHTON, Superintendent of Port Blair, dated Fort William, 20th December 1860, No. 2,841.

Home Department

In reply to your letter No. 51 B, dated the 14th ultimo, reporting the occurrence of a serious disagreement between the Commandant and the Second in Command of the Andaman Sebundy Corps, I am directed to inform you that the President in Council having considered the circumstances of the case, as disclosed in your report and in the letters which accompany it, considers it desirable that the services of Mr. McGregor, the Second in Command, should be dispensed with. He will accordingly be replaced at the disposal of the Military Department, and you are requested to provide him with a return passage to Madras either *via* Moulmein, or *via* Calcutta, or direct, as opportunity may offer.

2. The President in Council concurs with you in thinking the appointment of 2nd in Command to be unnecessary, and no successor therefore will be appointed to Mr. McGregor. It is however, I am to observe, indispensable that the Commandant of the Corps should be a respectable and sober man, and you are requested to caution Mr. Bruce that any repetition of inebriety or other irregular conduct on his part must necessarily lead to his removal from his appointment.

No. 2,842.

Copy of the correspondence forwarded to the Government of Fort Saint George for information.

(Signed) H. ULICK BROWNE,
Under Secy. to the Govt. of India.

No. 98.

ORDER THEREON, 19th February 1861, No. 218.

Communicated to the Military Department.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

A.

From the 2nd in Command, to the Commandant Andaman Sebundy Corps, No. 7, dated Ross Island, the 26th October, 1860.

A VERY serious and noisy discussion having taken place between you and Mr. Green, on Sunday morning 21st instant, to such an extent that I, the Sergeant Major, also the portion of the Corps then in Barracks, could not avoid hearing all the disturbance; you then stated that you would report the affair to the Superintendent on the following morning, but as I have heard nothing of the result from you, I have the honor to request that you will be good enough to afford me the following information, *viz*:—

What steps you have taken to acquit yourself of the very serious charge of murder laid against you by Mr. Green in the hearing of the parties before alluded to. As I will consider it my imperative duty to support my own character, which might otherwise be injured by serving under a Commanding Officer who, accused of such a serious offence, did not at once have the charge publicly refuted, and the accuser punished by Magisterial authority.

B.

From the Commandant Andaman Sebundy Corps, to the 2nd in Command Andaman Sebundy Corps, No. 134, dated Port Blair, the 27th October, 1860.

I HAVE the honor to acknowledge the receipt of your letter dated 26th October, 1860, and I cannot understand on what grounds you, my subordinate officer, call upon me for explanations on a matter which occurred in my private quarters. If you consider yourself wronged in any way, you are at liberty, according to the rules of the service, to forward, through the proper channel, to the paramount authority in the Settlement, a statement of your grievances, and it will then be my duty to transmit your communication to the Superintendent for his consideration and decision.

C.

From the 2nd in Command Andaman Sebundy Corps, to Captain J. C. HAUGHTON, Superintendent, Port Blair, No. 8, dated Ross Island, the 2nd November, 1860.

In reply to a copy of a letter addressed to me by the Superintendent Port Blair, and forwarded by the Commandant Andaman Sebundy Corps for my perusal and information, I have the honor to state that a very serious disturbance having occurred on Sunday morning 21st ultimo, between my Commanding Officer and Mr. Green, on which occasion the latter accused my superior officer of the serious charge of murder in the hearing of the parties alluded to in my letter addressed to him on 26th October, I then considered it my duty to request that an explanation might be granted me, whether any report of the matter had been forwarded to you, before I could take steps to address any superior authority.

In the Commandant's reply to my letter he states that the quarrel occurred in his private quarters, and consequently I had nothing to do with it,—that I cannot understand, as it occurred in the public hall, and the only bed rooms available are occupied by Mrs. and Mr. Green, the Verandah I know to be his dressing quarters, but I am at a loss to determine what he calls his private ones.

Further I have the honor to explain the cause of the quarrel and its origination. There were four parties playing cards (the game "Cribbage") from Saturday evening until about 4 o'clock on Sunday morning, and at breakfast on that day they accused each other of paying no attention to their game and winning nothing from their opponents. Captain Bruce called Mr. Green a Jew, his reply was—I know I am; but I have a good heart, and you are not able to take it out of him, but you are a murderer and had to leave (the place I did not notice) for murder. Knowing my Commanding Officer to have threatened his own life on more than one occasion, I naturally concluded that Mr. Green knew something of a very grave nature, or he would not accuse the Commandant, and surely, if not guilty, it would be the latter's duty to refute the charge, as I thought he did when he mentioned that he would write and report the matter to you on the following morning; I also knew that he did not have any dealing, nor sit at meals with Mrs. and Mr. Green for three days after the occurrence.

