

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 555

Press
Mis.

155-157

155-157.

Dated 24. 4. 1861 19

28/28

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
24th April 1861.*

Read the following papers:—

No. 155. From A. PURVIS, Esq., Magistrate of the Godavery District, to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated Cocanada, 9th April 1861,
No. 107.

I have the honor to report for the information and orders of Government a circumstance which took place on the night of the 26th ultimo in the Cantonment of Samalcottah resulting in the death of an individual by name Fakera, an inhabitant of Vellore, but for the last two or three years in the employ, as a Horse-keeper, of Lieutenant Cunningham, an Officer of Her Majesty's 28th Regiment, Madras Native Infantry, at present stationed at Samalcottah.

2. The circumstances of the case as gathered from the proceedings of the Court of Inquest which was at once convened by the Officer Commanding the Station, and from the investigation subsequently held by me, are as follows:—

3. Lieutenant Cunningham, Lieutenant Russell, of the same Regiment, and Ensign Weston, also doing duty with the 28th, after spending the evening together at the house of the former, proceeded to the stables to look at a sick horse. They found the deceased drunk, he was unable to get up, and water was thrown over him by Lieutenant Cunningham. The three Officers then went to see the sick horse and on their return to the place where they had left the deceased, finding him still drunk, it was determined to take him to a pond in the compound and duck him. In pursuance of his intention, Lieutenant Cunningham and Russell supporting the man between them, took him to the tank. We have only the statements of the Officers themselves as to what then took place, for there were no other eye witnesses. Lieutenant Cunningham, before the Court of Inquest, says the deceased released himself from the slight hold he, and Lieutenant Russell, had on him, on approaching the water, and sprung into it. Lieutenant Russell says that they quickened their steps down the declivity towards the water, that deceased struggled away from them and took two steps into the water. Ensign Weston, who was following, says that when

close to the water they, meaning Lieutenant Cunningham and Russell, let go his*
* Deceased's arms and the man sprung into the water. The pond had been much swollen by the heavy rain which had fallen on the same afternoon, and the unfortunate man seems to have almost immediately sunk and never to have risen again. The three Officers, so soon as the probably fatal result of their proceedings became obvious to them, appear to have done all in their power to save the man but without success, for the body was not recovered till a little before noon the following day.

† No. 1. 4. I forward copy of the proceedings† of the Court of Inquest furnished me by
† No. 2. the Officer Commanding Samalcottah, and an Abstract‡ of the evidence recorded
§ No. 3. before me. Copies§ in extenso of the depositions in the English language and translations of those in the vernacular, are also submitted.

5. I am of opinion that both Lieutenant Cunningham and Russell should be brought to trial for the offence of which they have been unquestionably guilty. There is no reason to believe that the unhappy result was contemplated by them, but deceased has certainly met his death owing to their illegal and wholly unjustifiable proceedings. I believe the man was hurried down the slope of the pond, and let go when close to the water into which he naturally fell. Ensign Weston is the least blamable of the three, and, if the law will admit, he should, I think, be examined as a witness in the case.

6. The circumstances having taken place within the Cantonment at Samalcottah the Inquest was convened by the Officer Commanding the Regiment and Station, without reference, or report being made, to the Civil Authorities. I received a communication from Major Doria on the 31st ultimo telling me what had occurred, and that he had placed the Officers in arrest, and reported the affair to Division and Army Head Quarters. On hearing from him subsequently that the General of Division had telegraphed to him to communicate with the Civil Authorities, and place matters in their hands, I lost no time in entering upon the investigation now reported.

Proceedings of the Madras Government, Judicial Department,
24th April 1861.

Resolved that the above letter and accompanying papers be
In original to be returned. referred to the Advocate General for his opinion.

(Signed) T. PYCROFT,
Chief Secretary.

17th April 1861.

No. 156. From J. R. BOYSON, Esq., Government Solicitor, Madras, to T. PYCROFT, Esq.,
Chief Secretary to Government, Madras, dated 22nd April 1861, No. 374.

I have the honor to
Dated 17th April 1861, No. 518, and endorsed on letter, from the acknowledge the Order of
Magistrate of the Godavery District to Government of the 9th idem, Government noted in the
No. 107. margin, and the papers
which accompanied it.

2. I submitted them for the consideration of the Advocate General, and I now forward a
copy of his opinion.

3. I also return the Order and papers above acknowledged.

COPY-OPINION.

Mr. Purvis as Magistrate must convict all three Officers for Manslaughter, letting them
remain out on bail till the July Sessions.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

20th April 1861.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 157. ORDER THEREON, 24th April 1861, No. 555.

Ordered that a copy of the Advocate General's opinion, as submitted by the Government
Solicitor, be communicated to Mr. Purvis, in reference to his letter of the 9th instant, No. 107.

(Signed) T. PYCROFT,
Chief Secretary.

Abstract of the evidence recorded
before the Magistrate.

