M.R.O. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 183 Press ~~Mis.~~

40-41

Dated 7.2.1942 ~~19~~

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 7th February 1862.

No. 40. Read the following Proceedings of Government in the Military Department, dated 31st January 1862, No. 384.

Communicating, with reference to Judicial Proceedings of Government No. 1,597, *dated 24th December last, the Order passed in that Department observing that it is not necessary to remove the 38th Regiment Native Infantry from Waltair in consequence of certain circumstances.*

(Vide Proceedings Military Department, dated 31st January 1862, Nos. 629—631.)

No. 41. ORDER THEREON, 7th February 1862, No. 183.

Communicated to the Inspector General of Police.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

Proceedings of the Madras Government, Judicial Department.

Read the following papers :—

From the Magistrate of Vizagapatam, 14th December 1861, *No.* 402; *to the Chief Secretary to Government, Fort Saint George.*

I regret to have again to report the misconduct of the Sepoys of the 38th M. N. I., stationed at Vizagapatam. In my letter of the 2nd instant, No. 388, I mentioned that certain parties of that Corps had been recognized by several of the new Police as having been in the late Grain Riot, and I hoped would be brought to justice and made severe examples of. It now appears that on suspicion of some of the Sepoys being also concerned in a gang robbery at the Salt Peishcar's house at Karassa, three miles from Vizagapatam, the Superintendent of Police, Captain Buck, himself belonging to the 38th Regiment, went in company with the Adjutant to search the houses of the suspected Sepoys—one of the Sepoys threatened Captain Buck with violence and others assaulted him with a volley of mud and stones and the Civil authority was regularly set at nought by the Regiment. I received a telegram on the subject from Mr. Tennant, Deputy Inspector General of Mofussil Police to the following effect :—"Thirty-eighth Regiment resisted "search warrant with violence. Threatened and assaulted Superintendent with mud and stones. "Process executed—all quiet now—presence of a European Magistrate requested." I at once directed Mr. Longley to proceed to Vizagapatam and to defer a circuit he was making of the Talúks under his control. He went into Vizagapatam accordingly, and reports that all is still, quiet there, and that the Sepoys who in resisting Captain Buck, so boldly outraged public justice, are to be brought to a General Court Martial, and that some five or six other Sepoys who are suspected of having been concerned in the Karassa robbery are to be sent up for trial to the Subordinate Court.

2. I have been for some days confined to the house from Rheumatism in the back, or would have at once myself gone into Vizagapatam. I got however daily reports from there, and received one this morning from one of the most enlightened Natives in the place, he says as follows :—

"The sensation in the town has not ceased, and I am sorry to say it is ebbing and flowing. "Seeing that Mr. Buck an European Officer was the other day slighted by the very men who "till very lately served under him and that the Military Authorities treated the matter very "cooly, the people begin to entertain fears of a serious nature, and think the Sepoys would not "have grown so riotous, unless they have had some slight encouragement from their Officers. "How far this is true I cannot say. But I think that unless the culprit Sepoys are summarily "dealt with and an example made of them, things will get worse. I think the most effectual "way of putting a stop to the present disturbance will be by getting the present Native Regi- "ment removed to some other District."

3. This latter opinion I beg to repeat myself, as I know that from fear of the Sepoys, numbers of the towns-people have left Vizagapatam under the (mistaken as I think) idea that the Police cannot cope with the Military.

4. Annexed also is a copy of a Memorandum from Captain Buck himself, regarding the resistance to the search warrant.

MEMORANDUM.

"On Tuesday the 10th December 1861, the Peishcar of Karassa complained to me that four "Sepoys of the 38th Regiment N. I., were concerned in a gang robbery that took place at "Navabpettah when he lost 500 Rupees of property and that some of it was concealed in the "Lines of the 38th. The Sub-Magistrate of the town told me that suspicion had been aroused "and that it should be done at once. I wrote to Lieutenant Lidderdale, Adjutant of the 38th "Regiment N. I., to request his presence, he replied that he would come down immediately. I "went to the Lines and told the Jemadar Adjutant to be present with the Orderly Havildars

"of the men's Companies. I commenced the search, an Acting Deputy Constable went into the "house with Havildar Swamy and Jemadar Adjutant Meer Hoossain—no property was "discovered."

"The Adjutant and myself remained outside the house."

"The same occurred at a second house. On quitting the Lines, I was assaulted with a "volley of mud and stones; I was not hit, Jemadar Said Cawder having placed himself behind "me."

"After searching a second house, Sepoy Gowtiah of the Light Company, threatened me with "violence."

"I was in uniform and as I belong to the Regiment, the men must have known me."

"From information received, I have every reason to suppose, that the men of the 38th "Regiment were engaged as follows."

21st November 1861—Robbery in the Vizagapatam Bazar.
25th do. do. Riot and robbery with violence do.
29th do. do. Gang robbery, Navabpettah.
10th December do. Resistance to the Civil power in searching for stolen property.

(True Copy.)

