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Judicial DEPARTMENT.

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Not to be folded or roughly handled

Pass. Orders on the report of the Magistrate of Madura relating to a Riot in the village of Casapanoor in that Dis

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Read the following papers:—

No. 90. From V. H. LEVINGE, Esq., Magistrate of Madura; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 15th January 1862, No. 7.

I have the honor to report for the information of Government the particulars of a riot which occurred in the village of Oorapanoor in the Tirumangalam Taluq of this District on the 1st January, unfortunately attended with the loss of three lives by musketry. Amongst the deceased one was a Constable, the other two were inhabitants of the above named village also 4 other villagers were wounded, but they are not in any danger.

2. These deaths and wounds were caused by a party of the Police, who were on the ground using their muskets to save their own, and their Officers lives; the Police party was utterly disorganized by the attack made on them by stones by the villagers, and in the confusion they shot one of their own comrades.

3. The circumstances which led to the riot, are as follow:—

4. From deficiency of rain, the supply of water for the crops under the Sattangudi tank failed, and on the 16th December, certain of the Sattangudi villagers gave a petition to the Tirumangalam Taluq Sub-Overseer in the Department Public Works, asking him to get them a supply of water from the Oorapanoor village channel, the Overseer took an agreement from these people to the effect, that if they got the supply of water asked for, they would be able to save a portion of their crops, and that if this was done, they would pay Government the tax due on the crops which had perished.

5. Now here at the very outset an irregularity occurred, and it will be seen that from first to last, on the part of every one concerned in the unfortunate affair, there has been displayed irregularity, haste, and want of due caution.

6. It was no part of the duty of this executive Sub-Overseer to take any such agreement from the Sattangudi villagers, in fact it was quite improper his doing so, the Revenue authorities, guided by the Rules in force, in the District, sanctioned by Government and the Revenue Board, determine what remission of revenue is to be given on withered crops, when such has occurred, through a cause beyond the control of the Ryot; which rules are perfectly well known to the Sub-Overseer and to the villagers. Sattangudi is only 2 miles distant from the Taluq Cusba, the Tahsildar's station, and 12 miles from Madura where I was, and yet the Sattangudi villagers made no application to me, or to the Tahsildar, because they knew perfectly well, that their request for a supply of water from Oorapanoor would be refused, and that they would be told, that if they lost their crops they would be granted remission according to the rules, and I find on reference to my records, that the Sattangudi Ryots have had remission for withered crops given them in Faslies 1266 and 1267, (1856-57) and (1857-58) and that at no time have they ever had, and that they positively have no right to a supply of water direct from the Oorapanoor channel. Knowing that the Revenue authorities would not grant their illegal and practically impossible request, they applied to the Sub-Overseer, in the hopes of getting the water in an underhand way.

7. On the 24th December the Assistant Engineer, Lieutenant Conningham, reported to the District Engineer Captain Ryves, that he had received from the Sub-Overseer the above agreement; that he had inspected the tanks and channels; that he had ordered a dam to be placed across the Oorapanoor channel, and a breach to be made in its bank, to let the water down to Sattangudi for 15 days; after which, this breach was to be closed, and the dam removed, when a dam was to be again thrown across the Oorapanoor channel, only lower down, to let 5 days water to the Sitaly Devastanam tank, an intermediate tank between Oorapanoor and Sattangudi at the end of those 5 days the Sattangudi tank was to be supplied as above for another 15 days; after which, the Sitaly tank was to get another 5 days water; after which, the breaches in the Oorapanoor channel were to be closed, the cross dams removed, and the water to be let as usual to the Oorapanoor tank; that the Oorapanoor tank had a supply of water for nearly 3 months, and that the Tahsildar had been called on to render assistance in case of the Oorapanoor villagers giving trouble.

8. The accompanying sketch explains the above.

9. The Assistant Engineer thus took upon himself to deprive the Oorapanoor people of their channel water for 40 days, without one moments hesitation, as to whether he had a right to do so or not, and without considering the obstacles intervening to prevent his taking the water as proposed to Sattangudi.

10. The District Engineer concurred in the project of the Assistant Engineer believing in its expediency, and not being aware of the difficulties in the way of carrying it out, or having the slightest suspicion of the opposition which the Oorapanoor villagers would raise. Those villagers objected to their water being taken by petition to the District Engineer, who, on the 24th December gave them an endorsement, that they were well off for water, that it was known they sold the water with which Government supplied them to the Sitaly people, and that water was urgently required for Sattangudi. The Oorapanoor villagers deny they sell their water to Sitaly, and I doubt that they do the Sitaly tank is empty, and its crops withering.

11. Unfortunately I left Madura on the 23rd to see the Andipatty pass on my way to the Palany Hills for the Christmas Holidays, and the villagers were unable to appeal to me, but the Engineers, on the opposition raised by the Oorapanoor villagers, should have refrained from attempting the cutting, to take the Oorapanoor water, till their project had been sanctioned by the Collector, as their proposal was uncustomary, and an interference with existing rights.

12. On the 27th December, the Taluq Sub-Overseer reported to the Tahsildar, that 2 Amins had gone to make the cutting, and had been driven off by 200 of the Oorapanoor villagers with sticks. The Tahsildar received this report on the 28th and asked the Overseer for his authority for cutting the bund, and this was the first intimation the Tahsildar had of the project; the Overseer answered, that he had the verbal orders of the Assistant Engineer for so doing, but that the Engineer and Collector had been written to on the subject.

13. On the 28th, the Tahsildar issued orders to the Police Inspector to keep the peace, also to the same effect to the Oorapanoor and neighbouring village Natamigars, and on the morning of the 29th the Tahsildar received a memorandum from the Assistant Engineer, informing him he was going to make the cutting, and asking him to assist in keeping the peace. During the day the Tahsildar saw the Assistant Engineer, who informed him, the District Engineer had agreed to the cutting, and that as he was on the Hills he would inform the Collector, whereupon the Tahsildar did not consider it his duty to make any remark. That afternoon the Assistant Engineer proceeded to the spot with the Police Inspector, a party of Constables and coolies to cut the bank, but the Oorapanoor villagers pelted the whole party out of the place. The Tahsildar reported this breach of the peace to the Collector by Arzi that day, but as the Arzi contained nothing regarding the propriety or otherwise of the project, the Munshee who opened it looked upon it as a mere report of a breach of the peace requiring no immediate orders.

14. On the morning of the 30th, the Tahsildar accompanied the Assistant Engineer to the place, with Police, and Coolies to cut the bund, they found about 300 villagers sitting and lying on the bank. They told the Tahsildar they had come there to prevent the cutting of their bund; that some of them had gone to the hills to complain to the Collector, and expected his orders. The Tahsildar declares he told Mr. Conningham it would be better to wait the Collector's orders. Nothing was then done, and all went to the village to look at the Oorapanoor tank and crops, the water in the tank was breast high, about half full; the Assistant Engineer told the villagers they had sufficient water for their crops, and that he would make the cutting. The villagers asked for a guarantee that the opening was not to be permanent, and that they would incur no loss, Mr. Conningham agreed to give one, and told them to come to Tirumangalam for it. The Engineer's party returned to Tirumangalam. The villagers of course did not come for the guarantee, they were only temporizing.

15. The Tahsildar did not report the occurrences of the 30th, as no breach of the peace occurred, and because the people seemed to agree. Nothing was done to punish the parties who beat off the Ameens and the Assistant Engineer, on two different occasions. The villagers having gained a fresh victory on the 30th, were doubtless emboldened to make the determined resistance which they did on the 1st.

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16. On the 31st the Tahsildar and the Assistant Engineer inspected the Sittangudi crops, though not together. It appeared that of those crops ⅓rd was being saved by wells, ⅓rd was withered, and ⅓rd might be saved if a supply of water could be brought to that ⅓rd; the amount of revenue at stake was about 600 Rupees, probably less.

17. The Tahsildar sent word to the Assistant Engineer through a Road Maistry, that in his opinion the Oorapanoor water would not reach the Sattangudi tank, as it was scanty, and would have to be taken over 3 miles of country; that the Sitaly people would object to its being taken across their channel, and that the villagers of Poongancolam, a joint Devestanam village with Sitaly, would object to the water being taken down their channel, and that already a case of assault, on account of the Sattangudi people interfering with the Poongancolam people's channel, was pending in the Madura Sub-Magistrate's Office.

18. During the day, the Tahsildar saw Mr. Conningham, who told him he had determined to cut the channel, that as the Oorapanoor people were turbulent, he had written to Lieutenant Porteous to come out with a body of Police, and to bring Mr. Jellicoe the Deputy Magistrate with him.

19. Mr. Conningham did write to Mr. Porteous to bring out Mr. Jellicoe, and from that time, I consider the responsibility for what occurred, shifted entirely from the Assistant Engineer, to the Deputy Magistrate, Tahsildar, and the Police.

20. Mr. Conningham acted through zeal, and a sincere desire to save Government revenue under the impression, that all rivers, water, annicuts, and channels, are the property of Government; that the Engineer's department are charged with the destribution of water, and that they have a right to call upon the Tahsildars and authorities to aid them in saving the crops.

21. There were many objections to attempting to take water from Oorapanoor channel, to Sattangudi; which were impossible to get over, as long as any interested party opposed the project. In all such matters we must be guided by circumstances and custom. The Oorapanoor tank is supplied by a channel, fed by an annicut across what is called the Goondar river, which is nothing more than a depression in the ground, which carries off the surface drainage after rain, there was no water flowing in it at the time, except a little from springs rising within the limits of the Oorapanoor supplying sources. According to the custom of the country, I dont think it justifiable to interfere with water so derived, and it was not customary in that village to do so. The Oorapanoor villagers may have had more than a full supply of water for their present crop, and they have a fine tank; that is their good fortune, but they are entitled to all the water they can get, and have a right to raise a 2nd crop of paddy, which would pay tax to Government, and therefore the Government would be no losers by the water going to them. There is no chance of their not using it—Grain is too valuable for them to waste the water.

22. Another objection to taking the water from them is, that they have an order of Mr. Blackburne's passed in 1840, who visited their village, on a dispute which arose between them and the Poongancolam villagers, who claimed a portion of the Oorapanoor water, in which it is laid down, that the Poongancolam people have only a right to the water which passed over the Oorapanoor annicut, this distinctly gives all the water above the annicut to Oorapanoor, which does not pass over it.

23. If the Engineers had turned the water over the Oorapanoor annicut, by blocking up, the Oorapanoor channel, the Poongancolam annicut, would have taken that water to the Sitaly and Poongancolam tanks, and no interference could have taken place with their annicut and channel, for they are the private property of the Pagoda, but the Engineer wanted to take the water to Sittangudi, across the Sitaly channel, and down the Poongancolam waste channel.

24. The Sitaly people objected that all the water thrown into their channel became theirs, and that they would not let the southern bund of their channel be cut, to let it pass on; their objection was good, the Engineer could not cut their bund without their permission, without committing a grievous trespass.

25. The Poongancolam waste channel, is a chain of pools, the water of which those villagers throw back on their lands, as their tank supply is insufficient. They would have so utilized the

Oorapanoor water had it fallen into their waste channel. We could not have prevented them from doing so.

26. The whole project was thus, I consider, impracticable, and one not to be sanctioned or entertained for a moment. Besides, the opinion of several persons tolerably competent to judge on the matter is, that even if the cutting had been made, the water in the Oorapanoor channel was so scanty, and the distance which it was to be carried so great, and the ground so level, that most probably the water would never have reached Sittangudi.

27. I now come to the part taken by the Deputy Magistrate, Tahsildar, and Police, which ended in the riot.

28. On the evening of the 30th, Mr. Conningham the Assistant Engineer went into Madura, and told Mr. Porteous, that to make the cutting, most likely, he would want his services with a strong body of Police, and the Deputy Magistrate Mr. Jellicoe. Mr. Conningham returned to Tirumangalam on the 31st morning, and was to send in to Madura, a note to Mr. Porteous during that day, if he found the Police would be required.

29. On the morning of the 31st, Mr. Porteous wrote a note to Mr. Jellicoe, stating he had heard from Mr. Conningham, that he had been mobbed in attempting the cutting (on the 29th), and that he would most likely want his (Mr. Porteous') assistance, and Mr. Porteous asked Mr. Jellicoe his advice in the absence of the Collector.