- Witnesses -
- 1st. Kamia - Brother-in-law of the deceased.
Speaks to the identity of the body but
knows nothing of the cause of death.
 - 2nd. Aminakolum - Daughter of the deceased.
knows nothing of the cause of the death
of her father. Enquired about him early
in the morning after the night on which
he was missing but could get no in-
formation about him. Deposited to
the dead body, which she saw next day,
being that of her father.
 - 3rd. Ayyamma, wife of the deceased, but
was absent at Dorlaishuram at
the time of his death and knows nothing
about it.
 - 4th. Gabriel - Brother to Lieut Cunningham.
Deposited to having heard a noise and
having been called by his master when
asleep in the cook room and told to call
two horse keepers which he did and
they all went to the pond, and were told
to search but nothing was found.
Chinnia (5th witness) had previously been
made to search. Lieut Cunningham
asked witness where his wife was? &c
he

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about it.
 - 4th. Gabriel - Brother to Lieut Cunningham.
Deposited to having heard a noise and
having been called by his master when
asleep in the cook room and told to call
two horse keepers which he did and
they all went to the pond, and were told
to search but nothing was found.
Chinnia (5th witness) had previously been
made to search. Lieut Cunningham
asked witnesses where his wife was. &c.

he replied. absent. The witness persists in declaring he did not know to whom Leitch Cunningham alluded though he gave him a reply. Leitch Cunningham told him to say nothing about the matter afterwards advised Leitch Cunningham to change his clothes.

5^d Phinnia also a servant in Leitch Cummings employ. Deposes to the three gentlemen having sat talking together at his master's house, and then left, and to his having about half an hour afterwards been hurriedly called by his master and made him to get into the pond in the compound, and look for some thing, though he was not told who or what was missing - was struck by his master before he went in.

6^d Motta. a Punka puller employed for that purpose at Leitch Cummings house on the night in question. Deposes to the three gentlemen having sat outside the Bungalow of Leitch Cummings, to their having gone to the stable, to their having called the deceased, to having heard a noise as of water being poured over Fakera, though he could not see what was going on, that Fakera begged that no more water might

might be thrown over him. Deposes further to seeing Leitch Cunningham and Russell taking the deceased near to, or past, the place where he, witness, was, but that as they passed out of sight, he does not know what further occurred. Euseb Weston was following behind.

7^d Guria - a horse keeper in the employ of Leitch Cummings. Deposes to being called by the 4^d witness Gabriel and taken to the pond where Leitch Cunningham, Russell and Weston were. Leitch Russell told him to get into the well, but not what he was to look for. He made an attempt to search but was too much alarmed to continue.

8^d Apis lint Surgeon Jacob Wilkins M.D. Deposes to the state of the body when taken out of the pond. Examined the body most carefully twice. Found no marks of violence whatever. Believes the deceased to have been sensible that is not to have been stunned, though he might have been drunk when he was immersed in the water. Is of opinion that he died from immersion. Describes the pond in which the body was

was found.

9th Sgt Abdul Rahuman Regimental
Catal 28th Regt R. I. deposes to
the dragging the pond and finding
the body on the following morning also
to his having measured the depth of
the water the next following morning
(that is some 36 hours after the
immersion had taken place) and
found it four yards deep in the
centre.

Lieutenant Cunningham denies that
the man was pushed in or that he
intended to push him into the pond.
declares he was an old favorite and
confidential servant and that his
accidental death has caused him
the greatest distress.

Leut Russell says. we intended to
bring the man to his senses by dipping
him in the water. had no idea the
water was more than 2 or 3 feet
deep. Intended the deceased to
be dipped in the water and brought
out again, but, after he eluded their
grasp, he took two steps into the
water, and deponent saw him
striking out, but he almost
immediately sank. He and the
others

others did their best to save him.
Ensign Weston. Refers to his
statement before the Court by Surgeon.
The man was not pushed into
the pond. Asked Lieut Cunningham
whether the pond was not too deep
when the suggestion was made
to duck the man, and he replied
it was not deep enough to do
any harm, he could be pushed
in and taken out again imme-
diately.

9th April 1861.

Abdullah
Magistrate

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I.

Proceedings of an European Court of Inquest held at Camaleottah on the Twenty seventh day of March, one thousand Eight hundred and sixty one, by order of Major R. A. Doria Com- manding the Station to investigate the circumstances and record their opinion relative to the death of a Horsekeeper lately in the service of Lieut. W. Cunningham of the 28th Regiment N. I.

President
 Captain E. Yates 28th Regiment N. I.
 Members.

Captain E. A. O'Brien 28th Regiment N. I.
 Officer Surgeon J. Williams M. D. 28th Regt N. I.

The Court showing assembled pursuant to order, proceed to view the body which was found by the margin of a small tank as it had been taken out of the water. The Tank was about 20 yards broad and generally shallow with not more than a foot or two of water in it, but on account of a very violent storm the evening before had caused the water to rise, which made it about 12 feet deep, the body was very much crumpled, the left leg was drawn up towards the chest one arm was drawn up over the side and the other was clutching some dry leaves and grass: the probable age of the deceased was about 45 the colour of the body and hair were black nothing was found on the body except a cloth lying over his chest.