The present correspondence would have been forwarded to you some days ago had not the *Fire Queen* arrived, I then felt delicate in troubling you when busy.

In conclusion, I beg that my Commanding Officer may not labor under the impression that I intended disrespect to a superior officer, but a grave charge being made, and no steps taken to vindicate his character, what other course had I to save my own but appeal to the Commandant for redress.

From the Commandant Andaman Sebundy Corps, to the Superintendent of Port Blair, No. 141, dated Port Blair, the 2nd November, 1860.

I HAVE the honor to report for your information that I forwarded yesterday to Mr. McGregor, 2nd in Command Andaman Sebundy Corps, a certified true copy of your letter No. 794, dated Port Blair, 1st November, 1860, and that I took the liberty of retaining the original as a Regimental record. He has this day personally delivered to me, for your consideration, a fresh statement in connexion with that contained in his letter No. 7 of the 26th ultimo.

In this statement, Mr. McGregor has mixed up a small portion of truth with a large amount of misrepresentation, and as he has decided upon the more dangerous course of persevering in his former statement, instead of availing himself of the safer alternative you were pleased to allow him, I think, under due submission, that in justice to myself I ought to submit for your consideration a few facts which will, I trust, throw considerable light on the subject. I am well aware that Mr. McGregor entertains against me feelings of the most intense hatred, and would, no doubt, be highly gratified if he could succeed in getting me removed from the Corps, in order that he might get himself appointed in my room, and enter upon the receipt of Rupees 300, instead of Rupees 150 per mensem, his present salary.

In January last, I was unfortunate enough to incur your displeasure for a note written in a hasty and inconsiderate manner, and Mr. McGregor has, I firmly believe, been encouraged in his insubordinate conduct by a latent hope that he would have the benefit of your support in any complaint made by him to my detriment. I however never entertained such an idea, and with the most perfect confidence I submit my case for your consideration, with the certainty that you will see justice done where it is due, and that no private feelings will be allowed to interfere with the decision you may have to pronounce in virtue of the high and confidential position you hold. I have above stated that my 2nd in Command entertained feelings of animosity against me, and I shall now proceed to make known the origin of them. Mr. McGregor returned to Head Quarters from Calcutta in April 1860, and was then affected with dropsy, the greater part of his body was one mass of sores, his hands were covered with

itch, and to the best of my belief he also had venereal disease in an aggravated form. The idea of sitting at table and using the same knives and forks, &c. &c., which had just previously passed through his hands, inspired me with an invincible disgust, and I immediately warned him that he would have to provide for his own messing. I further think that any honorable man knowing himself to be so afflicted would, for a time, have kept himself aloof from society, until by recourse to medical treatment, he had removed all danger of similarly affecting his associates.

The 2nd cause of enmity is, that I have studiously avoided his company on all occasions except when the calls of duty brought us together, and I am sure that, in this matter, any sensible person having his own safety at heart would have followed no other course than the one I adopted. How could I find any comfort or pleasure in associating with a person who, more than once, told me that every evening on returning to his quarters he recorded in a book whatever I had said or done in his presence. I knew that no friend would act in so despicable a manner; I looked upon him as a perpetual, self-placed spy over me, and I therefore avoided as much as possible all contact with him. I can, if required, produce evidence to substantiate both of the above statements.

With further reference to Mr. McGregor's assertions, I respectfully beg to observe that the two principal facts he has brought forward are incorrectly stated, and far wide of the truth. On the evening of the 20th ultimo, Messrs. Newberry and Bastock came to visit Mr. Green, a four handed game of cribbage was proposed, and I joined in it, Mr. Green being my partner. We left off playing shortly after twelve o'clock, and the following morning I told my partner that on several occasions he had played in a manner calculated to lose many points, and though but a mere beginner at the game, he persisted in denying having done so; this annoyed me, I replied warmly, one cross word brought on another, and I freely confess that the discussion which ensued was more noisy than seemly. In the irritation of the moment, I desired Mr. Green to make arrangement for lodging some where else, and told him that on Monday morning I would request you to allot other quarters to him. About an hour after the dispute Mr. Green came to me, acknowledged that he had taken a wrong view of the case, and fully apologized for the unbecoming language he had used. Under these circumstances, I did not think it necessary to trespass upon your valuable time on account of a private squabble, and received the apology he so willingly made. You might, perhaps, from the tenor of Mr. McGregor's statement that the games played were interested ones, but I am prepared to prove that the subject of stakes was not even broached.

I most solemnly deny that I was ever charged by Mr. Green with so heinous an offence as taking unlawfully the life of a fellow creature.

I further respectfully solicit that Mr. McGregor may be authoritatively called upon to prove that I have more than once, as he falsely asserts, threatened my own life. I emphatically declare that I believe myself a most unlikely individual to rush unprepared into the presence of my Maker, and to exchange, before the appointed time, the certainty of this world for the uncertainty of the next. Mr. McGregor's assertions on this subject are venomously false and slanderous.