30. Mr. Jellicoe called immediately on Mr. Porteous, but could get no information from him regarding the matter.

31. It never struck Mr. Jellicoe or Mr. Porteous, to enquire in the Collector's Office, the Collector's servants being in Madura, whether the measure had my sanction or not. Had Mr. Jellicoe done so, he would have found that nothing was known of it, and would have most likely obtained useful advice from the Sheristadar, or other experienced Revenue Officers; but Mr. Jellicoe took it for granted, that such an important measure would not have been attempted to be effected by the Engineer Department, without the express concurrence of the Collector of the District.

32. Mr. Jellicoe sent one of his Munshees to enquire about the measure, from one of the Accountants in the Assistant Engineer's Office in Madura. This Munshee came back to Mr. Jellicoe with defective and wrong information, which was to the effect that there was sufficient water in the Oorapanoor tank for *two* crops, whereas there was said to be water only for the standing crop, which the villagers denied, and that the *whole* of the Sittangudi crops would be saved by cutting the Oorapanoor channel. This was wrong again, ½d had perished, ½d was safe, ½d only was to be saved. Nothing was mentioned about the Sitaly and Poongancolam objections, and Mr. Jellicoe was not at all aware of them.

33. The rough plan also furnished from the Engineer's Office to Mr. Jellicoe, is wrong, for the Sitaly channel is not shewn in it. In this plan the water is made to be taken direct from Oorapanoor channel into Sittangudi for 15 days, and for 5 days direct into the Sitaly tank; this plan must have been furnished by some person ignorant of the locality, in it the Sitaly tank is not even properly named, being called Sirupalay.

34. During the day, Mr. Porteous and Mr. Jellicoe had another interview, and discussed the matter with the wrong information and plan before them, and Mr. Jellicoe says, that in the discussion, the necessity for immediate action to save the crops, was distinctly urged. Mr. Porteous left Mr. Jellicoe, understanding, that Mr. Jellicoe sanctioned the use of force, if he was called upon to go out with his Police by the Assistant Engineer, and that the cutting was expedient.

35. In the afternoon, a note was received by Mr. Porteous from the Assistant Engineer, to the effect, that as there was sure to be a row, he was to bring out a strong party of Police, and Mr. Jellicoe.

36. After consultation with Mr. Jellicoe, Mr. Porteous named off a party of 13 Constables,

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armed with muskets, and 20 men with batons, and ordered them to Tirumangalam, to await his (Mr. Porteous') arrival there, on the morning of the 1st January.

37. Mr. Jellicoe says he was unable to leave Madura. He gave Mr. Porteous an order for the Tahsildar, in which he says, that if there is water for 2 crops in the Oorapanoor tank, and if the whole of the Sattangudi crops can be saved thereby, then only is the cutting to be made.

38. Mr. Jellicoe in the abovementioned Takeed, does not distinctly use the word the *whole* of the crops, but the Tamil wording bears that meaning. The order went on to say, that if the cutting was to be made, and the people objected, they were to be ordered to disperse, and threatened with the penalties of the Penal Code.

39. With the Takeed, Mr. Jellicoe sent the following letter to Mr. Porteous: "As the chief "object in view, and possibly the only ground that justifies the cutting of the channel, is the "hope of restoring the perishing crops under the Sattangudi tank; should you find that the "crops are perished already, I apprehend that it would be wiser to refrain from carrying out "the proposed change in the direction of the water, as no good purpose could then be effected, "and it would in all probability lead to a disturbance, of course should you find that a timely "supply of water will save the said crops, then I think the people must be made to succumb to "authority. In any case the persons engaged in the assault upon Conningham should be dealt "with according to law. I sincerely trust, however, that you will be able to effect all that you "wish without having recourse to the force that will accompany you."

40. Mr. Jellicoe screens himself behind these conditional instructions, and doubtless had they been strictly attended to, the unfortunate riot would not have occurred. Mr. Porteous ought to, and might have refused them, and insisted on distinct written orders, and refused all reference to state of crops, &c., but having accepted them he became responsible.

41. It is much to be regretted that Mr. Jellicoe allowed an armed party of Police to leave under the charge of so young an Officer, without accompanying it himself, to carry out by force if necessary, a project, regarding which, he shews he was uncertain, by the many conditions he attached to its fulfilment, and when in fact, from the information he had received, he should have been under the impression that a breach of the peace was almost certain, if the bund had to be cut. He was aware that the attempt on the 29th, caused a successful one on the part of the villagers, but neither Mr. Jellicoe, nor Mr. Porteous, ever suspected for a moment that the villagers would offer the resistance they did, neither had Mr. Jellicoe any suspicion of the illegality and impracticability of the scheme, or he would have taken upon himself to forbid the measure at once.

42. On the morning of the first, Messrs. Porteous, and Police Conningham, met the Assistant Engineer Conningham at Tirumangalam, the Tahsildar was sent for, and Mr. Jellicoe's order given to him. As soon as he read it, he says he asked Mr. Engineer Conningham, Sir, is there water in the Oorapanoor tank for 2 months? Mr. Conningham answered him, who said there was? or words to that effect. This snappish answer, disconcerted the Tahsildar. He says, he objected to the cutting, and proposed waiting till a reference could be made to Mr. Jellicoe, and that he started to Mr. Porteous the objections raised by the Sitaly and Poongancolam people, and that all the crops under Sattangudi could not be saved. Mr. Porteous' account of the interview is, that the Tahsildar, Mr. Conningham, and he, with a plan before them, went over the whole scheme, that the Tahsildar said the Oorapanoor bund could be cut. The Tahsildar asked Engineer Conningham, if the whole Sattangudi crops could be saved, who answered about ½rd could, whereupon the Tahsildar said nothing; that Mr. Jellicoe's letter to him said nothing about the whole crops, that he knows nothing about crops, and that what Mr. Conningham said, was enough for him. The Tahsildar did raise the Sitaly objection. Mr. Porteous said, the water has to be brought a long way from Oorapanoor channel cutting, to Sitaly channel, it cannot be all done in one day, come and cut the channel, and let the water as far as Sitaly, and if the Sitaly people raise any objection, as they (the Officers) were going into Madura that evening, they could bring out Mr. Jellicoe next day to settle that dispute; that the Tahsildar did not say they had better wait till a reference to Mr. Jellicoe had been made.

43. As the plan of the ground was gone over with the Tahsildar, I have no doubt he did start objections. He could not have gone over it with the Officers without their being started, but the truth appears to be, that he more suggested them, than that he stated them boldly, and that they were not taken to be such by the Officers, and that the Engineer's answers shut him up every time he suggested an objection; that he had not the boldness to say, Gentlemen, it cannot be done, to attempt it is contrary to the conditions, under which only the cutting is to be made, you cannot go, I will not go, till I get further orders from Mr. Jellicoe. He was as weak as water, not daring to combat the Assistant Engineer. He says in excuse, what could I do sir, seeing the Engineer determined to cut the bank, and the Police Gentlemen in a hurry to get it over. I thought it my duty to follow them to keep the peace. I thought if I did not go, my responsibility would not cease. The man's unfortunate weakness, and the fact of his going, caused the breach of peace. If he had said, go I wont, they would not have gone, but perhaps it is more than can be expected of most native Public servants, that they would attempt to speak in that peremptory way to their superiors to their face, and Mr. Porteous decidedly shewed want of caution, and careful attention to his conditional instructions, in not paying more attention to them, regarding the state of the crops to be saved, and to the objection of the Tahsildar.

44. In my opinion the Tahsildar's position was not considered, but he failed to assert his authority as Tahsildar and Sub-Magistrate, and all he said was not sufficiently weighed; Mr. Engineer Conningham was made the referee by him and Mr. Porteous, he was determined to cut the bank, and every one gave in to him. Had Mr. Jellicoe come to Tirumangalam, the result might have been very different. The Tahsildar would have had a patient hearing from a responsible Officer, understanding the subject; his objections would have been considered, and they were such, that Mr. Jellicoe must have admitted their sufficiency to render it unadvisable to cut the bund, and he would have discovered that the project was not authorized by the Collector.

45. The Tahsildar, and a party of his revenue Peons, the Assistant Engineer, two Assistant Superintendents of Police, and 20 baton Constables, proceeded to the bund; the 13 armed Constables with muskets unloaded, following about ¼ of a mile in the rear; this last party was brought merely as a demonstration, there being no intention at the time of using them, or thought that they would be required, otherwise there would have been more caution.

46. When the whole party got to the bund, the baton Constables were drawn up about 40 yards from it, and the armed Constables, when they arrived, were drawn up some distance in their rear. The Taluq Sub-Overseer, and a gang of coolies who were to cut the bund, were posted some distance off.

47. A large mob of villagers were found on the bund. A number of them consisting of old men and women, young women and children, were lying on the bank, where the cutting was to be made, packed close, along side of each other. The Tahsildar asked them, why they were there, they said, to prevent their channel bank being cut, and some said that their bodies must be cut through before the bank could be cut. They said they had appealed to the Collector, and that it should not be cut till his orders arrived; that they had sent some of their people to the Hills, and expected answer. Their messengers only arrived late on the 2nd at Kodaikanel, and descended the Hill at once, hearing I was coming down the 3rd. On the 3rd, at the foot of the Hill, they heard I had posted my horses to come to Tirumangalam, and left for Oorapanoor without seeing me.

48. The Tahsildar declares he advised the cutting should be delayed, but Mr. Porteous says, he only kept saying, let us do it quietly sir. The Tahsildar personally warned the people to disperse, and read out Mr. Jellicoe's order to that effect, threatening them with the penalties in the Penal Code; he sent his Revenue Duffadar and Peons amongst them, calling on them to disperse, no one would obey; one man asked for an endorsement, that the cutting was not to be a "*Mamool*", and seemed to agree. Mr. Engineer Conningham wrote with a pencil, on a paper to that effect, when this was offered, it was refused; some saying, it is no use, we want the Collector's; an old man went among the crowd telling them not to agree, Mr. Porteous hearing this, advised his arrest, which was done, whereupon he threw himself on his back, and had to be carried off.

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49. For an hour and a half, this parleying without effect had gone on; the mob had no sticks, no stones were seen lying about, or on them; they gave way before the Officers whenever they went amongst them, and were perfectly respectful in every way though there were cries of "we wont permit it" (the cutting) "we dont want endorse," nothing appearing to raise a suspicion of any desperate resistance, Mr. Porteous seeing the crowd every moment increasing, and thinking that if the bank was to be cut, it had better be done before the crowd further increased, it then consisted of some 400 people, and seeing it was no use of making arrests if the arrested threw themselves on the ground, and imagining he could control the mob with his baton men, which perhaps he could have done, if the Constables stood by him, and the mob had no stones or sticks concealed, he called for his baton men, and made them clear the bank, where the cutting was to be made, which they did.

50. The demonstration made by the villagers, did not suggest to any of the Officials that it would be useless to cut the bund, unless they were prepared to take up their quarters in force on the bank to keep the breach open, for the villagers would be certain to close it directly their backs were turned.

51. As soon as the Constables got on the bank by order of Mr. Porteous, and began forming a street for the Coolies to work between, the mob rushed into the channel, and got stones from the water in which they had concealed them purposely and designedly, to make an attack with them, in case of an attempt to cut their bund.

52. In a moment showers of stones rained on the Constables, Officers, Tahsildar, and his Revenue Peons, the baton Constables retreated at once, dispersed, and broken up, on the armed party who began firing on their own account. These men also got broken up in consequence of the stones falling amongst them. The Tahsildar and his Peons got behind the shelter of a bandy which had been drawn up, but without bullocks, a short distance from the bund, the firing made the mob stop for a moment, which enabled the 3 European Officers who were on the slope of the bund to join the armed party, the villagers came on from the bund, and from some castor oil topes where the slingers had been concealed, yelling, throwing and slinging stones, and Mr. Porteous ordered his men to fire, which checked their advance, but they held their ground, and continued throwing stones with their hands and slings, till the Officials retired out of reach; their could not have been more than 4 or 5 of the Constables together when Mr. Porteous ordered them to fire.

53. The Officers were hit with stones in several parts of their bodies; most of the Constables got hit by more than one stone each; the Tahsildar's Umbrella which he had up was smashed to bits, and his Revenue Peons all more or less hit.

54. So desperate is the attack described to have been, and so determinedly did the mob come on till checked by the firing, that had not fire arms been used, the mob would have closed on the Officers, and they would never have got out of it with their lives, the Police would have bolted, and left them to their fate. The villagers were exasperated at the repeated rejection of their pathetic and reasonable appeals, and at the pertinacious attempts to deprive them of what they believed to be their property, and what was in their possession, by a young Engineer Officer, acting without legal authority, and as they believed instigated to the same by a corrupt Overseer, but this does not of course justify their preparations for, and their illegal and desperate attack on, the Government Officers, and as they resorted to force they must suffer the consequences of their own violence.