(Signed) E. FANE,
Magistrate.

Proceedings of the Madras Government in the Military Department.

Communicating a Memorandum from the Adjutant General of the Army, reporting that the Officer Commanding Northern Division, at the request of the Principal Assistant Magistrate, furnished Military Guards to prevent the plunder of the Rice Godowns in the Bazar of Vizagapatam. } Here enter 17th December 1861, No. 4624.

ORDER THEREON, 24th December 1861, No. 1597.

Resolved, that a reference be made through the Military Department to His Excellency the Commander-in-Chief.

1*st.*—In regard to the removal of the 38th Regiment from Vizagapatam.

2*nd.*—As to the expression in Major General Whitlock's letter, notifying his intention to have refused Military aid when called on. The Government observe, that it is not for a General Officer to comment on the Police system, which Government have chosen to adopt, but to give such aid as may be required to the Civil Authorities at once.

2. Resolved also, that information be at once required, as to the result of the Court Martial on the Sepoys.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

Referred for the early observations of His Excellency the Commander-in-Chief.

26th December 1861.

Memorandum from the Adjutant General of the Army, Fort Saint George, 21st January 1862, *No.* 41.

With reference to Order of Government in the Judicial Department, No. 1597, of 24th December 1861, referred to the Commander-in-Chief on 26th idem, the Adjutant General of the Army has the honor, by order of His Excellency the Commander-in-Chief, to transmit for the information of Government, a letter from the Officer Commanding Northern Division, affording the explanation with report called for, touching certain circumstances connected with the late Grain Riots at Vizagapatam, and to state, that as a question of discipline, it appears to Sir Hope Grant neither advisable nor necessary to remove the 38th Regiment N. I. from that Station; an opinion, in which after perusal of the within Report from Major General Sir G. Whitlock, K. C. B., the Lieutenant General trusts His Excellency in Council will coincide.

From the Officer Commanding Northern Division, Head Quarters, Waltair, 13th January 1862, *No.* 16; *to the Adjutant General of the Army, Fort Saint George.*

I reply immediately to your letter No. 17, dated 4th instant, which I have had the honor of just receiving.

1. I learnt with much surprise on the 23rd November, in a letter from Colonel Pooley, then in command of the 38th Regiment, that a guard had been furnished two days previously, at the requisition of Mr. Fane, for the purpose of keeping the peace in the Bazar—the first intimation I had on the subject—Colonel Pooley's attention was called to this irregular proceeding.

2. On the following day, I called on Mr. Fane and talked the matter over with him—and *with his concurrence*, the guard was, the next morning, withdrawn by my instructions given in person to the second in command of the 38th Regiment. Colonel Pooley having been then sick and unfit for duty—and I ordered Captain Morgan to prevent his men from moving in large bodies to the Town, which Mr. Fane told me they were in the habit of doing, but which Captain Morgan distinctly states they were *not* and never have been.

3. At noon on Tuesday, 26th November, Mr. Longley the Assistant Magistrate, in the absence of Mr. Fane, called on me stating the imminent danger the Bazar and Town of Vizagapatam were in of being immediately plundered, if Military aid were not afforded, and he earnestly begged that not a moment's delay might take place. The Artillery being the nearest, I directed a dozen or fifteen men to mount and to proceed to the Bazar, simply to be at hand, lest the Infantry should not have reached in time, and I considered it my own duty to meet the Civil Authority in the Bazar, so apprehensive was the Assistant Magistrate of an immediate and dangerous outbreak. Mr. Longley's statement and his urgent requisition for Troops led me to conclude that matters were very serious, and I considered that I should be on the spot to meet any exigency. I beg most distinctly to state, that I did *not* proceed at the head of the Troops—they reached the Bazar long after I did, and a Native Officer's Guard only was left in the Bazar for its protection, whilst a Havildar's party took post at the Police Office.

4. The 38th Regiment was ordered to be paraded for the purpose of identifying such men as were accused by the Police of being present and engaged in the Riot. Two were pointed out and taken up by the 1st Inspector, but the next morning before a Court of Inquiry, Inspector Jay and his native Assistant stated that they were unable to identify a single man. On Captain Buck's return to Waltair, the Regiment was again paraded on the 2nd December—four or five men were taken up and kept in civil custody, but no case was proved against them. The Officer Commanding 38th Regiment was ordered to adopt any measures he considered necessary (frequent Roll calls, &c.,) to keep the men present in the Lines, and it is only justice to the men to say they have been greatly maligned and though I deeply regret that after circumstances (which will be referred to) have proved disgraceful to some few, still the second in command reported that after the Bugle had sounded, at the period of the Riot, every man, in the course of about ten minutes, was present, except a few whose absence was satisfactorily accounted for.