I have now laid before you the reasons for the animosity which Mr. McGregor entertains against me, and I humbly trust you will see the advisability of speedily removing him or me from the Corps. After what has occurred it is impossible that we can carry on our duty together with that degree of cordiality which is requisite for a due performance of the services we owe to Government.

(4)

Mr. McGregor's pretended ignorance of what I consider to be my private quarters is so puerile and contemptible, that I abstain from passing any remarks upon that portion of his statement.

D.

From Mr. A. Mcgregor, 2nd in Command Andaman Sebundy Corps, to Captain J. C. HAUGHTON, Superintendent, Port Blair, No. 10, dated Ross Island, the 5th November, 1860.

I HAVE the honor to report for your information that at Roll Call, and the usual allowance of Rum being served out to the Corps between the hours of 4 and 5 o'clock P. M. on Saturday 3rd instant, the Commandant Andaman Sebundy Corps was there and then drunk.

2. That at evening Roll Call, and the usual allowance of Rum being served out at the Corps between the hours of 4 and 5 o'clock P. M. on Sunday 4th instant, the Commandant Andaman Sebundy Corps was there and then drunk.

Evidences.

2nd in Command A. McGregor.

Sergeant Major John Jones.

Jemadar Kistnasawmy.

E.

From the Commandant Andaman Sebundy Corps, to Captain J. C. HAUGHTON, Superintendent of Port Blair, No. 148, dated Port Blair, the 8th November, 1860.

HAVING been allowed to send in a written statement in reply to the charges preferred against me in your Court by my 2nd in Command, on the morning of the 7th instant, I thankfully avail myself of the privilege and respectfully submit for your consideration the following facts in connexion with the case, and I trust that the evidence I shall be able to bring before you will be sufficient to remove from my character the stigma my 2nd in Command has attempted to fix upon it, and also to prove that the charges were hastily and maliciously made, and cannot be supported by any proof deserving of belief.

I know of few persons who ought to be more careful than Mr. McGregor in mooting the subject of drunkenness: for in the whole circle of my acquaintance, I scarcely know an individual who consumes a larger quantity of spirits than he does. A reference to the memoranda sent in by the Commissariat Supervisor for the months of July and August, 1860, will show that while I personally superintended the issue of liquor, the quantity consumed amounted only to 56 and 59 gallons respectively, but that in September and October, when the spirits were served out by Mr. McGregor, the quantity increased from the above mentioned figures to 70 and 88 gallons, no small amount of which surplus was consumed by Mr. McGregor and the Midshipmen of Her Majesty's Ship *Clyde*, who were almost daily and nightly carousing in his quarters.

The falsehood of the first charge made against me by Mr. McGregor can be easily proved by the undermentioned parties who were conversing with me shortly after the time at which it has been stated that I was drunk, viz., Messrs. Grimes, Newberry, Bastock, and Green. Mr. Grimes came to the spot on which I generally seat myself in the evening to speak to Mr. Green on some business of his own, and was still present when Messrs. Newberry and Bastock came up, and these three unprejudiced individuals can, if called upon, as I requested they may be, declare whether I was drunk or sober when they saw me.

(5)

Mr. McGregor admits that he did not see me personally on Saturday evening, but was induced to believe me in a state of intoxication by the tone of my voice and the manner in which I spoke to the Jemadar. This Native Officer who only a few days before had received from me a communication of your letter censuring him for his misconduct in a late affair, requested me on the evening of the 5th to try and obtain your sanction for the establishment of a shop in the Bazar, to be conducted by his son-in-law, but which in reality would have been the property of the Jemadar. I positively refused to act in accordance with his wishes, and pointed out to him the possible results of being detected in the act of trafficking, and this conversation owing to Mr. McGregor's total ignorance of the Hindoostanee language must have appeared to him a squabble with the Native Officer in question.

In connexion with the 2nd charge, Mr. McGregor has positively stated that on Sunday evening the Sergeant Major went to him with tears streaming down his cheeks, and told him that I had used him worse than a cooly. The Sergeant Major however has in presence of witnesses denied having made to Mr. McGregor any statement of the kind. Mr. McGregor has also said that on Sunday evening, when he came into my verandah, he saw me lying asleep in the hall on a cot or couch. I can prove this assertion to be incorrect, as it is impossible he could see me from where he was standing. I certainly was asleep when the men came for their liquor, but was ready to serve it out as soon as I was informed of their presence, and I can most positively and emphatically declare that within ten minutes after the spirits had been issued, I was seated outside of my quarters in the company of persons who are prepared to give evidence as to the state I was then in.

F.