55. Ten of the rioters have been identified and sentenced by me to various fines under the provisions of the Indian Penal Code, but I do not intend to carry on the case against the villagers any further, and have assured them that their rights in their channel shall be respected.

56. Regarding the origin of the firing, the armed Constables and their Officers are at variance, the Officers say firing commenced without orders, but Mr. Porteous admits that after he joined the men he ordered them to fire. Seeing there were two Assistant Superintendents of Police on the ground, it would have been better if the reserve party had been placed in charge of Assistant Superintendent Conningham and he had been ordered to remain with the men.

57. The men's story is that they did not load or fire till ordered to do so by Mr. Porteous, but their story is proved to be false by independent testimony, and by their contradictory statements. They all give totally different and contradictory accounts of what occurred up to the time of Mr. Porteous joining them, which are not in any way reconcilable the one with the other. It would seem, that fearing they might be punished for firing without orders, they all determined to deny having done so, till ordered by Mr. Porteous, and therefore are unable to give a correct or satisfactory account of what happened between the commencement of the stone throwing, and Mr. Porteous joining them.

58. The Sub-Overseer deposed he began running off when the stone throwing commenced. He heard firing, and looked round, saw the Officers on the bank. The old man who was in custody of 2 of the armed Constables deposed, his guard did not leave him, that the Constables began firing in the air, the Gentlemen were on the bank, afterwards the Gentlemen joined the men, when the bullets began whizzing over his head, he fell on his face frightened at the noise, and when he came to the officials were gone, and he walked off.

59. The old man's 2 guards tell totally different stories of how they left their prisoner, and with the other armed Constables, attempted to go to the rescue of the Officers; how they turned and fled, completely disorganized by the stone throwing; and how Mr. Porteous joined them, and ordered them to begin firing.

60. The other armed Constables' stories were generally to the effect, that when Mr. Porteous was getting on his horse he ordered them to fire, and that he did not descend again. The man who held the horse deposed, firing began before Mr. Porteous got to the men, or got to his horse; the horse was jumping about so, from the stones hitting him, he could scarcely hold him, and that he too was hit.

61. The Tahsildar, who directly his Umbrella was smashed, was picked up by his peons and put sitting on the ground in shelter of his bandy, the peons all standing round and sheltering him, by making a kind of cupola over him, with their bending bodies their heads being towards the centre of the circle they formed round him, and their rears forming the circumference of it their arms being held up to their heads, deposed, he saw the Gentlemen on the bank when the firing began; that he looked out between the legs of his peons, and saw the Constables scattered here and there, and firing; he saw Mr. Porteous run from the bank to the Constables, only about 4 in number were together, and then there was firing too. Mr. Porteous ran here and there, collecting his men; he picked up one of his baton Constables from under the legs of his peons, where he was crouching. An armed Sepoy was standing close to his bandy loading and firing by himself, he suddenly fell, shot through the head; the bullets were coming from one side, stones from the other were rattling on and over the bandy, the situation became so dreadful, he and his peons, all shut their eyes not knowing when they were going to be killed. At last they could bear it no longer the peons whipped up their master put him in the bandy and themselves drew it off the field followed by the yells, jeers and stones of the mob. The top of the bandy is battered to bits, it must have received showers of stones, 2 of which came through it, into the bandy when the Tahsildar was being dragged off.

62. Never was a more miserable affair owing to the Tahsildar not having the courage to dictate to the European Officers to their faces, and to Mr. Porteous perhaps not being sufficiently cautious with his conditional instructions, and to his not seeing mischief in a crowd, which kept on increasing, and would not obey the civil power and to his being taken unawares.

63. Mr. Porteous is an energetic and first rate Officer, with his heart in his work, he acted in perfect good faith; I believe, he had nothing to do with the quantity of water in the Oorapanoor tank, nor with the Sitaly; and Poongancolam objections, or with the justice of cutting the Oorapanoor Channel. He understood it was to be cut, if such would save the crops; his instructions were imperfect regarding those crops; he knows nothing of crops, and being told some of them could be saved, and understanding the Tahsildar that the Oorapanoor channel might be cut he thought he had nothing more to do, than to obey his instructions, and go and cut it.

64. After the Police got off the ground the number of shot fired was not ascertained by carefully counting the ammunition, but the number is supposed to have been about 30.

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No. 91. MINUTE BY THE HONORABLE THE PRESIDENT.

The persons most to blame are:—

1st. Lieutenant Coningham, the Assistant Engineer, who appears to have acted without any thought or discretion, to have assumed to himself powers, which were never intrusted to him, and who is evidently unfit to be trusted in the responsible position of Assistant Engineer.

2nd. Mr. Jellicoe, the Deputy Magistrate, who seems to have no idea of the responsibility imposed upon him by his two-fold position of Deputy Collector and Magistrate, who neglected his own plain and obvious duty, and tried to shield himself from responsibility by imposing a task upon the Police Officer which was altogether foreign to his position. Mr. Jellicoe most certainly ought not to retain a position the duties of which he has shown himself unfit or unwilling to fulfil.

I cannot exonerate Captain Ryves, the District Engineer from blame; he appears to have allowed his subordinate to interfere in a matter altogether foreign to the duties of his Department and he did not make a reference to the Collector with whom only does the responsibility of all matters connected with the Revenue rest.

It is hardly worth while to mention the Sub-Overseer in whose meddling folly the whole of this business originated. I take it for granted that he has been summarily dealt with by the authorities of the Department.

I do not think that much blame can attach to the Police Officer. Mr. Porteous acted properly in referring for authority to the Deputy Magistrate, and had this Officer done his duty no bad results would have occurred.

I cannot think that he was to blame for not exercising his judgment as to the amount of loss accruing to Government from the destruction of crops, this was settled for him by others, he would have acted more wisely had he left an Officer with the armed party, but he might fairly have inferred from the absence of visible weapons that no effective resistance would be offered. He will however learn from this that the general principles of discipline cannot be lost sight of with impunity.

I cannot blame the Police either for firing or running away; they were left to themselves and overpowered by numbers and did only what might be expected from a set of raw recruits.

(Signed) W. T. DENISON.

No. 92. MINUTE BY THE HONORABLE E. MALTBY.

I concur in the Memorandum of the Chief Secretary, and think that the meddling of the Engineer Department with the Collector's duties and water rights cannot be peremptorily stopped too soon. I also agree generally with the President's view of the case, but consider that Government should be informed what punishment the Sub-Overseer has received from his immediate superiors. It was his departure from orders which caused this unfortunate loss of life, and as a Native he must have known that the diversion of the water would be fiercely resisted. His conduct seems open therefore to more suspicion than that of folly.

The Deputy Magistrate's conduct in allowing the armed Police to be taken out without carefully examining the cause and accompanying them to the scene of the water dispute is highly blameable. It shows his unfitness for a post entailing active and responsible duties.

Perhaps his being put down to a lower grade and a Treasury Deputy Collectorship would appropriately mark the displeasure of Government.

(Signed) E. MALTBY.

No. 93. MINUTE BY THE HONORABLE W. A. MOREHEAD.

The measures suggested by Mr. Maltby seem correct, and in my opinion ought to be acted upon

(Signed) W. A. MOREHEAD.

No. 94.

No. 9,600.

Enclosures 7.

2 Original letters with 5 Enclosures, Nos. 1,376 and 1,383, dated 9th and 14th January 1862.

The accompanying documents containing a detail by the District Engineer of Madura of an affray between the ryots of Oorapanoor and the District Police resulting in loss of life on both sides, are submitted for the early information of Government.

CENTRAL OFFICE P. W. CHEPAUK,
20th January 1862.

(Signed) J. OUCHTERLONY, Lieut. Colonel,
For Deputy Chief Engineer S. C.

To Lieutenant Colonel W. H. Horsley, Chief Engineer and Secretary to Government P. W. D. Fort Saint George.

From Captain J. G. RYVES, District Engineer, Madura; to the Deputy Chief Engineer Southern Circle, Fort Saint George, dated Camp Periacolum, 9th January 1862, No. 1,376.

I regret to have to report that on the 1st instant a riot caused by a water dispute occurred at Oorapanoor in the Tirumangalam Taluq; two villagers and one Police Constable were killed and five villagers wounded. The following are the particulars of the case:—

* Report inclosed.

† Vide sketch accompanying this report.

2. On the 24th ultimo, Lieutenant Coningham reported* as follows†:—that (1st), the Sattangudi tank was empty, and that 187 cawnies of rice growing on its Nunja fields would be lost if a supply of water were not given to it: (2nd), the two tanks of Poongancolam and Oorapanoor, fed from the same river by annicuts higher up, were nearly full and had stored more than sufficient water to mature their crops: (3rd), a good stream of (spring) water was flowing from the river down the supplying channels to these two tanks, the Oorapanoor tank was also receiving the surplus of the Poongancolam tank and its fields; and (4th), the Oorapanoor ryots, by throwing open their sluices, were passing down a large quantity of surplus water to the Devastanum Shengolum tank (it may be assumed that they were selling this water to the Shengolum Ryots). Lieutenant Coningham concludes his report by stating that he had issued orders to the Sub-Overseer to shut off the supply from the river to the Poongancolam and Oorapanoor tanks, and to pass on all the water in the river to the Sattangudi tank for 30 days and to the Sitaly tank for 10 days.

3. I informed Lieutenant Coningham that I fully approved of the measures adopted by him; in fact I believe that Officer did not issue the orders above referred to till after he had communicated with me personally on the subject, which he did a day or two before he furnished his written report dated the 24th.

4. On the 23rd or 24th some of the Oorapanoor ryots came to my house and objected to the water being passed on to Sattangudi. I explained to them that it was clear they had

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sufficient water stored to mature their crop and that the rest should therefore be given to Sattangudi which required water. I also warned them against selling Government water. On the 25th, I received another petition from the same party, copy of which‡ I inclose, and which you will perceive is simply the ordinary petition of an objecting ryot and from which it was impossible to have foreseen any unusual opposition to the Government Officers.

‡ It is now with the Collector to whom it was forwarded for information; it will be despatched as soon as it is received back.

5. On the night of the 25th I left Madura and spent the holidays on the Hills, and I have *not* yet received Lieutenant Coningham's report of what occurred at Oorapanoor on the 1st instant, but Mr. Levinge and Captain Mesham were also on the Hills when they received the first report of the riot, and I have since received further particulars from the former Officer.

It appears that on the 30th or 31st ultimo, Lieutenant Coningham met with so much opposition from the Oorapanoor ryots that he deemed it necessary to call in the aid of the Police; he accordingly obtained a Magistrate's Order and returned on the 1st instant supported by the Assistant Superintendent of Police and thirty-three Constables, the Oorapanoor party were evidently prepared for their arrival and had collected a large body of men from their own and the adjoining villages (the inhabitants are kullers a lawless class of people), the number is stated at four or five hundred; men with stones and slings were posted all round in the adjacent topes and gardens. Of the Police thirteen men were armed with carbines; these men were, I understand, halted and drawn up at some distance from the point where the bund and cut to turn off the water, were to be executed. The other twenty men with baton only were to be used to keep the peace. Before any thing was done the Tahsildar who accompanied the Police endeavoured to induce the principal villagers to send away the mob they had collected, but without success; the 20 Police Constables were then ranged up in two lines on each side of the spot were the excavation was to take place, and then the rioters immediately commenced their attack; the Police Constables were driven back by the shower of stones poured in from all sides, and the three Officers who remained surrounded by the mob which then came rushing in, were attacked from all sides with sticks and stones, and I believe that their lives where then in danger, the thirteen Constables with carbines then fired a volley which drove back the mob and enabled the Officers to rejoin their men; the casualties above noted were the result of this volley. The above are the particulars of the riot as far as I have been informed. The principal Magistrate is now at Tirumangalam conducting the enquiry into the case and the search for the ringleaders, but I understand that all the latter have disappeared.

6. In concluding this report, I beg to state that I am of opinion that it was necessary and proper to shut off the supply of water from the Poongancolam and Oorapanoor tanks and to pass it on to Sattangudi.

* Original to be returned.

7. I inclose Lieutenant Coningham's Report* dated 24th ultimo, and copy of a petition from the Sattangudi village and of a report from the Sub-Overseer of the Taluq.

From Lieutenant W. CONINGHAM, Acting Second Assistant District Engineer; to the District Engineer of Madura, dated 21th December 1861, No. 305.

I have the honor to report to you that in consequence of my having received from Sub-Overseer Mootoosawmy Pillay the enclosed letter and agreement, I proceeded to Tirumangalam and on the morning of the 23rd inspected and examined the following tanks and channels.