From the
 28th Regiment N. I.

Heater from the
 Surgeon's tank of the
 28th Regiment N. I.
 28th Regt N. I.

From
 the Surgeon's tank
 of the 28th Regiment
 N. I.

W. H. J. from the
 28th Regiment N. I.

Heater from the
 Surgeon's tank of the
 28th Regiment N. I.

W. H. J. from the
 28th Regiment N. I.

Cumiah Pont Lascar identified the deceased
Fakcerah Horsekeeper as his brother in law
Annacollum identified the deceased Fakcerah
Horsekeeper as her Father.

The Court proceeded to the my house to hear
evidence.

The deceased was a horsekeeper in my service
who when wanted to take his tour of duty with a sick horse
last night was found drunk, I took him by his
arm and led him down to the edge of a duck pond in my
compound, when just at the edge of the water, he sprung
clear of the slight hold, I had of his arm, into it
I immediately jumped after him to lay hold of him and
bring him back, when he sunk suddenly, and I am
under the impression that he caught hold of me by the
shirt of my Coat, for I went down and with the
greatest difficulty I reached shore, my object in
taking him to the water was to throw water over him, to
sober him so that he could take his tour of duty, the
deceased who had been in my service about 3 years
was a valuable servant and could swim very well
and I am at a loss to account for his sinking so
suddenly.

What do you suppose was the depth of
water in the pond, when you took the man down -

I should not have thought more than 2 feet.

On the evening of the 26th March I was at
Lieut^t Cunningham's house a little after 10 o'clock
P.M. he proposed to go and look at his horse
which

Statement of
Lieutenant
H. Cunningham
23rd Regiment N.O.

Answer.

Statement of
Lieut^t Russell
23rd Regiment
N.O.

which was in my stables, on going through Lieut^t
Cunningham's stables we saw the deceased Horse
keeper and told him two or three times to get up, he
attempted to do it, but fell down, and I saw that
he was evidently drunk, we pulled him out from the
place where he was sleeping and threw two
buckets of water over him, after this we went away
to look at the sick horse, thinking the Horsekeeper
who was attending it wanted relief, we went back
to fetch the deceased whom we supposed would
have recovered himself; he was laying asleep &
on telling him to get up, he answered in a drunken
manner, he did get up and immediately fell upon
his head in which position he remained for a short
time, when Lieut^t Cunningham & myself lifted
him up intending to take him to a small tank and
duck him. I was under the supposition that the
tank was only two or three feet deep. On the road
he fell down twice or three and as we got near
the tank where there was a slight declivity we
quickened our steps and coming to the water he
struggled away from us, took two steps, and
the next thing I saw was the deceased trying
to swim, the tank on which Lieut^t Cunningham
clashed into the water after him and I went too
on coming to the surface he called to Ensign Weston and
myself for assistance we went in & pulled him out, at
this time we saw nothing of the deceased, Ensign Weston
dived in after him came up and said he could not find
him so we all three went into the water trying to feel for him.

with our feet, but it was too deep, we got assistance, but could not find him, after which we went to the Commanding Officer, and reported the circumstance this was about 1/2 past 11 P.M.

Last evening the 26th Instant after dining at Mess, I went to Lieut. Cunningham's house with Lieut. Ensign Weston. Lieut. Russell and stayed there about one hour and a half. Lieut. Cunningham said he would accompany us home to see his horse we went through Lieut. Cunningham's stables to get the deceased horsekeeper to take his tour in looking after his horse we found him lying drunk, Lieut. Cunningham told him to get up, he refused at first but got up soon, we made him walk out of the stable and Lieut. Cunningham poured a couple of Chatteries of water over his head & then left him and went over and saw the horse, after we had seen the horse we thought if the deceased was not sober we would dust him, Lieut. Cunningham proposed to take him into a duck pond in the compound on account of its being very shallow, we went back and found the deceased asleep, Lieut. Cunningham and Lieutenant Russell awake him & raised him up and made him walk between them each holding an arm, after they had gone a little way they loosened their hold and he dropped down, they raised him again and took him down to the pond, when they were close to the water they let go his arms and the man sprang into the water, I did not see him appear again, Lieut. Cunningham jumped in after him and disappeared in a second or two, his head appeared above water and he said for God's sake give me your hand, he, the deceased has hold of me, or I am gone, or words to that effect, Lieut. Russell and I immediately jumped in and pulled him out, we waited a second

or two and the deceased not appearing I dived in after him and could not reach the bottom, Lieut. Russell came in also, but not being able to swim got out of his depth and had to go back, in the meantime Lieut. Cunningham went to call assistance we continued to search for him a considerable time but not succeeding in finding him we returned to change our clothes, and I reported the circumstance to the Officer Commanding, leaving Lieut. Cunningham's servant searching for him.

