M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 265 Press ~~Mis.~~

173-174

173-174.

Dated 27. 2. 1866 ~~19~~ .

15/16

Not to be folded or roughly handled

No. 173. Read the following letter from J. W. B. DYKES, Esq., Magistrate of Nellore, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 14th February 1861, No. 6.

Two Officers, who lately passed through this District in Command of a Detachment of Artillery, having been charged before the Officiating Joint Magistrate with committing an aggravated assault on certain ryots in the Taluq of Ongole, I have the honor to solicit the instructions of Government as to the course to be pursued in the matter.

2. From the evidence, it would appear that, on the 5th ultimo, the Detachment in question having arrived at Vellampalli in the above named Taluq, a dispute arose between the villagers and some grass-cutters of the Detachment, which ended in three of the villagers being seized by a party of Sepoys, carried to the Bungalow where the Officers were living, and there and then tied up to a cart wheel and severely flogged.

3. The villagers assert that they only objected to the grass-cutters cutting grass in a grain field, and that they were flogged by the express orders of the Officers in Command; the younger of these gentlemen being further accused of having taken an active part in the tying up. How far this may be true can of course only be decided after a full enquiry. But that the men were flogged there seems to be no doubt. The Officiating Joint Magistrate states, that when the men appeared before him about a fortnight afterwards, there was every reason to believe that they had received a most severe punishment, in the manner described, from the marks it had left; and the inference thus drawn was fully supported, he further adds, by other inquiries since instituted.

4. In paragraph 6 of his letter, copy of which I do myself the honor to enclose, the Officiating Joint Magistrate refers to what took place at Nellore, when the same Detachment arrived there, on the 16th ultimo, and one of the men drunk in the Bazar struck a Native, and being placed in confinement by the Police, was that same evening released by Captain A. E. Bowen, the Senior Officer in Command, at the head of an armed party. I was then absent from Nellore. But the whole case was duly reported to me by the Officiating Superintendent of Police, who further informed me that he had applied to the Inspector General for orders on the subject: and as the Inspector General will probably direct him to bring the matter formally before me, as a Magistrate, in applying for the instructions of Government with regard to the Vellampalli case, I would beg to be favored at the same time with orders as to the course I should pursue, should a charge be hereafter brought before me against Captain Bowen for the offence committed as above described at Nellore on the 16th ultimo.

5. Two courses are apparently open: one, to have the charges duly inquired into and disposed of by Mr. Whiteside and myself, where the offences are stated to have been committed, in which case I would request the favor of Government issuing the requisite orders through the Military Authorities for securing the attendance of the Officers;—And the other course would be, for such evidence as may be procurable to be taken in full, and transmitted to the proper quarter with a view to the charges being taken up and disposed of by a Military tribunal. And I request that I may be favored at an early date with the Orders of Government as to which of these courses should be pursued, or, in what other way, due notice may be taken of conduct that, as Mr. Whiteside justly observes with regard to the Vellampalli case, makes the advent of Soldiery to be dreaded by the villagers along the road, and inevitably ends in complaints of backwardness of supplies.

6. The name of the second Officer with the Detachment, who is accused of having taken an active part in flogging the ryots at Vellampalli, is not well known, but it is supposed to be Beatty.

7. I enclose with the letter from the Officiating Joint Magistrate, copies of the depositions taken by him from the ryots who were flogged. And, in conclusion, am glad to state that the Officiating Joint Magistrate is mistaken, in supposing that the man struck by the drunken Soldier

at Nellore is dead. When I was at Ongole with Mr. Whiteside, a report reached Ongole to that effect, but it proved unfounded. The blow given had been slight, and the man struck is now quite well again.

From W. S. WHITESIDE, Esq., Officiating Joint Magistrate of Nellore, to J. W. B. DYKES, Esq., Magistrate of Nellore, dated Kottapatam, 1st February 1861, No. 7.

In forwarding herewith translations of Depositions given before me by the three individuals named in the margin,* I regret that it is my duty to request that you will be so good as to bring to the notice of Government the aggressive conduct of two European Officers of Her Majesty's Indian Army.

* *C. Rangaya.*
U. Sekhia.
C. Abbaya.

2. The circumstances of the case are as follows.

3. In the morning of the 5th January a Detachment of Artillery and details under the Command of Captain A. E. Bowen and another Officer (about whose name there is some doubt as he omitted to enter it in any of the Travelling Bungalow books; it is believed however, to be Beatty) arrived and halted in the village of Vellampalli in the Ongole Taluq, and shortly afterwards several females, grass cutters belonging to them or the men of the Detachment, proceeded to cut forage in the fields of the villagers on which there were at the time, it is stated, standing crops of "Wariga." The owners of the fields naturally remonstrated against any thing being cut there, and pointed out some waste land where grass could be obtained; no violence appears to have been offered to the women; one of them returned to the Detachment and in a short time about 12 "Sepoys" came to the field where the owners were, seized the three men whose Depositions I have now the honor to forward, and dragged them violently to the Travellers' Bungalow. The two Officers came out, and without one word of question on their part, or explanation on that of the villagers, they caused them to be tied up to the wheel of a cart, and flogged, one after another. A dozen lashes were administered to each man, and the instrument made use of appears (from the marks it has left on the men's backs and their own description,) not to have been one of the ordinary cats-o-nine tails, but several strips of leather attached to a stick.