2. I enclose a rough sketch of the position of the various tanks and streams in order to better elucidate my report. It will be observed that the Poongancolam tank receives its supply of water by a channel led from the river Goondaur, originally an annicut was built across the river for the purpose of throwing water into the channel, but the annicut is now useless, useless

for two reasons—one, that it is in a ruined state; and the other, that the channel bed is at present much lower than the bed of the river. I should say that the difference of level between the two was quite one yard; so that all the water, (spring water) which at present flows, runs into the Poongancolam tank. The water in the tank stands $\frac{3}{16}$ of a yard below the crown of its Calingulah, and contains enough water for three months.

The supply to the Oorapanoor large tank is also obtained from the Goondaur, about $1\frac{1}{4}$ mile below the head of the Poongancolam channel, by means of an annicut built across the river, the water (spring water), which at present flows in this part of the river, is entirely separated from that flowing above the Poongancolam channel head; no water flows over the dam, but the whole of the spring water runs into the Oorapanoor tank; the water in this tank stands at present $\frac{7}{16}$ of a yard below the crown of its Calingulah, and is sufficient for supplying the land under it about 260 cawnies for 3 months.

The Sitaly tank also receives its supply from the Goondaur below the Oorapanoor annicut. This tank is a Devastanum tank of about 40 or 50 cawnies, it at present contains very little water and requires about 20 or 30 days more water to ripen the crop. This tank also receives a supply from the breaches which may occur in the Oorapanoor channel bank. The Sattangudi tank of 187 cawnies, and revenue of 1,250 Rupees, has at present very little water in it. It receives its supply from the Itchangoody stream and whatever water may come down the Goondaur, there is no spring water to speak of in the former stream and as no water is running in the Goondaur below the Oorapanoor dam; unless rain falls within a week the greater part, if not the whole of the crops watered by the Sattangudi tank will be lost; to obviate this I have ordered Sub-Overseer Mootoosawmy Pillay to throw a temporary dam across the Poongancolam channel and two others across the Oorapanoor channel, another dam will also be thrown across the Sitaly channel.

The water will find its way to the first dam erected across the Oorapanoor channel, and pass by a breach which will be opened at this spot. I have ordered the Sub-Overseer to let the water run through this breach for 15 days, when the breach will be closed and the dam removed. A similar process will then take place at the 2nd dam in the Oorapanoor channel, and at the end of 5 days the first dam and breach will again supply water for 15 days to the Sattangudi tank, after which the Sitaly tank will again receive 5 days' supply.

After the tanks in question have received the above supply, the Sub-Overseer has been directed to open the dams and close the breaches in the respective channels.

The object of my opening breaches in the Oorapanoor channel bank, instead of allowing the water to be dammed up till it flowed over the Oorapanoor annicut, is, that it would take some days to collect a sufficient depth of water which would allow of any passing over the annicut.

I have requested the Tahsildar of Tirumangalum to give his assistance in case of the Oorapanoor tank ryots giving any trouble.

From MOOTHOOSAWMI PILLAY, Sub-Overseer; to Lieutenant W. CONINGHAM, 2nd Assistant District Engineer, dated Sevaracotty, 16th December 1861.

The Nunjah lands to the extent of 187 cawnies under Periaconmoy in the village of Sattangudi in the Tirumangalam Taluq have been cultivated for the current Fusly (71), but the grain growing in the fields is now withering for want of water, in consequence the Ryot Ramalinga Taven and others requested me through an application that the two tanks by the name of Poongancolam and Oorapanoor Conmoy on the north side do contain water sufficient to mature their crops and to leave an excess of two months' supply, and that if the springing water in the supplying channel of the two tanks be turned to their lands the Government would thereby gain a revenue of 1,250 Rupees. I herein enclose the application and the Cararnamah given by Ramalinga Taven and others to the above proposal made by themselves.

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I have inspected the above two tanks, they do hold three months' water, of which one month's water is more than necessary to the wet lands under them, and much more therefore they (the lands) do not at all require the springing water in the supplying channel of these two tanks.

The Ryots of Oorapanoor allow their water to pass to one Devastanum Shengolum tank lying south of that of Oorapanoor through its sluices and Tombogy, and moreover it appears to me that the Oorapanoor ryots, have an opinion to leave the spring water of their supplying channel to Sitaly Conmoy tank connected with Devastanum, the ryots of which place hereupon requested me for orders to turn the water of the above channel to their tank. I entirely protested against it, telling them at the same time that it should be made use to the Government lands which are in great want of water.

I therefore respectfully beg to bring this case to your notice, and request to issue necessary orders to throw temporary dams across the Poongancolam and Oorapanoor channels, and open breaches in their bunds and throw also a dam across Sitaly channel and carry the water to the Sattangudi Periaconmoy which is now destitute of water.

(True Copy and translation.)

(Signed) J. G. RYVES, Captain,
District Engineer.

From COOPPA NAIK, RAMALINGA TAVEN and others, Ryots of Sattangudi Village of Tirumangalam Taluq; to Sub-Overseer MOOTOOSAWMY PILLAY, in charge of Tirumangalam Taluq, dated 11th December 1861.

In the Periacolum tank of Sattangudi village 187 cawnies of Nanjah lands yielding a revenue of 1,250 Rupees being under cultivation during this year, the plants are beginning to be withered as the tank has been empty for some days. The Poongancolam and Oorapanoor tanks which lie north of the Petitioners' village are supplied with water more than sufficient to mature the crop of the fields under cultivation, each having 2 months' supply in excess of what is required to mature their crops. Therefore we request that the spring water flowing (from the Goondaur) in the Poongancolam and Oorapanoor channels may be turned down to our lands and save our crops, and the Government revenue: and this without any damage to the crops of the other two tanks. The Petitioners will be responsible, and at our own expense close the cuts and other repairs in the channels of Poongancolam, Oorpanoor and Sitaly channels.

The Oorapanoor ryots by throwing open their sluices let the spring water which is flowing down their channel pass on to the Shengcolum tank.

(Signed) ANDY TAVEN, and ten others.

(True Copy.)

(Signed) J. G. RYVES, Captain,
District Engineer.

From Captain J. G. RYVES, District Engineer, Madura; to the Deputy Chief Engineer Southern Circle, dated Bullalagoonta, 14th January 1862, No. 1,383.

Since my report dated 9th, I have received from Lieutenant Coningham the accompanying official report* of what occurred in connection with the Oorapanoor riot.

* Received while this letter was being written out fair. It is requested that this orignal report may be returned for record in this Office.

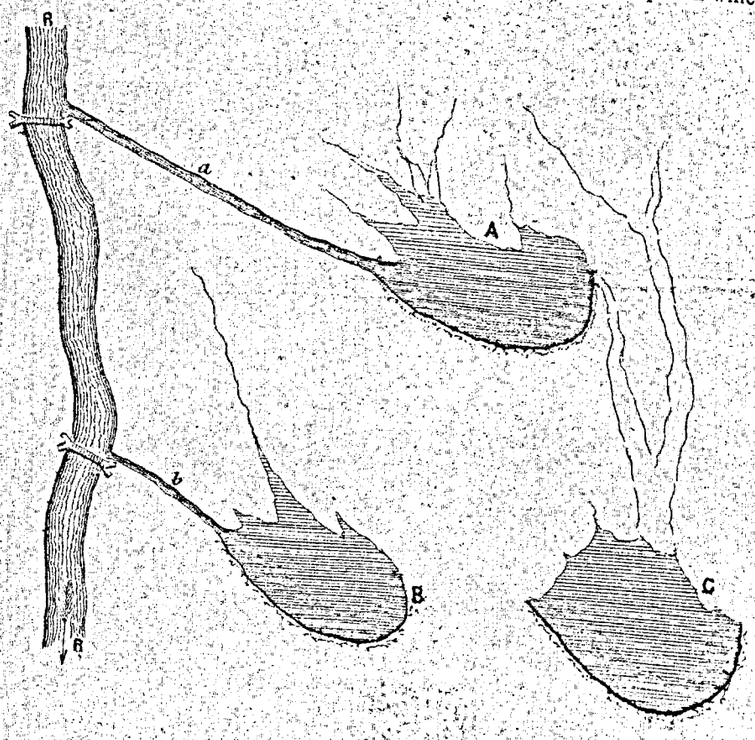
2. In a demi-official letter Lieutenant Coningham informs me that the Magistrate (Mr. Levinge), has either stated his opinion or judicially decided (I have not yet received any intimation from Mr. Levinge, and in Lieutenant Coningham's letter it is not distinctly stated which), that the measures which we intended to have carried out would have been illegal, and that all the water headed up by the annicut, which sup-

plies their tank belongs to the Oorapanoor ryots, and that the surplus belongs to the Shenoclum ryots and any other villages to which it might flow.

3. I believe that I am right in supposing that there is no written law on the subject, and that such cases have generally to be decided partly by reference to custom and partly by considering what is just and expedient; remembering on the one hand that flowing rivers are the property of Government and that the proprietor (on behalf of the State), has the right to make the most advantageous use of that water, both with reference to the revenue produced and to the benefit of ryots cultivating land irrigated by the water of such rivers; and on the other hand not forgetting that capital may have been expended on land on the faith of a water custom which though bad and wasteful, had been allowed to continue unquestioned for many years.

4. In the present instance the distribution of the water (described in my previous report), which we attempted to carry out, would have been in accordance with the general custom of the country; and was certainly necessary for the benefit of the ryots whose claim to the river water stood next to that of Oorapanoor.

5. The accompanying diagram will explain the principle on which I acted, *A* and *B* are tanks supplied by channels *a*, *b*, into which water is turned by annicuts across the river *R*. *R*—*C* is another tank which has no claim on river *R*; but which receives the surplus water which flows over the escape Calingulah of, and which runs off the fields irrigated by *A*:—*A* having stored in it sufficient water to ensure the perfect safety of its crops, *B* being empty, and there being a small (dry weather), stream of spring water flowing in the river; *B* can, I maintain, claim that water to save its crops [from withering:—*C* has no claim to it, but must depend on the drainage from local rains and the *bona fide surplus* which will flow over the escape Calingulah of *A* when the river is in fresh and heavy rains are falling.



6. Moreover I am of opinion that if during dry weather and a scarcity of water, *A* having secured as much water as it requires, continues to draw off the small stream in the river with the object of passing it on to *C* (by throwing open its sluices), the ryots of *A* are clearly taking and using what does not belong to them; Government, in consideration of their paying a certain extra rate per cawny of land, have agreed to supply them (by the tank, channel, and annicut), with *sufficient water* for the cultivation of the *number* of *cawnies which at the time* they have under crop, and *for which the Nunjah rate is paid.* An extreme case will illustrate what I mean. Supposing a large number of the Punnagaruns (or field laborers), of *A* were to emigrate, or that the greater part of their ploughing cattle were to die so that the ryots could only plough and plant ¼th of their Nunjah land, and consequently could only use ¼th of the quantity of water usually supplied to them from the river; would those ryots be entitled still to claim the other ¾th or all the water they could draw from the river and to sell it to the tank *C* I say "*sell*" because I have reason to believe that when water is thus passed on from one tank to another, it is almost always paid for.

7. I have stated above what I believe to be the correct view to take of the case. It must be remembered that Government has not only got to be generous to *A* and *C* but also is bound to be just to *B*, I have purposely omitted to consider whether *A* or *B* or *C* or all three, or two, of them are Deavastanum tanks or Government tanks. When I receive a copy of the Magistrate's decision I will forward it for your information.

From Lieutenant W. CONINGHAM, Acting 2nd Assistant District Engineer; to the District Engineer of Madura, dated 13th January 1862, No. 315.

I have the honor to report to you on or about the 28th December 1861, I heard from Sub-Overseer Moothoosawmy Pillay that he was unable to carry out my verbal orders* to him about supplying water to the Sattangudi tank on account of the Oorapanoor villagers resisting with force any attempt at cutting the bund of their channel. I accordingly, on the morning of the 29th, proceeded to Tirumangalam and requested the Tahsildar to give me his assistance; he ordered one Inspector and five Constables to accompany the Ameen and coolies who were to cut the bank and raise a dam across the Oorapanoor channel, at this time I thought it was merely a kind of passive resistance on the part of the villagers, and that as soon as they saw that it was my intention to go on with the cutting of the bund they would desist from any further violence; but I was deceived, for on my going down to the spot in the afternoon unaccompanied by the Tahsildar and attempting to cut the bund, I was immediately assailed with a shower of stones and the villagers rushed forward and entirely prevailed the possibility of any work being done. Seeing this, I ordered the coolies to stop work and retire; the villagers then remained quiet. I then asked the Inspector in charge of the Police how many men he had with him, and being informed that there were only 5 Constables, I thought it prudent not to attempt any thing until I had some magisterial authority with me and a sufficiently strong force to enable me to carry out the work.