Statement of
Gabriel Head
servant in Lieut
Cunningham's
Employ
I went to sleep in my house on the night of the 26th March about 1/2 past 8 o'clock. After I had been asleep some time I don't know how long, I was awaked by my Master calling out, I went into the Teranadeah found the doors all shut, I asked the Ayah, who was there, where my

My Master and Chootua were. She replied
they have gone down there pointing towards
the borie; after this My Master came running
towards the house and seeing me, told
me to call the Horsekeeper, I called
the Horsekeeper Gooriah who was asleep
in the stable we all three ran to the borie.
When we got there, My Master pushed
the Horsekeeper towards the borie and
said quietly "Search there, take him out."
Ensign Weston and Lieut. Russell were by
the side of the borie with their clothes all
wet and muddy, and the Chootua Chimiah
in the water, the Horsekeeper swam about the
borie and said he could find nothing
for nearly half an hour, the gentlemen then
asked the Horsekeeper how deep is it,
who replied "very deep" A bamboo was
then brought, it did not reach the bottom
and the Horsekeeper came out My Master
then asked where is the Horsekeeper's wife;
the deceased's wife is in the habit of sleeping
in

in the stable, I answered she is not here,
My Master then said well don't say any
thing to her, we then returned to the house
and I assisted My Master in taking
off his wet clothes.
Statement of — Late on the night of the 26th Jan.
Chimiah servant
in Lieut. Cumming's — I was cleaning plates &c in the Matya.
Chuan's Camp. I go down, suddenly I heard My Master
call to me from outside, Chimiah, Chimiah
come, I ran towards My Master and found
him standing beside the tank Mr. Russell
and Mr. Weston were in the water My Master
said hurriedly Catch hold of him, Catch hold
of him, I said who am I to catch hold of
My Master repeated Catch hold of him,
Catch hold of him, but mentioned no name,
I swam about for some time and then
came to the side, My Master then ran away
and brought the butler and Gooriah,
we searched the tank and found
nothing I had not seen the deceased
since

Since 12 o'clock from that day -

On Tuesday night 26th March my statement of
Master with three other Gentlemen was. Most of them were
sitting in the Parandah till about 10 o'clock, wallah indicates
P.M. when one Gentleman went away my Cunningham's
Employ
Master and the other two Gentlemen then went
to the stable and called Fakurak, the
deceased; soon after I heard the noise
of water falling and heard Fakurak say
"don't throw any more water" or "I shall die"
all was then quiet for a little while
when I heard Fakurak call out Ramaswamy
two or three times in a low voice. Ramaswamy
is one of Lieut Cunningham's Horsekeepers
all was quiet, again for about $\frac{1}{4}$ an
hour when I saw my Master and another
Gentlemen lead Fakurak past the
house supporting him under the arms;
a third Gentleman followed behind
I don't know their names; Fakurak
was moving very slow, they passed out

of

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of my sight about $\frac{1}{4}$ of an hour after my
Master returned running and calling
the Butler, who went away with him in the
same direction from which Lieut
Cunningham came.

Statement of On the morning of the 27th I was
ordered about 10 a.m. sent for by the Officer Commanding
the Regiment to drag a Tank, I proceeded
to the spot accompanied by several Officers
of the Regiment and throwing the drag for a
third time, it caught hold of something;
on drawing it up, it proved to be the
body of the deceased Horsekeeper -
Question by the Court - What do you suppose to be the depth
of water in the Tank in which the body was
found -

Answer - I measured it with a bamboo and
found it to be 12 feet -

Cause of death - By drowning -
Medical Opinion The Medical Officer is of opinion
that from the position of the limbs of the

man

man he was suffering from cramp at
the time of his death.

The Court having duly considered the evidence before it deem it their painful duty to record a verdict of manslaughter against Lieut. W. Cunningham and Lieut. R. H. Russell both of the 28th Regt of Native Infantry and also against Ensign C. E. Weston doing duty with the 28th Regt of Native Infantry.

Samuel B. J. Yates Capt. President
27th March 1864 } 28th Regt N.I.
Sig 7 E. H. M. Owen Capt.

28th
Sig 7 J. Williams M.D. members.
Appt Surgeon 28th Regt N.I.

Sig 7 R. Davis Major
Commanding Saml B.

(True Copy)
Adair.
Magistrate

Confined
to hospital.

Hannia, son of Engappa, of the Paria caste, long mustache, aged 30 years, subsisting by service, an inhabitant of Samalcutta; solemnly declares as follows.

Fifteen days ago, date unknown but on a Tuesday, I saw my brother-in-law Pakiser in the day time. On the evening of that day the daughter of the said Pakiser took food for him from home, but as he was not in the stable, she returned home. As there was rain in that night, no search was made for him. At one o'clock on the next day as there was a crowd of people near Mr Cunningham's house, I went there to see. The people then told me that a man had been found dead in a well there, and that the dead body was taken out and kept in a vacant place. I went there and found it to be the dead body of my brother-in-law Pakiser. I do not know how

Deposition of an Eye-witness
to the Murder

1857

Deposition of an Eye-witness
to the Murder of the
daughter of the said
murdered party. I was
not only present but
witnessed the murder
of the said daughter
of the said murdered
party. I was present
at the death of a
murdered party. I was
present at the death
of the said murdered
party. I was present
at the death of the
said murdered party.