The punishment must have been inflicted most severely, judging by the marks it has left; the three men after their release from the cart wheel were desired by the Officers to go away.

Both these gentlemen were present during the time the men were being flogged, and one is described as taking part in tying them up to the wheel. The Detachment left Vellampalli the same day and proceeded to Ongole.

4. On my arrival at Addanki about a fortnight afterwards, the three injured individuals appeared before me and made their complaint, of the truth of which I have not the slightest doubt as it has been amply confirmed by the other enquiries I have since instituted.

5. It is conduct such as this that causes the advent of Soldiery to be dreaded by villagers along the roads, and complaints to be made of backwardness in their making supplies, and I feel certain that Government will desire the strictest enquiry to be held and punishment awarded to the offenders in this matter, more especially as this is by no means the only instance of oppression on the part of members of the Detachment during its transit through the District that has come to my knowledge.

6. In Addanki, one of the men beat with a stick, severely, a respectable merchant in the bazar, and a warrant was issued for his apprehension by the Sub Magistrate on the spot; but when the assaulted party proceeded to the camp for the purpose of pointing out to the Police Constables the man who had injured him, the Commanding Officer spoke to him and eventually persuaded him not to prosecute his charge against the Soldier, who consequently escaped without punishment. And it was a man of the same Detachment who was rescued by the Officers at the head of an armed party from the Police in Nellore after he had been arrested for striking a trader in the bazar with such violence as since to cause his death from the injuries then received.

7. I have the honor to request that you will be so good as to ascertain the exact names and

Proceedings of the Madras Government, Judicial Department,
27th February 1861.

present residence of the Officers whose illegal behaviour I have now reported, in order that I may lose no time in instituting proceedings against them.

8. I regret the delay that has occurred in making this Report which however has been unavoidable. The complaint was made to me on Saturday the 19th; the 21st and 22nd were entirely taken up by the Cattle Exhibition, and since then, with the exception of time taken up in travelling, I have, as you are aware, been incessantly occupied with you in hearing the Appeals against the Assessment with Income Tax of the inhabitants of the whole Sub Division.

(True Copy.)

(Signed) J. W. B. DYKES,
Magistrate.

No. 174. ORDER THEREON, 27th February 1861, No. 265.

In the above letter, the Magistrate of Nellore solicits instructions as to the course to be pursued in reference to two Officers—Captain A. E. Bowen and another, whose name is supposed to be Beatty—who are charged with having committed an aggravated assault on certain ryots in the Talook of Ongole.

2. These Officers passed through the district, in Command of a Detachment of Artillery. At Vellampalli, according to the Magistrate's statement, a dispute arose between some grass-cutters (females) and the villagers, which terminated by three of the villagers being seized by a party of Sepoys, and carried before the Officers at the Travellers' Bungalow, and there and then tied to a cart wheel and severely flogged.

3. At Addanki, a respectable merchant was beaten in the bazar with a stick by a man of the Detachment, whose apprehension under a warrant issued by the Sub-Magistrate was prevented only by the Commanding Officer interposing and persuading the Merchant not to prosecute. Another man belonging to the same Detachment, was rescued by the Officers at the head of an armed party from the Police in Nellore, after he had been arrested for striking a trader.

4. The assault charged against the Officers, to which the Magistrate specially refers, appears to have been a gross one—and His Honor in Council is of opinion that the inquiry should be local, and desires that Mr. Whiteside will conduct it and dispose of the case, reporting his proceedings for the information of Government. The necessary orders will be issued by the Military Authorities for the attendance of such persons connected with the Army, as Mr. Whiteside may deem it right to call for.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Deposition of 1st Complainant, - C.

Rangaya of the Village of Kirtipad in the Taluq of Ongole, & Zilla of Nellore.