*Vide report, dated 9th instant, No. 1,376, and its enclosure.

2 On the morning of the 30th, I, accompanied by the Tahsildar, inspected the spot where the bund was to be cut, and found about 200 or 300 villagers assembled who seemed very determined that their bund should not be cut in spite of all the reasons brought forward by the Tahsildar and myself, and as I was resolved to effect my purpose quietly if I possibly could, I again, (first inspection on 23rd December 1861), accompanied by the Tahsildar, inspected the tank and cultivation under the Oorapanoor tank, and told the Tahsildar that I still adhered to my opinion that the Oorapanoor tank contained ample supply for 300 cawnies for 2 months, and that the only way the cultivation under the Sattangudi tank could be saved was by taking the water from their supplying channel about 1½ miles to the west of their tank, I also promised them that the cutting should only be open for 20 days, and that if rain fell in the meantime it would be closed; also if the Collector's order, expected in two days should arrive and be adverse to my cutting their bund, the breach should be immediately closed; on the Tahsildar explaining this to some of the head villagers they said that they would agree, provided I gave them an endorsement to the effect that they would suffer no loss from their crops failing, and that it should not be considered a mamool transaction. I promised them this, telling them to come and receive the endorsement.

I waited for them at the Tirumangalam Bungalow, but they never made their appearance,

3. In the middle of the day I requested the Tahsildar to come and see me, and he informed me that there had lately been a quarrel between the Sattangudi and Poongancolum villagers about the right to certain water in the waste channel to the Poongancolum fields.

It appears that in this channel there are a certain number of wells, the spring water of which in season of drought the Poongancolam people make use of, by damming up this channel further down for the purpose of irrigating their lower field; I consequently informed the Tahsildar that I accompanied by him would again visit the Sattangudi crops and the Poongancolam waste water channel.

4. On the morning of the 31st, I proceeded to examine the Sattangudi crops leaving word to the Tahsildar to follow me; but he did not overtake me.

I found that about 100 cawnies could be saved if water was turned into the tank, the remainder about 80 cawnies having perished but recently. I also found the Poongancolam waste water channel dammed up so that no water could flow down into the Sattangudi tank, and the ryots baling water into their fields; having sent for the Natimgar and head ryots of the village, I informed them that I was going to cut the Oorapanoor channel bank for the purpose of supplying water to the Sattangudi tank, and that as the water would pass through their waste channel, they might bale as much water as they liked, but that they would not be allowed to flood their fields with the water which came down, they of course said that they would take all the water they could. I then proceeded to the Sitaly channel and found that the Sitaly villagers were just then turning water into their supplying channel. I must here mention that a short way below the Oorapanoor annicut, the river divides itself into 2 portions, one leading to the Poongancolum tank, and the other into the Sitaly tank; the Poongancolam channel is on a lower level, so that whatever water there may be below the annicut it flows into the Poongancolam tank unless a dam is thrown across the Poongancolam channel to divert the stream into the Sitaly channel. I accordingly told the Sitaly villagers that I would leave enough space in the dam I should throw across their channel, to allow all their own water to pass down. I then proceeded to the spot where the cut was to be made in the Oorapanoor channel bank, and found about 300 men assembled who were very resolute in their determination to resist any attempt at cutting their channel bank. So I rode off quietly, and on my arrival at the Bungalow despatched a letter to Lieutenant Porteous, Assistant Superintendent of Police at that time in Madura, requesting him to bring 30 or 40 men, and as I expected that there would be a breach of the peace, I also requested him to bring the Magistrate Mr. Jellicoe with him. Lieutenant Porteous arrived next day accompanied by 33 men, 13 armed with muskets and 20 with batons; but the* Magistrate; Mr. Jellicoe, did not accompany him, but sent a letter with instructions to the Tahsildar of Tirumangalum; we† proceeded to the spot where the cutting was to be made in the Oorapanoor channel about 12 o'clock and found a great crowd assembled. The Tahsildar then assembled the Headmen and tried to represent to them the folly of their conduct; after about 1½ hours of talking one of the old villagers agreed to the cutting, provided I gave them an endorsement to the effect that they would suffer no loss, and that it was not to be considered a mamool transaction. I accordingly wrote it out for them on the spot, but it was of no use as they then said they wanted the Collector's signature. The Tahsildar all this time was talking to the people and advising them to give in quietly.

* Lieutenant Porteous informed Lieutenant Coningham that the Magistrate (Mr. Jellicoe) "*considered the object to be attained reasonable and just*" and "that the people must be made to submit to authority."
Lieutenant Porteous.
" H. E. Coningham.
Myself and Tahsildar.

5. Lieutenant Porteous about this time requested me to show him the spot where the cutting was to be made, and he proceeded with 20 men with batons to make a street on the bund, whereupon as if by a preconcerted signal volleys of stones were thrown at us before one cubic inch of earth had been cut. It suffices to say that we were compelled to retreat—firing had already commenced to our right which enabled us to get away and join the Constables. We then proceeded

back to Tirumangalum; I believe 2 men were killed and 3 men and 1 woman wounded on the Oorapanoor side, and 1 Constable was shot dead by his own men.

Note by District Engineer.—The Collector's previous approval was not obtained, because he was not in Madura on the 25th, and the water had either to be supplied *at once* or not at all, as the crops were withering at the rate of several cawnies per diem; moreover, the case appeared to me so clear and unquestionable that I had no misgivings as to its being right to shut off the supply from the river to the Oorapanoor channel.

Transferred to the Judicial Department.

(Signed) W. H. HORSLEY, Lieut. Colonel,
Chief Engineer and Secretary to Government, P. W. D.

FORT SAINT GEORGE,
21st January 1862.

NOTE BY HIS EXCELLENCY THE PRESIDENT.

No. 95.

There are two points raised here—1st, the relative rights of the different villages to the water; 2nd, the right of the Department Public Works to regulate the supply of water. I may admit that the argument of the District Engineer is right as to No. 1, but hold that his conduct was wrong because he was meddling with other persons business; but in fact I believe that the question of the right to water is established pretty clearly, and that the District Engineer is wrong in every way. He however takes upon himself the blame which I at first considered to be attributable to his Assistant Lieutenant Coningham, and the latter therefore must be to a certain extent relieved from responsibility. He has shown want of judgment in forcing on a measure against the feelings of the people, and should be warned to be more careful in future. Captain Ryves however ought to have known that his instructions bind him to consult with the Revenue authorities. He ought to have known that questions such as these are specially questions for the Collector. He should have directed his Assistant to make the necessary reference to the Collector or his deputy; it is owing to his neglect that the melancholy accident has occurred. He must be severely repremanded, and warned that should any similar occurrence occur again, he will be removed from his office as District Engineer.

(Signed) W. T. DENISON.

No. 96. MINUTE BY THE HONORABLE E. MALTBY, dated 23rd January 1862.

I agree with the President in thinking Captain Ryves entirely wrong in claiming for his Department the power of altering and controlling the supply of water to the different tanks. Water disputes are difficult to settle, excite angry feelings, and require the greatest care and attention. The Regulations therefore provide specially for their settlement *by the Collector* either by Punchayet under Regulation XII of 1816, or by summary Judicial powers under Regulation V of 1822, an appeal lying in this latter case to the Zillah Court.

Such has been the law and there is certainly nothing with which I am acquainted in the standing orders of the Department Public Works as at present constituted, to show any alteration

on this important point or transfer the powers vested by law in the Collector to the District Engineer. On the contrary it has been ruled that "the Collector has still the protective superintendence of all works of irrigation" so that no diversion of water especially by cutting the bank of a channel should take place without his express sanction.

Department Public Works, Book page 265.

But other orders make the point still clearer. Thus "the relative position of the Collector and his professional associate" has been described by the figure of "head and hand" all estimates for new works, and for the improvement or repair of existing works require his countersignature, and it has been further ordered that "*all suggested alterations of a nature either directly or indirectly to influence the financial or the social condition of the people must invariably be communicated to the Collector.*" Again it has been laid down by Government that the Collector under the new system was to retain "the right or the duty of declaring his opinion upon the merits of every project originating in any other quarter *for improving either the irrigation* or the means of communication."

Do. page 248.

Do. page 146-7.

Do. page 243.

Do. page 143.

I look therefore on Captain Ryves as seriously to blame for adopting the measure proposed by Lieutenant Coningham and sanctioning the cutting of the channel bank for the purpose of diverting the water to a new tank, without first obtaining the express and formal orders of the Collector. This course is so dangerous, that it ought not only to be censured on this occasion but to be expressly prohibited in future by a new circular order lest more of these lamentable scenes should occur.

In thus combating the doctrine laid down by Captain Ryves, I do not advert to the fact that the Deputy Collector and Magistrate Mr. Jellicoe had an opportunity of stopping the proceeding when he was applied to as Magistrate for the aid of the armed Police to protect the party employed to cut the bank. A serious responsibility rests with Mr. Jellicoe, as I have already observed for sending out a body of armed Police on the occasion without first seeing in his Revenue capacity that the water dispute was fully and legally examined and decided—but Captain Ryves notwhere shows that he considered a reference to the Revenue Officers at all necessary, nor does he allude to the part taken by Mr. Jellicoe as any justification of his own proceedings or as relieving him from the responsibility of the measure. In fact a previous* attempt had been made by the Department Public Works to cut the bank and it was only on its failure from the opposition of the peoplo that an application was made to Mr. Jellicoe for the support of the armed Police.

* See paragraph 5 of Captain Ryves' letter of 9th January.

One general point remains to be adverted to: in his letter of 14th January, Captain Ryves maintains that "flowing rivers are the property of the State, and that the proprietor (on behalf of the State) has the right to make the most advantageous use of that water."

Now even if this general principle was admitted it is not the District Engineer who is to act on behalf of the State and alter the usual distribution of water. The Collector alone is authorized to decide such questions, when objections are raised, and he would be most careful in hearing and attempting to satisfy all parties, before he permitted any departure from prescriptive usage. Undoubtedly, in my opinion, when Government improves Irrigation Works so as to enable them to supply new villages without detriment to the old tanks, it has the power of distributing the newly gained water, but even this must be done through the Collector and with the greatest care both to remove all unfounded fears, and make existing rights so palpably secure that a clear defence could be made to any actions which might be brought in the Civil Courts.

On this lamentable occasion there had been no improvement of Irrigation Works which increased the ordinary supply of water.

This sudden attempt therefore of the Department Public Works to alter the usage (mamool) of the District, by deciding that one village could spread water and giving it to other, is in my opinion highly reprehensible and contrary to all orders.

Such a proceeding must excite far spread alarm by invading prescriptive rights and rendering the value of land insecure, and unless stopped in future by peremptory orders, similar unfortunate results are sure to recur.

(Signed) E. MALTBY.

I quite agree with these remarks but these events have displayed a great want of discipline and want of efficiency in the Police.

(Signed) J. H. GRANT.

I concur with Mr. Maltby in the view he has recorded of the case in this and the other Minutes recorded by him.

(Signed) W. A. MOREHEAD.

No. 97. From Captain J. G. RYVES, District Engineer, Madura; to the Deputy Chief Engineer, Southern Circle, dated Authoor, 17th January 1862, No. 1,402.

I have the honor to forward herewith the copy of a Petition alluded to in paragraph 4 of my letter, No. 1,376, dated 9th instant.

To J. G. RYVES, Esq., District Engineer of Madura.

The humble petition of PONNATAVEN and others of Oorapanoor village in Tirumangalam Taluq.

RESPECTFULLY SHEWETH,

That your Petitioners have presented a petition on 24th December 1861, stating that the water in their villages tanks is insufficient to the Nunjah lands, and the canal should not be cut down and divide the water to other tanks; upon which your honor have endorsed to this effect that by their own statement it is clear that the Petitioners are well off for water.

It is well known that the Petitioners have been in the habit of selling the water; there is no such statement in any place and did not sell the water to any one, but they say although the tank was full will not enough to water all the Nunjah lands till the produce come up; if your honor be sure that the lands will never become waste, please endorse on the petition that you will be responsible for all the losses sustained by the villages.

(Signed) புன்னாத்தேவன்,
and 3 others.

25th December 1861.

(True Copy.)

(Signed) J. G. RYVES, Captain,
District Engineer.