Witness
John
1857

the said Pakien fell into the well
and died.

I have heard my deposition
and it is right. Cocanada 8th April 1861

Signed / Hannia

Solemnly affirmed before me
this 8th day of April 1861

Signed / A. Purvis
Magistrate
Justice of
the Peace

True translation

M. Purvis
Magistrate

Camp
M.

20 Mulu

Mina Polam, wife of Cupia of
Paria caste, long married
subsisting by her father's service,
aged 30 years, an inhabitant of
Tellore at present residing
at Samulcotta; solemnly declares
as follows.

About 16 days ago one day,
date unknown but a Tuesday,
at 7 o'clock in the night I took
food from home for the de-
ceased Pakien to the stable
where he used to remain; he
was absent from that place. I
asked Lieutenant Cunningham's
horse keeper, Mulu, where he was
he answered that he had gone
somewhere. I afterwards
brought the food home again.
My father Pakien was not there
either the next morning. I gave
food to my younger sister, Mu-
singaha, and sent it to Pakien at
the stable. He was not there then
also, but there was laid in the
stable his waist cloth. My sister
then came home and told me
that my father Pakien was not found.
I afterwards went myself, brought

The clerk above mentioned and showed
it to all the servants there. They
said that they did not know
where Paktin had gone. At
1 o'clock that day, I saw some
people go to the Bungalow of
Lieutenant Cunningham, and
followed them and then saw at
the Bungalow the dead body of
my father Paktin. I ~~do~~ not know
the cause of his death, as I live
in the lines (of the Regiment).
I have heard this deposition
and it is right. Cocanada 8th April 1861

(Marked) Annakalam

Solemnly affirmed before me
this 8th day of April 1861

Signed / J. P. P. P.
Magistrate
& Justice of
the Peace

True translation
M. P. P.
Magistrate

Copied
M. P. P.

Agemma, wife of Paktin, of Paria
caste, and long mask sect, aged
30 years, subsisting by means
of her husband's service as house
keeper; inhabitant of Vellore, at
present residing at Samulcotta.
On solemn affirmation declares
as follows.

My husband died 6 days
before my return to Samulcotta
from Dowlashwasam. I do not
know the cause of his death. On
my way to Samulcotta, from
Dowlashwasam, a Telinga man
belonging to the Regiment, met
me at Palla Chervu, and told me
that my husband was kept in some
choultry, and, as he was still alive,
I could see him if I went quick,
but he died before my arrival.
Cocanada the 8th April 1861

(Marked) Agemma

Solemnly affirmed before me
this 8th day of April 1861

Signed / J. P. P. P.
Magistrate
and Justice
of the Peace

True translation
M. P. P.
Magistrate

Copied
M. P. P.

Gabriel, son of Yasukotti, Christian religion, subsisting
in the service of a Gentleman in the Regiment, aged 40
years. and at present inhabitant of Samalootta,
solemnly declares as follows-

About 14 days ago, date and week
unknown, one night as I was lying in the Cook
room near the Bungalow of Lieut. Cunningham
I heard a noise, and I came out to see what
was the matter. There were no Gentlemen in the
Bungalow at that time but I asked the Ayah,
who said that the gentleman had gone towards the
Gutter or Pond. In the mean time the said
Gentleman (Lieutenant Cunningham) came to the
Bungalow, and called me. As I was near the
Bungalow I answered. He told me to call his
servant, Guraya, and another, Muttu. I went
to the stable and brought them. Those two
persons, myself, and the said Gentleman, in
all four, went to the pond, where one servant
named Chinna stood up to his knee in the
water of the pond. I asked him why he stood
in the water. He answered that Mr. Cunningham
and two other Gentlemen told him to get into the
pond, and catch hold of a man whose name
they had not told him. He asked also that
they beat him and pushed him into the pond,
that he had fallen in and sunk, but that he
afterwards had got out, and that he found no

Chinna

me in the water. Mr Cunningham afterwards pushed another horsekeeper, named Curia, into the pond telling him to search and to catch holol, but he did not particularly say who was to be got hold of. The (Curia) accordingly searched in the water but found nothing, he told the same to the said Gentleman. The man Mutu was then required to bring bamboos. he accordingly brought them. The said Gentleman then directed him to see with the bamboo the depth of the water in the pond. he tried and said it was very deep. The servant Curia afterwards came to the bank. Then my Master, Lieut. Cunningham, returned to his Bungalow, the other two Gentlemen also went to their Bungalows. When Mr Cunningham was coming to his Bungalow he asked me (without mentioning the name) "Has he a wife?" I replied no. I did not hear the name of the person whose wife the said gentleman asked about. He also said. Do not mention it to any body. but he did not particularly tell me what circumstance ^{was} to be told. As the gentleman's clothes were wet I pulled them off by his order and supplied him with fresh clothes. I afterwards went to sleep. When the body of Patria was brought out from the pond at 10 o'clock A. M. the next day I saw it. Mr Cunningham's clothes were wet when he first came to the Bungalow,

and called me. When the said Curia was pushed into the water, he searched in the water with his hands for half an hour. I know not the name of the person whose wife Mr Cunningham asked about. even then I only answered he had no wife.

