M.R. O. 1—82,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 300 Press Mis.

41-42

Dated 6 . 3 1941

3/4

Not to be folded or roughly handled

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

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.*
C. Seshia.
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 tow 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 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.

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.

(True Extract.)

(Signed) H. Pigott

Chief Secretary.

To the Magistrate of Nellore.
" Military Department.
" Inspector General of Police.

Exd. F. Cartledge.

List of 15th March
Pros: of Govt: 27th Feby 1861
No 1734174

Ind: 1801 Dept:

Pros: Govt: in the Civility Dt: 809.

Military Department.

No 809.

Communicated to the Kommt Commander-in-Chief, with a request that the necessary Orders may be issued in communication with the Local Civil authorities, for the attendance of those concerned, connected with the Army, as required by Para 4 of the order of Government in the foregoing Extract.

Fort St George
28th February 1861

H Mansfield
Secretary to Government

To
The Judicial Department

Dis: 28th Feby 1861
Rec: 2nd March "

No 345.

Copy the order passed in Pros: of Govt: No 265 of the 27th Feby last comg for the issue of necessary orders papers from the Magistrate of Nellore regarding an assault committed by 2 Officers who passed thro' that District in command of a Detachment.

With an Order.

No 300 6th March 1861.

Communicated to the Magistrate of Nellore.

The Magistrate of Nellore

41442