From Captain J. G. RYVES, District Engineer, Madura; to the Deputy Chief Engineer, Southern Circle, dated Dindigul, 21st January 1862, No. 1,421.

I have this day received a copy of the Collector and Principal Magistrate's report to Government on the Oorapanoor riot, and have the honor to forward herewith brief notes and remarks

on certain portions thereof relating to this Department, regarding which explanation may be required by Government.

2. As the copy of report (a very long one,) was only *circulated* by the Collector and had to be forwarded by me to the next Officer interested therein without delay, I am unable to furnish you with a copy of it.

"NOTES"

Paragraph 6.—Petition sent through Sub-Overseer, because Tahsildar had taken no notice of petition previously sent to him by the Sattangudi village.

Paragraph 10.—Copy of my endorsement, in which nothing is said of the water being sold to Sitaly in particular; but that the Oorapanoor ryots did sell their water to ryots cultivating in villages below; it is believed that Shencolum was receiving the Oorapanoor (so called) surplus water at this time. I understood from Mr. Coningham that the fact of the water being thus frequently sold by Oorapanoor, was mentioned by the Tahsildar as a notorious fact.

Paragraph 12.—Lieutenant Coningham had informed the Tahsildar what he proposed to do previous to the 24th instant.

If the measures proposed were so objectionable as they were *afterwards* considered: why did not the Tahsildar, immediately he was informed by Lieutenant Coningham what it was intended to do, *then* object, and at the same time report to the Collector.

Paragraph 21.—The Goondaur is a river which even in the dry weather of bad years has a small stream of running water fed by springs in its bed, and is the principal source of irrigation in the Talook (Tirumungalam), eight or ten large tanks receive their supply of water from it by annicuts below the Oorapanoor annicut.

Also vide my letter No. 1,376, dated 9th January 1861.

Paragraphs 23, 24, 25.—The Sitaly and Poongancolum Nunjah would have and ought to have received water before Satangudi, I concur (vide my letter above quoted.)

Paragraph 42.—Lieutenant Porteous states that on the morning of the 1st, the Tahsildar said the Oorapanoor bund could be cut; that the Tahsildar made no observation when Lieutenant Coningham acknowledged that about ⅓rd only of the Sattangudi crops could be saved; that, with reference to the Sitaly objection, it was intended to modify the original project, and only to turn down water as far as Sitaly on that day, and then to report progress to Mr. Jellicoe and act according to his orders; and that the Tahsildar did not recommend that nothing should be done till further reference to Mr. Jellicoe had been made.

Paragraph 47.—If Lieutenant Coningham had at this juncture the power to stop the Police from carrying out Mr. Jellicoe's instructions, he ought, under the circumstances stated in this paragraph, and what he had experienced on the 29th and 30th, to have deferred all further action in the matter till further orders. Why did not the Oorapanoor ryots appeal to the Collector immediately after they received my endorsement on the 24th; their messengers to the Collector* appear not to have been despatched till the 31st December. Why did they not appeal to Mr. Jellicoe in the interim?

* If any such messengers were despatched at all, which appear doubtful.

† Extract from.

Paragraph 51, †—"The villagers were exasperated at the repeated rejection of their pathetic and reasonable appeals, and at the pertinacious attempts to deprive them of what they believed to be their property and what was in their possession, by a young Engineer Officer acting without legal authority, and as they believed instigated to the same by a corrupt Overseer."

Lieutenant Coningham was acting with the sanction of, and under authority given by, the Magistrate Mr. Jellicoe, and I am not aware of any circumstance tending to cast suspicion on the Sub-Overseer.

(Signed) J. G. RYVES, Captain,
District Engineer.

No. 98.

Enclosures 4.
2 Letters with 2 Enclosures.
Nos. 1,402 and 1,421, dated 17th and 21st January 1862.

No. 10,031.

Submitted for the information of Government in continuation of endorsement, No. 9,600, dated 20th January 1862.

(Signed) W. J. BIRDWOOD, Colonel,
Deputy Chief Engineer, Southern Circle.

CENTRAL OFFICE, P. W.,
CHEPAUK,
30th January 1862.

To Lieut.-Colonel W. H. Horsley, Chief Engineer and Secy. to Govt., P. W. D., Fort Saint George.

Transferred to the Judicial Department.

(Signed) W. H. HORSLEY, Lieut.-Colonel,
Chief Engineer and Secy. to Govt., P. W. D.

FORT SAINT GEORGE,
1st February 1862.

No. 99. ORDER THEREON, 13th February 1862, No. 220.

The papers above recorded relate to a riot in the village of Oorapanoor in the Madura District on the 1st ultimo, which resulted in the death of three persons, one of them a Constable of Police shot by his own men, and in four others being wounded. The circumstances appear to have been these.

2. The water in the tank of the village of Sattangudi having failed, the villagers applied to the Sub-Overseer, Department Public Works of the Talook, asking him to procure for them a supply of water from the Oorapanoor village channel. The Sub-Overseer took from them an agreement, that in the event of this request being complied with, they would be able to save a portion of their crops, and that, in such case they would pay the Government assessment on the crops which had perished.

Report of Magistrate paragraph 4.

3. The Sub-Overseer forwarded this agreement to the Assistant District Engineer, Lieutenant Coningham. That Officer sent it on to the District Engineer,* Captain Ryves, stating that after inspecting the localities he had ordered the Sub-Overseer to throw two temporary dams across the Oorapanoor channel, and by this means to supply water for 30 days to the tank of the Sittangudi village, and for 10 days to that of the village of Shittaly, and that he had requested the Thasildar of the Talook to "give his "assistance in case of the Oorapanoor tank ryots giving any trouble."

* Letter to the District Engineer, dated 24th December 1861.

4. Captain Ryves informed Lieutenant Coningham that he fully approved the measures which the latter had adopted. Indeed he states that he believes that Lieutenant Coningham did not issue his orders to the Sub-Overseer until he had communicated with him (Captain Ryves) personally on the subject, a day or two before Lieutenant Coningham's report to his superior of the 24th December was written.

From District Engineer, to D. C. Engineer, 9th January 1862, paragraph 3.

5. About the same date some of the Oorapanoor ryots came to Captain Ryves' house at Madura, and objected to the water of their channel being drawn off to Sittangudi, but Captain Ryves would not admit their objections.

Ibid. paragraph 4.

6. Two attempts were consequently made to cut the bank of the Oorapanoor channel, one on the 27th December by two Ameens under the Sub-Overseer, and one on the 28th by a party under the Assistant Engineer, but on both occasions the parties were repulsed by the Oorapanoor villagers. On the 30th December the Thasildar, the Assistant Engineer with some Police proceeded to the channel for the purpose of cutting the embankment, but found 300 villagers sitting and lying on the bank, and the attempt to cut it was not proceeded with.

7. On the 31st December Lieutenant Coningham, having determined to cut the channel, wrote to Lieutenant Porteous, Superintendent of Police, to come out with a body of Police and bring the Deputy Magistrate Mr. Jellicoe with him. Lieutenant Porteous communicated with Mr. Jellicoe, and after consultation with him moved off a party of 13 Constables armed with muskets, and 20 men with batons, and ordered them to Terumungalum to await his arrival there next morning.

8. Mr. Jellicoe did not accompany the force, although in a note received in the afternoon from Lieutenant Coningham to Lieutenant Porteous, it was stated that there was sure to be a riot if the bank were cut. He sent out Lieutenant Porteous with certain instructions, as to the conditions on which it would be well to cut the bank.

9. On the next morning the 1st January the Assistant Engineer, Lieutenant Porteous and his Assistant Lieutenant Coningham, the Police party, the Thasildar and his Peons proceeded to the Oorapanoor channel. After a long parley, an endeavor was made to cut the channel bank by force. The villagers who had assembled in great number, and had made their preparations beforehand by concealing stones in the channel, and posting slingers in an adjacent tope, violently resisted. Showers of stones were poured by hand, and from slings on the Officers and the whole party. The Police were broken and beaten back; the European Officers were surrounded, and the firing, which seems to have been commenced without orders, was probably no more than necessary to save them from being killed or grievously injured. The result was that two villagers were killed by the Police and four wounded, though not dangerously, and that one Police Constable was shot by his own men.

10. Such is shortly the history of this melancholy affair as it is to be gathered from the Magistrate's report and the letters of the District Engineer and his Assistant. His Excellency the Governor in Council regrets that he is constrained to declare that the whole of this disastrous business was owing to gross mismanagement, and to an ignorance of their position and duties on the part of all concerned.

11. First the Government find a Sub-Overseer, a subordinate Officer in the Department Public Works, interfering in the distribution of water to certain villages, and taking engagements from the cultivators of one village as to the terms on which they would pay the assessment on their withered crops. The Magistrate has properly pointed out that this was no part of this Executive's duty, that his conduct was quite improper, and an assumption of powers which belonged only to the Revenue authorities of the District.

12. The Assistant Engineer receives this agreement and issues orders for diverting the water of a channel contrary to all previous usage. He makes no reference to the Revenue Officers, the Thasildar who could himself however have no power to sanction such a proceeding, having been applied to only to prevent the ryots of Oorapanoor offering opposition. The Government do not however remark further on the conduct of the Assistant because his superior Captain Ryves has averred that the proceedings of Lieutenant Coningham in ordering the bank to be cut and the water of the Oorapanoor supplying channel diverted to the Sittangudi and Shittaly tanks, were taken with his knowledge, and had his full approval.

From Assistant Engineer, 24th December, last para.

13. Captain Ryves' own view of the question will be found in his letter to the Deputy Chief Engineer under date the 14th ultimo, No. 1,383. He considers, it would seem, that as flowing rivers are the property of Government, if the water passing down the supplying channel of a village tank be more than appears necessary for the irrigation of the lands of the village, the Government are at liberty, although in contravention to all previous custom, to divert it to the lands of another village whose irrigation is scanty. Further that such questions may be decided, and the measures necessary for carrying out the decisions taken by Officers of the Department Public Works without any reference to the Revenue authorities of the District. This is not expressly stated in his letter, but is implied by his own conduct throughout the affair, and by his approval and adoption of the acts of his subordinate.

14. The Government consider Captain Ryves to be entirely wrong in thus claiming for his Department the power of altering and controlling the supply of water to the different works. Water disputes are difficult to settle, excite angry feelings, and require the greatest care and attention. The Regulations therefore provide specially for their settlement *by the Collector* either by Punchayet under Regulation XII of 1816, or by summary judicial powers under Regulation V of 1822, an appeal lying in this latter case to the Zillah Court.

15. Such has been the Law, and there is certainly nothing with which the Government are acquainted in the Standing Orders of the Department Public Works as at present constituted, to show any alteration on this important point, or transfer the powers vested by law in the Collector to the District Engineer. On the contrary, it has been ruled that "the Collector has "still the protective superintendence of all works "of irrigation," so that no diversion of water especially by cutting the bank of a channel should take place without his express sanction. But other orders make the point still clearer. Thus "the relative position of the Collector and his professional associate" has been described by the figure of head and hand." All Estimates for new works and for the improvement or repair of existing works require his countersignature, and it has been further ordered that "*all suggested alterations of a nature either directly or indirectly to influence the financial or the social condition of the people, must invariably be communicated to the Collector.*" Again, it has been laid down by Government that the Collector under the new system was to retain "the right or the duty of declaring his opinion upon the merits of every project originating in any other quarter *for improving either the irrigation* or the means of communication."

Department Public Works, Order Book, page 265.

Department Public Works, Order Book, page 248.

Do. " 140 [illegible]

Do. " 248.

Do. " 143.

16. The Government therefore resolve to convey to Captain Ryves, through the Public Works Department, their serious displeasure at his conduct in adopting the measure proposed by Lieutenant Coningham, and sanctioning the cutting of the channel bank for the purpose of diverting the water to a new tank, without first obtaining the express and formal orders of the Collector. This course is so dangerous, that it must not only be severely censured on this occasion, but must be expressly prohibited in future by a new Circular Order to be issued in the same Department, lest more of these lamentable scenes should occur. In thus disapproving the doctrine held by Captain Ryves, the Government do not advert to the fact that the Deputy Collector and Magistrate Mr. Jellicoe, had an opportunity of stopping the proceeding when he was applied to as Magistrate for the aid of the armed Police to protect the party employed to cut the bank. A serious responsibility rests with Mr. Jellicoe for sending out a body of armed Police on the occasion without first seeing in his Revenue capacity that the water dispute was fully and legally examined and decided, but Captain Ryves nowhere shows that he considered a reference to the

Revenue Officers at all necessary, nor does he allude to the part taken by Mr. Jellicoe as any justification of his own proceedings, or as relieving him from the responsibility of the measure.