I have heard this deposition, and it is right.

Charles Gabriel

Solemnly affirmed before me this 8th day of April 1861.

(Signed) C. F. Purvis
Magistrate & Justice of the
Peace.

(True translation)

Shanil
Magistrate.

Compd
M^o

5th witness.

Chinnai. son of Chinnai of Tamil caste, crop marks sect, subsisting by service, aged 16 years, and at present inhabitant of Canaleotta, solemnly declared as follows.

I do not recollect how long ago, nor the date or week - one night my Master Lieut. Cunningham and two other gentlemen whose names I do not remember were talking together at the Dining Room of the former gentleman, and afterwards went away somewhere. As I was taking tumbler to put on the table, my Master, Lieut. Cunningham, came & called me and took me to the pond and said to me "get in the pond, catch hold, catch hold." I asked him who had fallen in? what had fallen in? what am I to catch? he made no reply but struck me a blow on my arm saying "get in." I then got in, and searched for a ghudia or (20 minutes) gentle hour, but as I found nothing, I came out. The said gentleman then called his butler Gabriel who was asleep, and told him to bring the horsekeeper Guria, and when the latter came he directed him to bring a bamboo. Guria and another horsekeeper, Mutu, brought the bamboo, and tried the depth of water in the pond, and informed the said Gentleman that the water was very deep and no one could find out the depth. The gentleman then told them

them to come out, then the butler Gabriel and my Master spoke something in English but I do not know that language. My Master afterwards returned to the Bungalow I do not know what became of the other two Gentlemen. I afterwards went to sleep. It was about half an hour between the time the Gentlemen went away in the first instance, and my Master, Mr Cunningham, returned & took me to the pond. When he came & called me his clothes were wet. On the day of Patric's death I saw him alive while in the stable at 12 O'clock A. M. I have not since seen him.

I have heard this deposition and it is right. The 8th April 1861 Cocanada

(Signed in Malabar) Chinna

Solemnly affirmed before me this 8th day of April 1861.

(Signed) C. J. Davis

Magistrate & Justice of Peace

(True translation)

Per Davis
Magistrate.

Camp
1861

6th Malabar

Muttu, son of Adaka, of Tamil caste, cross mark sect; gains his livelihood as a Pankia puller, aged 50 years, at present inhabitant of Samulcotta, solemnly declares as follows.

Fourteen days ago, one night, as I was employed on hire pulling Pankia in the Bungalow of one of the gentlemen (name unknown) now before the Magistrate, he and the other two gentlemen (names unknown), and now before the Magistrate, sat outside of the Bungalow. Sometime afterwards the three gentlemen went to the stable and called the horsekeeper Patiku. He gave no answer. I afterwards heard a noise as if the gentlemen had taken a pot of water, and poured it over the said Patiku. I heard the noise once. I did not see because I was pulling the Pankia near the Bungalow. When the gentlemen thus poured water over the horsekeeper Patiku he awoke and got up and said "If water is poured over me I shall die

Pankia to
Lieutenant
Cunningham.

Wm Russell
Mr. Nathan

do not pour water" the Gentlemen
then stopped pouring water.
The said Pakin then called another
horse keeper named Ramaswamy,
but he gave no answer as he was
not there - afterwards the two ^{Present to}
Gentlemen (names unknown) now ^{Lieut. Cunningham}
before the Magistrate, whom I
sent out took the said Pakin
to some place out of my sight. I
do not know what they have done
to him or what passed afterwards.
When the two Gentlemen took him
the third gentleman also followed
behind them. It was a moonlight
night but not dark. The place where
I was pulling the Panka at the Bungalow
is near the place, ^{by} in the way, at which
the Gentlemen took Pakin -

I have heard this deposition and
it is right.

(Marked) Mukta

Solemnly affirmed before me
this 8th day of April 1861

(Signed) J. Russell
Magistrate
and Justice of
the Peace

True translation

(Signed)
Magistrate

Compared
H. J.

yth Measur

Andugula Guria, son of Pandoo,
of Paria caste, long mustach,
aged 30 years, laboring by
service as a horse keeper, an in-
habitant of Samulcotta, solemnly
declares as follows

Fifteen days ago, one evening
the horse keeper Pakin went
home, but as I had food sent
me from home to the stable
I took it and laid myself in the
stable. I do not know whether
Pakin came or not after taking
his meals. Gabriel the Butler of
Lieutenant Cunningham, came
to the stable, awoke me, and
took me to the well where all
the people were. The three
Gentlemen namely Messrs. Cunningham,
Russell and Measur were there.
Lieutenant Russell told me to
get into the well, but he did not
tell me on what account I
should do so. I accordingly
descended into it but being fright-
ened, I came out again. I afterwards
went to sleep and know not what
passed subsequently. I

I have heard this deposition
and it is right the 8th April 1861

(marked) - Garcia

Solemnly affirmed before
me this 8th day of April 1861

Heard, J. P. Purnis
Magistrate
and Justice of
the Peace

True translation

M. P. Purnis
Magistrate

Confess
K. J.