About 18 days ago, some Soldiers and Lascars arrived & halted at Vellampalli. They were proceeding from the north in a Southerly direction. Four females, grass cutters of these men came to my variga field to cut fodder. My cousin, Seshia, told them they must not cut in the field, but could do so in the waste land, adjoining. One of the women then put down her instrument for Cutting grass & went back to the Lascars. I do not know what she said, but in a short time 12 Soldiers came & seized my Cousin Seshia (abovementioned), my uncle Abbaya, & myself, they kicked & struck us, & then took us to the travellers bungalow, where the Gentlemen were then staying. Two Gentlemen came out of the bungalow, & one of them taking

us, one one, by the hand, had us tied to the wheel of a Cart, & gave orders for us to be beaten. Then a native man gave me, & each of the 2 others one dozen lashes with a whip; it had twenty (4) lashes. The gentleman, who had had us tied, then released us, & thrust us away. There were about 100 persons present, while we were being flogged, one of the gentlemen was stout, with reddish coloured beard, & rather elderly. The other gentleman was young, tall, & with black hair. After they had flogged us, I went home, when the Soldiers had brought us there, & the gentlemen had come, they did not say anything at all to us, or ask any question, they immediately tied us to the handy wheel and flogged us. When my Cousin, Leshia, told the women not to cut the grass in the field they said they would cut it, and one of them got angry, threw down her knife for cutting grass & went away. My Uncle Sitaya was near the

river, when I was coming back after I had been flogged, & he cried out. The women were not insulted in any way when they came into the fields.

True Translation

(Signed) W. S. Whiteside

Offg Joint Magistrate

Deposition of 2nd Complainant, C. Abbaya of the Village of Kirlapad in the Taluq of Gooty & Zilla of Nellore.

About 18 days ago, at 9 A.M, some Soldiers & Lascars coming from the North & going South, arrived & halted at Villampalli. Four female grass cutters belonging to the Officers of those soldiers came to my Vanja field to cut the grass.

My Cousin Seshia told them not to cut the grass there, but to cut in the neighbouring waste land, & one of the women threw her knife down & went back to the Lascars. I do not know

what she said to them, but afterwards one Sipoy came first, & commenced to push my cousin Seshia by his neck. I, and 1st Comp: plaimant came near, & told Seshia not to cry out. about 10 more Soldiers then came to the spot, & they all beat & kicked us, & took us to the travellers bungalow. Two Gentlemen came out of the bungalow, one of them & a native man thentied Seshaya to the wheel of a bandy, & held his hands. a native man then gave him 10 or a dozen lashes with a whip, which had 4 tails. After they had released Seshia, they tied up & flogged 1st Complainant, & then Compte, in the same manner. The gentlemen then released us. There were about 100 persons present when we were flogged. As we were going home, the Village Munsif & Pedda Kapu called us & after looking at our condition told us to go home. One of the Gentlemen had a red beard & was tall & young. The other was

5 A

was stout, middle aged, & his beard was rather red coloured. My Uncle Setaya cried out, when he saw our condition on our return, & we cried. The gentlemen did not ask us any questions before they ordered us to be flogged. The women were not insulted at all when they came into our fields.

True Translation

/Signed/ W. S. Whiteside

Offg Joint. Magistrate.

Deposition of 3rd Complainant. & Seshia of the Village of Kurlapaid, in the Taluq of Ongole, & Zila of Nellore.

About 15 days ago some soldiers and Cascars halted at Velampalli, they were going from the North towards the South. Four females, grass Cutters for the gentlemen, who came with the Cascars, came to my Cariga field, & began to cut grass there. I told them not to cut there, but said they could cut as

much as they wanted in the waste land.
They did not attend to me, & one of them said
they did not want the grass out of the waste
land but would cut it in my field. I said
if they cut there the Variga Crop would be
spoiled. Then that woman went back to the
Lascars. I do not know what she said, but
one Sepoy came & said the Gentleman
wanted me, & caught hold of me, I cried out.
1st & 2nd Constbles heard me, & came to the
spot. I said that if he released me the grass
might be cut in the field. In the meantime
about 10 Sepoys came there, & tying us
all there, took us to the Travellers bungalow
where the gentlemen were. Two gentlemen
& a native came out, then one of those gentle-
man tied us all, one by one, to the wheel
of a bandy. The native man then gave
each of us a dozen lashes with a whip, it
had 4 leather lashes. Then the gentleman
released us. The gentleman who tied us was

tall & young with light coloured hair, the other
gentleman had a red beard, was stout and
middle aged.

When they let us go, the Velampalle Munsiff
and Pidda Nasu saw us, as we were going
home. My Uncle Sitaya saw us near the
river, & cried, and we cried.

The gentlemen said nothing to us whatever
before they ordered us to be flogged. The
women who came to my field were not
insulted in any way.

True Translation.

(Signed) W. S. Whiteside

Pres. & Joint Magistrate

(True Copies)

J. W. B. Drew

Magistrate

6 Rau Ramsteato.

added by others inquiries since instituted.