See paragraph 5 of Captain Ryves' letter of 9th January.

In fact two previous attempts had been made by the Department of Public Works to cut the bank, and it was only on its failure from the opposition of the people, that an application was made to Mr. Jellicoe for the support of the armed Police.

17. In his letter of 14th January Captain Ryves maintains that flowing rivers are the property of the State and that the proprietor (on behalf of the State) has the right to make the most advantageous use of that water." Even if this general principle be admitted, it is not the District Engineer who is to act on behalf of the State and alter the usual distribution of water. The Collector alone is authorized to decide such questions, when objections are raised, and he would be most careful in hearing and attempting to satisfy all parties before he permitted any departure from prescriptive usage. Undoubtedly when Government improves Irrigation works so as to enable them to supply new villages without detriment to old tanks, it has the power of distributing the newly gained water, but even this must be done through the Collector and with the greatest care both to remove all unfounded fears and make existing rights so palpably secure that a clear defence could be made to any actions which might be brought in the Civil Courts.

18. On the present lamentable occasion there had been no improvement of Irrigation works which increased the ordinary supply of water. This sudden attempt therefore of the Department of Public Works to alter the usage (mamool) of the District, by deciding that one village could spare water and giving it to others is highly censurable and contrary to all orders. Such a proceeding must excite far-spread alarm by invading prescriptive rights and rendering the value of land insecure, and unless stopped in future by peremptory orders, similar unfortunate results are sure to recur.

19. The Government have already alluded to the conduct of the Deputy-Collector and Magistrate, Mr. Jellicoe, and they regard it as highly reprehensible. On the 31st December he must have been well aware that the cutting of the channel bank would encounter serious opposition. He knew that a strong party of Police, some of them armed with muskets, had been sent out, yet he remained at Madura. He showed also great ignorance of Lieutenant Porteous' position and duties in constituting him the Judge of the conditions under which the channel bank was to be cut. It was for Mr. Jellicoe himself as Deputy Collector, and not for Lieutenant Porteous as a Police Officer, to decide on the relative state of the Oorapanoor and Sattangudi tanks and lands, and whether supposing the supply of water to the former village to be greater than was required it could properly be diverted to the lands of the latter. Lieutenant Porteous' as an Officer of Police should only have been applied to, to carry out measures on which the Revenue Authorities had on due inquiry and deliberation resolved, in the event of those measures being violently resisted. As it was Mr. Jellicoe devolved on Lieutenant Porteous duties which he should himself have discharged. As observed by Mr. Levinge, had Mr. Jellicoe himself gone to the ground, this unfortunate riot would probably not have occurred. The Government certainly cannot allow him to remain in his present charge. His future sphere of employment will be considered in the Revenue Department.

Report, paragraphs 40, 41.

20. The behaviour of the Police on the occasion is to be regretted, but allowance must be made for their being a new levy, for their being greatly out-numbered, and for the sudden and unexpected nature of the attack. The second Officer should, as pointed out by the Magistrate, have been put in command of the armed party. Lieutenant Porteous should not have consented to act on the conditional instructions given by Mr. Jellicoe, but should have required precise and explicit orders for his guidance. But, save on these points, the Government do not see cause for imputing blame to that Officer.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

5 Now here at the very outset an irregularity occurred, and it will be seen, that from first to last, on the part of every one concerned in the unfortunate affair, there has been displayed irregularity, haste, & want of due caution.

6 It was no part of the duty of this executive Sub Overseer to take any such agreement from the Sattangudi Villagers, in fact it was quite improper his doing so, the Revenue Authorities, guided by the Rules in force, in the District, Sanctioned by Government & the Revenue Board, determine what remission of Revenue is to be given on withered crops, when such has occurred, thro' a cause beyond the control of the Ryot, which rules, are perfectly well known to the Sub Overseer, & to the Villagers. Sattangudi is only 2 miles distant from the Taluq Cutcha, the Tassildars station, & 12 miles from Madura where I was, & yet, the Sattangudi Villagers made no application to me, or to the Tassildar, because they knew perfectly well, that their request, for a

supply of water from Oraparnur would be refused, & that they would be told, that if they lost their crops they would be granted remission according to the rules, & I find on reference to my records, that the Sattangudi Ryots have had remission for withered crops given them, in Fasles 1266 & 1267 (1856-57 & 1857-58) & that at no time, have they ever had, & that they positively have no right to a supply of water direct from the Oraparnur Channel.- Knowing that the Perenne authorities would not grant their illegal, & practically impossible request, they applied to the Sub Overseer, in the hopes of getting the water in an underhand way.-

7 On the 24th December the Asst Engineer, Lt Cunningham, reported to the District Engineer Capt Byrne, that he had received from the Sub Overseer, the above agreement, that he had inspected the Tanks, & Channels; that he had

the Oraparnur Villagers pelted the whole party out of the place. The Tasildar reported this breach of the peace to the Collector by Arzi that day, but as the Arzi contained nothing regarding the propriety or otherwise of the project, the Munshee who opened it looked upon it as a mere report of a breach of the peace requiring no immediate orders.-

14 On the morning of the 30th the Tasildar accompanied the Asst Engineer to the place, with Police, and Coolies to cut the bund, they found about 300 Villagers sitting, & lying on the bank. They told the Tasildar they had come there to prevent the cutting of their bund, that some of them had gone to the hills to complain to the Collector, & expected his orders. The Tasildar declares he told Mr Cunningham it would be better to wait the Collectors orders- Nothing was then done, & all went to the Village to look at the Oraparnur tank, & crops, the water in the tank was breast high, about half full, the Asst Engineer told

told the Villagers they had sufficient water for their crops, & that he would make the cutting. The Villagers asked for a guarantee that the opening was not to be permanent, & that they would incur no loss, Mr. Cunningham agreed to give one, & told them to come to Tirumangalam for it— The Engineers party returned to Tirumangalam— The Villagers of course did not come for the guarantee, they were only temporizing.—

15 The Tasildar did not report the occurrences of the 30th as no breach of the peace occurred, & because the people seemed to agree that nothing was done to punish the parties who beat off the Amens, and the Asst. Engineer on 2 different occasions.—

The Villagers having gained a fresh victory on the 30th were doubtless encouraged to make the determined resistance which they did on the 31st.

16 On the 31st the Tasildar and Asst. Engineer inspected the saturgudi crops, tho' not together, It appeared that of those crops, 1/3d was being saved

The Coraipauer tank is supplied by a channel, fed by an Anicut, across what is called the Goundar river, which is nothing more, than a depression in the ground, which carries off the surface drainage after rain, there was no water flowing in it at the time, except a little from springs rising within the limits of the Coraipauer supplying sources, According to the Custom of the country, I dont think it justifiable to interfere with water so derived, it was not customary in that Village to do so, The Coraipauer Villagers may have had, more than a full supply of water for their present crops, & they have a fine tank, that is their good fortune, but they are entitled to all the water they can get, and have a right to raise a 2nd Crop of paddy, which would pay tax to Govt, and therefore the Government, would be no loosers, by the water going to them, There is no chance of their not raising it— grain is too valuable for them to waste the water.—

22. Another objection to taking the water from them, is, that they have an order of Mr. Blackburnes, passed in 1840, who visited their villages, on a dispute which arose between them, & the Pongamcolam Villagers, who claimed a portion of the Coraipauur Water, in which it is laid down, that the Pongamcolam people, have only a right to the water which passed over the Coraipauur Anicut, this distinctly gives all the water above the Anicut, to Coraipauur, which does not pass over it.

23 If the Engineers had turned the water over the Coraipauur Anicut, by blocking up the Coraipauur Channel, the Pongamcolam Anicut, would have taken that water to the Sedaly, & Pongamcolam Tanks, & no interference could have taken place with their Anicut, & Channel, for they are the private property of the Pagoda, but the Engineer wanted to take the water to Vallangadi, across

the

6

"as no good purpose could then be effected, & it
"would in all probability lead to a disturbance,
"of course should you find that a timely sup-
"-ply of water will save the said crops, then I
"think the people must be made to succumb
"to Authority: In any case the persons engaged
"in the Assault upon Cunningham should be
"dealt with according to law. I sincerely trust
"however, that you will be able to effect all
"that you wish without having recourse to
"the force that will accompany you."

40 Mr. Jellicoe screens himself be-
-hind these conditional instructions, and
doubtless had they been strictly attended
to, the unfortunate Riot would not have
occurred. Mr. Porteous ought to, & might
have refused them, & insisted on distinct
written orders, & refused all reference to
state of crops, &c., but having accepted them
he became responsible.

41 It is much to be regretted, that
Mr. Jellicoe allowed an armed party
of Police to leave under the charge of
so young an officer, without accompany-
-ing it himself, to carry out by force if ne-
-cessary, a project, regarding which,

he

he shews he was uncertain, by the many conditions he attached to its fulfilment, & when in fact, from the information he had received, he should have been under the impression, that a breach of the peace was almost certain, if the bund had to be cut, he was aware, that the attempt on the 29th., caused a successful one, on the part of the Villagers, but neither Mr. Jellicoe, nor Mr. Porteous, ever suspected for a moment, that the Villagers would offer the resistance they did, neither had Mr. Jellicoe any suspicion of the illegality, and impracticability, of the scheme, or he would have taken upon himself to forbid the measure at once.-

42 On the morning of the 1st. Messrs. Porteous, & Police Cunningham, met the Asst. Engineer Cunningham at Tirumangalam, the Tasildar was sent for, & Mr. Jellicoes order given to him, As soon as he read it, he says he asked Mr. Engineer Cunningham; Sir, is there water in the Coraipaiur tank

Evidence for the Prosecution

Asst. Engineer, he says in excuse, what could I do Sir, seeing the Engineer determined to cut the bank, & the Police Gentlemen in a hurry to get it over. I thought it my duty to follow them to keep the peace. I thought if I did not go my responsibility would not cease. The Tasildar unfortunate weakness, & the fact of his going, caused the breach of peace, if he had said, go I wont, they would not have gone, but perhaps it is more than can be expected of most Native Public Servants, that they would attempt to speak in that peremptory way to their superiors to their face, & Mr. Porteous decidedly shewed want of caution, & careful attention to his conditional instructions, in not paying more attention to them, regarding the state of the crops to be saved, & to the objection of the Tasildar.-

44 In my opinion the Tasildars position was not considered, but he failed to assert his authority, as Tasildar, & Sub Magte, & all he said was not sufficiently weighed, Mr. Engineer Cunningham was made the referee by him & Mr. Porteous, he, was determined to cut the

Whole Mr. Engr. Cunningham -

bank, & every one gave in to him, that had Mr. Jellicoe come to Sirumangalam, the result might have been very different. The Sassildar would have had a patient hearing from a responsible Officer, understanding the subject, his objections would have been considered, & they were such, that Mr. Jellicoe, must have admitted their sufficiency, to render it inadvisable, to cut the Bund, & he would have discovered, that the project was not authorized by the Collector.

45 The Sassildar, & a party of his Revenue peons, the Asst. Engineer, two Asst Superintendents of Police, & 20 Eaton Constables, proceeded to the Bund, the 13 armed Constables, with muskets unloaded, following about 1/4 of a mile in the rear, this last party was brought merely as a demonstration, there being no intention at the time, of using them, or thought, that they would be required, otherwise there would have been more caution.—

46 When the whole party got to the

his umbrella was smashed, was picked up by his peons & put sitting on the ground in shelter of his bandy, the peons all standing round, & sheltering him, by making a kind of cupola over him, with their bending bodies their heads being towards the centre of the circle they formed round him, & their rears forming the circumference of it. their arms being held up to their heads, deposed he saw the gentlemen on the bank when the firing began, that he looked out between the legs of his peons, & saw the Constables scattered here, & there, & firing, he saw Mr. Porteous run from the bank to the Constables, only about 4 in number were together, & then there was firing too. Mr. Porteous ran here, & there, collecting his men, he picked up one of his Eaton Constables from under the legs of his peons, where he was crouching. An armed Sepoy was standing close to his bandy loading, & firing by himself, he suddenly fell, shot thro' the head. the bullets were coming from one side, stones from the other were rattling on & over the bandy, the situation became so dreadful, he, & his peons, all shut their

Police Force

eyes

eyes not knowing where they were going to be led. At last they could bear it no longer the pesons whipped up their Master put him in the Dandy & themselves drew it off the field followed by the yells, jeers & stones of the mob. The top of the Dandy is battered to bits, it must have received showers of stones, 2 of which, came thro' it, into the Dandy where the Jafsildar was being dragged off.—

62 Never was a more miserable affair owing to the Jafsildar not having the courage to dictate to the European Officers to their faces, & to Mr Porteous perhaps not being sufficiently cautious with his conditional instructions, & to his not seeing mischief in a Crowd, which kept on increasing, & would not obey the civil power & to his being taken unawares.