8th Whiteps.

Deposition given by Jacob Wilkins,
Doctor of Medicine, Assistant
Surgeon in charge of the
28th Regiment of Madras
Native Infantry, aged
30 - at present residing
at Samalotta, before
J. P. Purnis Esqre Magis-
trate and Justice of
the Peace 8th day of
April 1861. After having
been duly administered
I saw the body of the de-
ceased. I asked when he
was taken out of the water
from a small tank in
Lieutenant Cunningham's
compound. It was about 1/2
past 11 A.M. I cannot re-
collect the day. The limbs

I have heard this deposition
and it is right the 8th April 1861

(marked) - Garcia

Solemnly affirmed before
me this 8th day of April 1861

Heard, J. P. Purnis
Magistrate
and Justice of
the Peace

True translation

M. P. Purnis
Magistrate

Confess
K. J.

8th Whiteps.

Deposition given by Jacob Wilkins,
Doctor of Medicine, Assistant
Surgeon in charge of the
28th Regiment of Madras
Native Infantry, aged
30 - at present residing
at Samalotta, before
J. P. Purnis Esqre Magis-
trate and Justice of
the Peace 8th day of
April 1861. After having
been duly administered
I saw the body of the de-
ceased. Fakera when he
was taken out of the water
from a small tank in
Lieutenant Cunningham's
compound. It was about 1/2
past 11 A.M. I cannot re-
collect the day. The limbs

were very much contracted,
the body was covered with mud,
a fold or two of his cloth was wound
round the chest - the remaining
portion was loose, and dragged
out of the water, after the body.
The right hand was firmly
clenched, holding in its grasp
mud and decayed vegetable
matter, evidently from the
bottom of the tank. The lips
and nostrils were covered
with froth and mucus. I examined
the body carefully all over
immediately on its being
taken out, and again about
an hour afterwards, after
it had been exposed to the
air. My object in examining
it the second time was
that marks of violence
are more likely to show
after the body has become
partially dried. There were
no marks of violence of any

kind on any portion of the
body. My opinion is that,
taking into consideration
the total absence of marks
of violence, the frothy mucus
from the nose and lips,
and the clenching of the hand
upon the soil of the tank, the
man was alive at the time
of his first immersion,
that he was sensible at that
time, and that he died from
such immersion. I made no
post mortem examination
of the body as I considered
the cause of death so evident.
By sensible, I mean that he
could not have been stunned.
he may have been drunk. I
do not know from my own
knowledge how deep the tank
was at time. There is no doubt
that it was considerably swollen
at the time. The cantonment was
visited with a heavy hail & rain
since the previous afternoon,
and the water of the surrounding

Country drains into this tank,
there are slopes on each side
down which people go for water.
I attribute the contraction of
the limbs to cramp - a man
suffering from depression
after drunkenness would be
more liable to cramp than
at another time

I signed / Jacob McKinn
Assistant Surgeon
to the 28th Regiment Madras I.S.

Loans before me this 8th day
of April 1861 at Cocanada

I signed / A. Furnis
Magistrate
&
Justice of
the Peace

/ True Copy /
Magistrate

Compared
H. Cunningham

4th Witness

Syed Abdal / Tahiman, son of Ali-
-jam Ulla Abdul Kader of Mohammedi
caste, and sunni sect, aged 41 years,
subsisting by service as Honorary
of 28th Regiment, and at present
residing at Samulcatta, solemnly
declares as follows

One day the date I do not
recollect, as I was returning
from the Adjutant after
making the usual report,
Major Doria sent for me
and told me that, if I had an
instrument with which any thing
fallen in a well could be taken
out, to bring it. I accordingly
took with me a hook of the kind
and an iron hook used to pull
off the roofs of houses when there
is a fire, and accompanied by
peons went to the pond in the
compound of Mr Cunningham's
Bangalow, where were Major
Doria and other gentlemen. I
then cast the hook into the pond
and searched, and as a dead
body was found I took it out.
The Adjutant required me

To measure and state the depth
of the water in the pond. I measured
it on the next morning and informed
him the depth in the middle of the
pond to be about 4 yards. I fixed
up the said drag to the Major's
house, but he had gone to the pond
near Mr. Cunningham's Bungalow &
also went thither. There is a slope
in the pond to admit people
getting to it for water.

I have heard this deposition
and it is right. The 8th April 1861.

Signed in Persian by Abdul
Rahman

Solemnly affirmed before
me this 8th day of April 1861

Signed J. P. Purvis
Magistrate
and Justice
of the Peace

True translation

Signed
Magistrate

over
the

Deposition given by William Cunningham
Aged 30. a Lieutenant in H. M. 28th Madras Native
Infantry at present stationed at Samalotta.
before J. P. Purvis Esq. Magistrate of the Godavari District,
and one of Her Majesty's Justices of the Peace
Becanada 8th April 1861.