4 ..... In Para. 6 of his letter, copy of which I do myself the honor to enclose, the Officiating Joint Magistrate refers to what took place at Nellore, when the damaged Detachment arrived there, on the 16th Ultimo, and one of the men drunk in the Bazar, street a native, and being placed in confinement by the Police, was that same evening released by Captain A. E. d'Bowen, the Senior Officer in command, at the head of an armed party. - I was then absent from Nellore. - But the whole case was duly reported to me by the Officiating Superintendent of Police, who further informed me that he had applied to the Inspector General for orders on the subject. - And as the Inspector General will probably direct him to bring the matter formally before me, as a Magistrate, in applying for the institution

P

Encl. Colonel Sir.

I have the honor to acknowledge the receipt of your letter of the 14th Instant, transmitting a communication from Captain Stevens, dated the 12th Ultimo, &c. &c.

In reply I have the honor to inform you that I shall be prepared to institute the investigation &c. &c. &c. from 3 persons who were present when the Police Peon was released by the Senior Officer, and the Peon himself, as soon as he can be found.

I have &c.

(Signed) A. D'Bowen

Lieut. Colonel &c. &c.

Aug. 18th 1847.

Government with regard to the Vellampalle case, I would beg to be favored at the same time with orders as to the course I should pursue, should a charge be hereafter brought before me against Captain Bowen for the offence committed as above described at Nellore on the 16th Ultimo.

5. Two courses are apparently open. One, to have the charges duly inquired into and disposed of by Mr. Whiteside and myself, where the offences are stated to have been committed, in which case I would request the favor of Government issuing the requisite orders through the Military Authorities for securing the attendance of the Officers. And the other course would be, for such evidence as may be procurable to be taken in full, and transmitted to the proper quarter with a view to the charges being taken up & disposed of by a Military tribunal. And I request that I may

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Mr Ramsden Dykes has written to Capt Bowen's Orderly at Nellore to request a Prisoner for the Police is a most unpleasant measure; but Let it be as the Boy's have answered the Letter.

Pour accomplissement de
Sentences cause
et Jugement dont
Me adjudge acquis

Dyster Dec. tables
a Bessemer viewed
has referred to a
former Report
this Shadow written

POLICE ORDER No XCIX

Dated 28th January, 1861.

The earliest intimation of the arrest, without warrant, by the Police, of European or Native Soldiers should be given to the nearer Military authorities; and the party should be made over to the Custody of any Military Guard sent for him pending further proceedings.

W. ROBINSON,

Inspector General of Madras Police.

Judicial Department

No. 267.

From The Magistrate of Nellore.

Dated 14th February 1861.

For Orders

The enclosure gives it
to be inquired into that the
Chief Police Officer should be
instructed
to send a report
on the case - I agree & propose that the
inquiry should be closed
& that

Jud. Proceedings of the Madras Govt.

Read letter from the Magistrate of Nellore — Jnter 14th Febry. 61 No. 6.

Order — 27 February 1861, No. 265 —

In the above letter, the Magistrate of Nellore solicits instructions as to the course to be pursued in reference to two Officers — Captain A. L. Bowen and another, whose name is supposed to be Beatty — who are charged with having committed an aggravated assault on certain ryots in the Talook of Ongole.

2. These Officers passed thro'

Jut. Pt. Petitside — Moved for letters to make it — The necessary orders being issued & the Police may make such enquiries for the attendance of these persons in connection with the enquiry as Jut Pt. may see fit to call for —

Wilkin

(Indicted).

thro' the district, in command of a detachment of Artillery. At Vellampalli, a dispute arose between some grasscutters (females) & the Villagers, which terminated by three of the villagers being seized by a party of Sepoys, & carried before the officer at the Travellers' Bungalow, & there & then tied to a Cart-wheel & severely flogged.

+ according to the Magistrate's statement.

2. Ali Addanki, a respectable merchant was beaten in the bazar by a bazar with a stick by a man of the detachment, whose apprehension under a warrant issued by the Sub-Magistrate was prevented by the Commanding officer interposing & persuading the Merchant not to prosecute. Another man belonging to the same detachment was rescued by the officers at the head of an armed party from the Police in Nellore, after he had been arrested for striking a trader.

4. The assault charged against the officers, last

to which the Magis-
trate specially refers,
appeal to him before
was a gross one — &
H. E. in Council is
of opinion that the
inquiry should be
local, & desires
that Mr. Whiteside
will conduct it. The
necessary orders will
be issued by the Mily.
authorities for the
attendance of such
persons connected
with the Army, as Mr.
Whiteside may
deem it right to
call for.

The Magistrate of
Nellore.
" Mily. Asst.
" Inspector Genl. of Police.

Desp 27-2-61.

Civil Sp. Marks

Judicial 1861 Departt.

No. 265

Proceedings of the
Madras Government
Dated 27th Feby 61.

Rs. No. 345 — 431 — 590 — 124 —

Passing orders on
the papers submitted
by the Magistrate of
Nellore regarding an
assault committed
by two Officers on certain
Ryots of Ongole on
their passing in
command of a
Detachment

1738/174