5. I was absent on my tour of Inspection when the event herein alluded to took place. It appears that Captain Buck, the Superintendent of Police, wrote to the Adjutant of the 38th Regiment, that he was about to execute a search warrant and begged Lieutenant Lidderdale to be present, which he was. The search warrant was accordingly executed, but I consider that it was a most irregular proceeding to enter a married Sepoy's house during his absence when employed in the Lines, and when he could have been so easily summoned—this was the principal if not the only cause of the grave offence the man committed (which of course cannot be justified) and for which he has been tried and convicted. My absence from Division Head Quarters and the Proceedings of the District Court Martial having been returned for revision, has caused delay in the Proceedings being forwarded for submission to His Excellency the Commander-in-Chief—no time shall be lost in despatching them when complete.

6. Bringing the offenders to trial by Court Martial and carrying into effect the punishment awarded, will, I consider, sufficiently vindicate Military discipline and the Civil Authority. The first intimation received of any of the Sepoys having been suspected of having been engaged in the Karaisa robbery was on the evidence as given by Captain Buck before a Court of Inquiry—no stolen property whatever was found in the suspected men's houses, nor, as far as I know, is there any proof against them of having been in any way engaged in the gang robbery.

7. I regret that any expression I used should have been considered an improper comment on the Police system—it was never intended. My impression was that the Police should be first called out to quell a Riot, and in failure of the same, that then the services of the Military should be made available.

8. I would beg respectfully to remark, that I have received from Mr. Longley an official acknowledgment of his "best thanks for the prompt assistance rendered yesterday to the Civil Authorities;" and I would only beg further to add, that I consider the presence of the Military afforded confidence to the townspeople and also led to the reduction of the price of grain, in proof of which, I annex copy extract* from a letter from the Deputy Magistrate, addressed to the Officer Commanding the Station.

9. I deeply regret that the first communication I should have received after the arrival of His Excellency the Commander-in-Chief from your Office, should have been of so unpleasant a nature, but I trust Sir Hope Grant will feel satisfied at the explanation, with which I now trouble you.

""I have with many thanks to inform you that "the Town is now quiet."*

2. *"I would only request that the Guards placed at the disposal of the Civil Authorities be "still continued until further notice, in order "that confidence may be restored in the minds "of the Bamas and other men who were lately "disturbed, and that they may see that there "will be no disturbance, as they are protected "by the Military and thus bring in grain as "usual for sale, the scarcity of which is now "much felt by all classes."*

ORDER, No. 384, 31*st January* 1862.

The Governor in Council concurs with the Commander-in-Chief that it is not necessary to remove the 38th Regiment N. I. from Waltair, in consequence of the circumstances in question—it is observed however, that the Regiment has subsequently been ordered to Secunderabad in the ordinary course of relief, which arrangement need not be disturbed.

No. 1597, *dated* 24*th December* 1861.

2. These Proceedings will be communicated to the Judicial Department, with reference to the Proceedings in that Department, marginally noted.

(True Extract.)

Secretary to Government.

To the Judicial Department. Wait a true Copie
" Adjutant General.
" Quarter Master General.

Exd. A. A. DeMonte.

MILITARY DEPARTMENT.

No. 384.

Proceedings of the Madras Government.

31st January 1862.

Read the following Paper.

Pro: of Govt. Judl. Depart.
Directing that a reference
be made thro: the Mily: Dept.
to the Comdr in Chief, in regard
to the removal of the 38th Regt from
Vizagapatam. and as to the explanation
in Major Genl. Whitlocks' letter no.
= tifying his intention to have refused
Mily. aid when called on. ——

Here enter 24th Dec 61, No 1597

Memo: from the Actg Genl.
of the Army.
Forwarding explanation from
Offrg Commg Northern Division
touching certain circumstances
connected with the late Grain
Riots at Vizagapatam & stating
that it appears unnecessary to
remove the 38th N.I. from that
station. ——

—— 21st Janry 62, No 41.

Order. The Governor in Council
Concurs

concurs with the Commander-in-Chief that it is not necessary to remove the 38th Regiment N.I. from Waltair, in consequence of the circumstances in question - it is observed, however, that the Regt has subsequently been ordered to Secunderabad in the ordinary course of relief, which arrangement need not be disturbed.

2. These Proceedings will be communicated to the Judicial Department, with reference to the Proceedings in that Department, marginally noted. No 1597 dated 24th Dec. 18[illegible].

(True Extract)

S Marshall
Secretary to Govt

To The Judicial Department.

Public Copies mk Letters

Ans[illegible]

Prov. Dept. Secretariat

Dist. of Victoria

Copy of Letter
Judicial 1862 Dept.

Pros: of Govt. re
the Militia Dept. 38th Regt.

Dy 3rd Inst.
Rcd 3rd Feby 1862

No. 207

Comg. with ref: to Indr
Pros: of Govt No 159 of
24th Dec. last the order
passed on that Dt. observ-
ing that it is not ne-
cessary to remove the
38th Regt. Lt. I from
Waltair in consequence
of certain Circumstances

Victoria Police

No. 183 / 1 Feby 1862.

Commissioner Lt. Col. Moody

Victoria Police

Chief Factor Genl. of Police Dept. 4th