I What have you to state in answer to
the charge of causing the death of one Sakera
late a horse-keeper in your employ by pushing him
into a pond in your compound at Samalotta on
the night of the 25th of March last.

A I did not push the man in, or did.
I intend to push him in. He was an old, favorite
and confidential servant of mine. And his accidental
death has caused me the greatest sorrow & misery -

I do not wish to say any more.

Signed W. Cunningham Esq
28th Regt. C. I.
Quinn

Given before me this 8th day of April
1861 at Cocanada-

(Signed) A. Purvis
Magistrate and
Justice of the Peace.

(True Copy)

A. Purvis
Magistrate

Compared
H. Lymanathan

20

Deposition given by Robert Henry Russell
aged 18 Lieutenant in R.M. 28th Madras Native
Infantry at present stationed at Semalcotha before
A. Purvis Esq. Magistrate of the Cocanada District and
one of Her Majesty's Justices of the Peace.
Cocanada 8th April 1861-

I What have you to state in answer to
the charge of causing the death of one Fatima by
pushing him into a pond at Semalcotha on the
night of the 26th March last?

A We intended to bring the man to his senses
by ducking him in the water. I had no idea that
the water was more than 2 or 3 feet deep. I
intended he should be dipped into the water and
brought out again, but after he eluded our grasp,
he took two slips into the water, and I saw him
struggling out, but he almost immediately sunk -
He

We did not best to save him but never saw him
again alive - We see there went in to try and
get him out but without success.

Signed / B. H. Russell Esq
28th Regt. I. I.

Given before me this 8th day of April
1861 at Cocanada -

Signed / A. Purvis
Magistrate
Justice of the Peace

/ True Copy /
A. Purvis
Magistrate

Compared
to the original

Deposition given by George Edward
Meston aged 19. Ensign - doing duty with the
28th Regiment Madras N. Infantry at present stationed
at Samalcotha before A. Purvis Esq. Magistrate of the
Godavari District and one of Her Majesty's Justices of
the Peace.

Cocanada 8th April 1861.

Q What have you to state regarding the
death of one J. J. J. late a cooper in the
employ of Lieut. Cunningham, at Samalcotha on the
night of the 26th March last?

A I have nothing more to say than what I
stated before the Court of Enquiry. The man
was not pushed in. I would mention that
when the suggestion was made to duck the de-
ceased in the pond, I asked Lieut. Cunningham if
it was not too deep. He replied it was not
deep enough to bring the man to any harm, he
could be put in and taken out again immediately.
He said it was between 2 & 3 feet deep.

We

We did our best to get the man out but could
not do so. We changed our clothes and
reported what had occurred to the Officer Com-

-manding

/Signed/ J. E. Weston Esq

D. D. 28th Oct N.I.

Given before me this 8th day of
April 1861 at Cocamasa -

/Signed/ A. Purvis

Magistrate

Justice of the Peace.

/True Copy/

A. Purvis

Magistrate

Compared

H. Legumathorn

Enclosure
No III

In a letter from the
Magistrate of the Godavery
District dated 9th
April 1861. No 107

From
The Magistrate of the
Godavery District
to
The Chief Secretary to Govt
Fort Saint George

Translations of the
depositions taken
before the Magistrate
in the vernacular
and copies of those taken
in English before
him. —

not to be
sent 1861 Sept
to the Govt

No 374

Madras, April 22nd, 1861.

From J. C. Boyson
Government Solicitor, Madras

To J. P. Croft Esq^r
Chief Secretary to Government, Madras

Sir,

1. Dated 17th April 1861 at 3/8
and endorsed on letter from
the Magistrate of the
Godavery District to Go-
vernment of the 9th Dec
No 107.

I have the honor to
acknowledge the Order of
Government noted in the
margin and the papers
which accompanied it.

2. I submitted them for the consideration
of the Advocate General and now
forward a copy of his opinion.

3. I also return the Order and
papers above acknowledged and
have the honor to be,

Sir
Your most Obedient Servant,
J. C. Boyson
Govt Secy

For the Office. Records

Recd 1861. Sep 6
From J. R. Rogers
for 20 1/2 inches
to J. Rogers
Shipley to J. Rogers

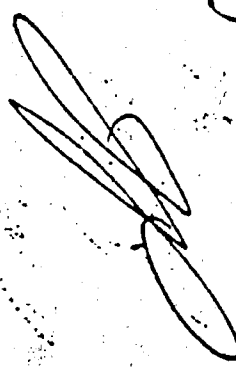
Oct 22
Recd Apr 28 23

No 374.
15 Enclosures
No 665

Forwarded with reference
to order of Court on letter
from the Magistrate of the
County. Subject to post
of the 9th instant 1861.
Left at 10 o'clock
on the 11th instant
per train by
Birmingham
Russell and
Hobbs.

Recd letter from the Magistrate of the County of
No 555 - 24 April 1861.

Ordered that a copy of
the above-mentioned
opinion, as submitted
by the Magistrate, be
communicated to the
Commissioners, in reference to the
letter of the 9th inst. No 107



With an Order.

The Magistrate of the
County of Suffolk
1861