Examination of Mr. McGregor, Second in Command Andaman Sebundy Corps, with reference to the charges preferred against his Commandant in his letter of 5th November, 1860.

On Saturday last, between four and five, I was walking outside my quarters, and saw the Commandant drunk; he was wrangling with the Jemadar of the Corps for about three quarters of an hour. He was pretty steady in his gait, but his manner showed that he was drunk. When he is sober he gives his orders in a quiet manner; when he is drunk he is quite the reverse. I do not know what he was talking about. He was boisterous. I felt assured then that he was drunk. I knew he was drunk before this, because observing the Sergeant Major return more quickly than I anticipated, I asked him if the grog was all served out; he said no—but seeing how matters were he was afraid to stop. The grog is served out in the front Verandah of Captain Bruce's quarters.

On Sunday at half past three, Captain Bruce, Mr. and Mrs. Green were together at dinner; the former shouted out in a loud voice for some Champagne to drink confusion to his enemies. At about half-past four o'clock the grog was served out to the Corps. It was Captain Bruce's orders that the grog should be served out in the presence of one or other of us. I heard the Sergeant Major and Jemadar serving out the grog, I know the Commandant was not present, so I went and told the Sergeant Major he should not serve out the grog without one or other of us being present. The Commandant was at this time lying in the hall on a couch, Mrs. Green had the grog roll, and was marking off the names at the table. Mr. Green went and roused the Commandant up; the Commandant then called over the names himself; the Jemadar then got away as quickly as he had with the Jemadar the evening before, the Sergeant Major in the same boisterous way as he had with the Jemadar the evening before, but rather louder. He, the Sergeant Major, immediately after came to me with tears rolling down his cheek, and was for some time unable to speak. He told me he did not know what to do, for the Commanding Officer treated him worse than a coolie. I asked him what was the matter with the Commanding Officer, he told me that he was worse than ever. I asked him

(6)

what he meant, he said that he was more drunk than usual,—my own opinion at that time being formed that the Commandant was drunk.

Question by Captain Bruce.—You have stated that I was drunk at Roll Call, can you swear that you or I ever attended a Roll Call of the Corps in our lines?

Answer.—The Roll is called and then grog is served out, I call that a Roll Call.

Question by Captain Bruce.—Can you swear that you on one day or other on which you charge me with being drunk, yourself came into the Verandah?

Answer.—I came into the Verandah on Sunday and saw you.

Question by Captain Bruce.—During the evenings of Saturday and Sunday where was I after serving out the grog? What was I doing?

Answer.—After wrangling with the Jemadar I cannot say where you were. On Sunday about a quarter of an hour, after wrangling with the Sergeant Major, you dressed and sat outside on a chair for the remainder of the evening.

Question by Captain Bruce.—Did you ever know me to be drunk on any former occasion?

Answer.—On several.

Question by Captain Bruce.—Did you then make any report? Were you prompted by the same zeal for the service as now?

Answer.—No—I always felt delicate at doing so, and would not now, only I feel compelled to do so.

Before me at Port Blair, this
seventh day of Nov. 1860.

(Signed) J. C. HAUGHTON,
Superintendent.

THE 14TH NOVEMBER, 1860.

Mr. Newberry, Head Clerk in the Superintendent's Office, called in and examined, says— I saw Captain Bruce on the evening of Saturday week last between five and six; I stood talking to him for twenty minutes or more outside his quarters. He was seated most of the time, but got up once or twice. He appeared to me to be perfectly sober at the time; I am ready to make oath of the fact; I do not remember seeing him that evening, but certainly I did not speak to him. Mr Bastock was with me; after we left Captain Bruce, we went to the beach, and staid there till about ten P. M. I did not hear any altercation between Captain Bruce and any one else. My quarters are near his. I do not recollect seeing Captain Bruce on the afternoon of the succeeding Sunday.

Mr. Bastock, Commissariat Overseer, called and examined, says—I saw Captain Bruce on the evening of Saturday week last (4th instant). Mr. Newberry and myself returning from a walk met Captain Bruce, who was sitting outside his own quarters. The time was between five and six; we did not sit down, but only remained a short time. Cannot say how long—perhaps five or ten minutes, Captain Bruce was then perfectly sober. I do not recollect to have seen him before during the afternoon. I did not see him again that evening. I think I saw him on Sunday evening; I cannot swear I did. My quarters are not far from Captain Bruce's. I did not at any time on Saturday or Sunday hear any altercation going on at the Barracks.

Before me at Port Blair, this
fourteenth day of Nov. 1860.

(Signed) J. C. HAUGHTON,
Superintendent.

N^o: 218— 19 February 1861. 5A

Communicated
to the Mily. Dept.

The Enclosures are
not to be printed.

The Mily. Dept. Decrs 19-2-61.

With 4 Copies of
printed Enclosures.