63 Mr Porteous is an energetic & first rate Officer, with his heart in his work, he acted in perfect good faith, I believe, he had nothing to do with the quantity of water in the Dora

The Information and Deposition of Lieut. Dr Cunningham Asst to Agent Dist Engineer of Godavery taken upon Oath before me, Dr J. Cleveland Deputy Magte of the District of Godavery the 7th day of January 1862, who on Oath saith.

That in consequence of an Order received by him from his Sub Assistant Guddumoory Pillai to the effect that the crops under the Sathanjudi Tank were perishing for want of water, deponent proceeded on the morning of the 23d December 1861 to inspect with a view to report upon the condition of the Draft Channel, Commanneng Cum, Sidhalu & Sathanjudi tanks and Channels leading to them: considering that the crops under the Sathanjudi tank required water, deponent directed the said Sub Assistant by throwing down across the supply Channels of the Commanneng Cum & Draft Channel tanks to carry water into the Sathanjudi tank;

deponent at the same time directed that the Pallaki Dewastanum tank should be supplied with water by throwing a dam across the Arappanum supply Channel a little further down the water in passing down to the Pallangadi tank would have to cross the supply channel of the Pallaki tank, deponent, therefore, directed that a dam should be erected across the said supply Channel. Under this proposed arrangement the Pallaki tank was to have been supplied with ten days water and the Pallangadi with thirty days water— Deponent on the 29th December proceeded with about 30 Coolies to open a head in the Arappa- nam supply channel, having received intimation from the Sub Dessavan that he had been prevented from carrying out deponents orders by the Arappanum Villagers— The coolies were beginning the work when the Villagers to the number of 200 began to throw earth thinking

deponent who finding that the work could not then be effected desisted & left the spot. Deponent in the morning of the 30th accompanied by the Tahsildar of Tenmunpalum again visited the spot and endeavoured to induce the Villagers to agree to the proposed opening of the channel. Deponent in conjunction with the Tahsildar on this occasion also inspected the cultivation under the Arappanum Tank; the head ryots of which agreed to the opening of the said supply channel for 20 days provided that deponent gave them a written engagement that the proceedings should not be considered in the light of a precedent, and that no injury would accrue to them in as much as they had water in their tanks sufficient for the whole of their cultivation for two months. To this deponent con- sented, and directed their attendance at Tenmunpalum for the purpose; the ryots however —, never made their appear- ance.

ance. Deponent on the morning of the 31st December inspected the whole of the Cabildo under the Salvaguardia tank, and considered that fully one half amounting to about 100 Pipes could be saved if water were turned into the tank at once, the remainder in deponents opinion appeared to have percolated, last seen by Deponent. Efforts were made to persuade the Braspanner Villagers to agree to the opening of these supply Channels but pending them resolution Deponent wrote to Affiatti Superintendent Lieut. Col. Cobbes for the assistance of the Police. Accordingly about midday on the 1st January 1862, Deponent accompanied by Affiatti Superintendent Lieuts Postans and H. B. Cunningham supported by 33 Police Constables, 20 with batons & 13 armed with muskets; (that to the best of deponents belief the muskets were unloaded) together with 50 Coolies the Jaboldar was also present; all proceeded to the Braspanner Supplying Channel. On arriving at the spot deponent saw between two & three hundred Villagers

assembled on and about the bank of the Channel, deponent saw no sticks nor stones. The Constables were posted at about forty yards from the bank that is to say, those armed with batons, deponent did not see when the Constables armed with muskets were posted. The Jaboldar warned the people present stating the penalties incurred by them in consequence of their unlawful assembly and read to them the order of the Deputy Magistrate to that effect; and for a period of an hour and half, persuasion was used to try and induce the people to withdraw their opposition, at last one of the head ryots of Braspanner consented, provided deponent would give a written undertaking that this would be no precedent, and that no loss should accrue to the ryots. Deponent immediately wrote the required undertaking which was translated and read out by the Jaboldar in the hearing of the people. About half of the people appeared to waver, the remainder cried out that they would not

the rates fixed without the Collectors signature
the head ryot above named was amongst
this number, the Tahsildar, deponent believes
he saw the name of this individual deponent
himself could point him out the people
however would desire to avoid it, deponent
then called his coolies and placed them
about 30 yards from the bank, where the
breach was to be cut. Lieut. Robbins then
proceeded to open a flank on the left of the
bank with Constable armed with Balum,
which was readily effected, deponent was
at the foot of the bank. Immediately the
shout was formed, the people commenced
throwing stones & mud, the Sowars with
of large size drove back the Ryotts people
Coolies and the constables on the bank
as well as the deponent who joined them,
the Police used their Balums but to little
effect; as the people retired out of Balums
reach and hurled stones, this continued
for about six minutes when the constables
armed with muskets fired accordingly
at from 50 yards distance to the right

but whether singly or universally deponent
cannot say, but as far as deponent knows
without orders; this left a passage open
for deponent and the rest of the party to
retire, pursued however by the mob hurling
stones; re-falling back upon the Constables
armed with muskets, Ryotts to forewarded
Robbins gave the order to fire which had the
effect of keeping the people back at a
distance of about 100 yards where they
remained at bay continuing to hurl stones,
the firing being so badly directed as
evidently to create no alarm, one constable
fell dead shot through the head by one
of his own people the ammunition being
suspended, deponent and the Police then retired
to about ¼ of a mile distance, the people
however did not follow but continued shouting
from a distance. Deponent & Lieut. Robbins
missing the Tahsildar and hearing that
he was surrounded by the mob rode in
quest of him and met him at a little
distance, he said that he had been taking
down the names of those that had been

rejected two male adult & one woman and three men wounded — Deponent and part of the 2nd detached to Tennangalum.

/Signed/ H. Cunningham
AS 2nd Assist. Dist. Engineer.

Taken by me this 2nd day of January 1852
/Signed/ H. L. Jollicoe
Dy Magistrate

Further deposition on this 7th January

On Oath.

I remember the Tahsildar getting the Tahsil from Mr. Jollicoe at the Bungalow on the 1st January, he read it to himself & then read out, until the whole of the Pattangadi crops could be saved the water must be let down. I said that could not apply at all because some portion of the crops had been gone when I first saw them. After that he said nothing on that subject. Then he said to Portens there is another objection that the Pithali people had water coming down their supplying channel & that they objected to

to any other water, crossing their channel and I said I would do like it by having a space in dam which I would have drawn across so that they should be free no loss, not knowing that crossing their channel at all was illegal. I don't remember that day that the Tahsildar paid me had bullock hire & no Jollicoe. I remember Portens saying we could bring Jollicoe out next day to do like any disputes about the Pithali channel. I did not see Mr Jollicoe or have any communication with him. I had no orders to carry out the work but ordered it after an inspection of the crops thinking there was no other way of saving the Pattangadi crops. On the 24th I reported the subject fully to the District Engineer I received no reply to that letter. On the 26th I think I saw Captain Haynes and he told me that he had endorsed a petition which the Pragpanam men—

had brought to him to the effect that it could be carried out without any loss to those Villagers. I saw it on the 29th or 30th at the place where the breach was to be made and on the same day went with the Tahsildar and inspected all the Tanks and all the subdivisions and I thought there was ample water for 300 Fanams for 2 Months. On the 30th the Tahsildar told me of the Proposition but after objection I had intended to take the water down a waste channel of theirs in which they have a certain number of wells by means of which they irrigate their lands. Told those Villagers they might have as much as they liked but that they must not flood their fields by the water which I brought into the channel which they could do by causing cross dams. I was not

aware of any illegality in the proceedings the Tahsildar did not tell me any and I did not hear that the Deputy Magistrate & Collector Mr. Jellicoe thought it was so.

(Signed) H. Cunningham

Sworn to before me this 7th day of January 1862

(Signed) V. H. Levinge
Magistrate

(True Copy)

Attested

Magistrate.

1862. Departmt

No 2. Enclosure, in letter No 7 dated 15th January 1862. from the Magistrate of Madura

Copy of deposition of Lieutt W. Cunningham Actg 2d asstt to Distrct Engineer Madura

Rd. 6th 2d 1862

The information and Deposition of Lieutt C. A. Porteous Assistant Superintendent of Police for the District of Tinnevelly taken upon Oath before me W. E. Jellicoe Esquire Deputy Magistrate of the District of Madura, the 2nd day of January 1862, made on Oath saith

That on the evening of the 30th December 1861 deponent was informed by Acting 2nd Assistant District Engineer Lieut W. Cunningham that it was probable that he might require the assistance of the Police in effecting a cutting into the supplying channel of the Oraipanior tank, the people being very obstreperous and threatening to mob him on the last occasion when he attempted to effect the undertaking; he said he would proceed that night thinking that he might still be able to effect his purpose amicably; in case he failed in this he said that he would let deponent know at once; accordingly at about ½ past three in the afternoon of the 31st December, deponent received a note from Lieut W. Cunningham in which he stated that there was more

6

to be a row, and asking deponent to bring sub-
from thirty to forty men; after consultation
with the Deputy Magistrate Mr. J. Mc Cae;
deponent named off a party of 13 constables
armed with muskets and 20 unarmed labourers
to start that evening and march deponent
arrived at Tirunmungalam; the next morn-
ing on arriving at Tirunmungalam on the
morning of the 1st January 1862, deponent
found his men awaiting him there. Depo-
nent was accompanied by his successor
in the Madura District, Lieut. A. &
Conyngham. Deponent and Lieut.
W. Conyngham at the Tirunmungalam
Bungalow, deponent sent for the
Tirunmungalam Tasildar and handed
over to him a Tasildar's Peon to deponent
by the Deputy Magistrate; Deponent
had a consultation with the Tasildar
regarding the whole matter having a plan
of Lieut. W. Conyngham's the Talk before
me, showing all the points in dispute.
The Tasildar was of opinion that the
Rajapuram ryots had no right to object
to the cutting of the channel as Lieut.
W. Conyngham wished it, but he was
of opinion that the Sithali people
had a right to complain; as there

was

was water passing down their supply channel
at the moment, regarding this channel of
the Sithali tank Lieut. W. Conyngham inform-
ed deponent that the Sithali people
had only opened up the channel enough
to let the water pass down, the day before
the Tasildar saw it; Deponent agreed
with the Tasildar that the Sithali people
had certainly a claim to some water;
Lieut. W. Conyngham said they would
not be deprived of any water, because
in cutting the channel he wanted to make
across the Sithali channel, he would
make a breach allowing the same quantity
of water to flow down as was at the
present moment going down the channel.
To this the Tasildar seemed to agree. If the
water was allowed to proceed down the channel
to the Sathangudi tank to irrigate the fields
under it, the Tasildar agreed with Mr. Conyng-
ham that there would be a saving of one-
third, if not one half of the crop; more-
over Lieut. W. Conyngham informed
Deponent that the Sathangudi people
would pay the whole amount of the revenue
required of them if water was allowed to run
down to their tank according to Lieut.
W. Conyngham's proposition. The

Tasildar

Lascelles agreed with Lieut. W. Cunningham and Deponent that we should proceed at once to the spot where the cutting was to be made; Accordingly, about 11 O'Clock, Deponent started with the two Lieuts Cunningham, accompanied by the Lascelles for the spot in question; Deponent took with him 20 Constables armed with batons, leaving the 13 Constables armed with muskets to come up about 1/2 of a mile in the rear, imagining that there would be little or no use for them. En route to Orappanier we passed first through the village of Sithali and along the fields irrigated by Sithali Tank — Lieut. W. Cunningham preceded on foot and walked all over the same fields, and told Deponent that he thought that nearly the whole crop had gone to Shani except a small bit in the right hand corner which looked greener than the rest, and which he told Deponent was irrigated by water from wells. Deponent also thought the same, and agreed with Lieut. Cunningham. After passing through the villages of Sithali, we proceeded on towards Orappanier, on the

road we crossed Sithali channel, we saw a number of coolies digging and bringing the water down this channel, Lieut. W. Cunningham on arrival at this spot requested the Lascelles to explain to these men who were all Sithali ryots, that according to the plan he proposed, they would be no losers as regards the water, for that he would make a sufficient breach in his dam to enable the same quantity of water to flow down. The Lascelles explained as Lieut Cunningham requested him, we remained there about 1/4 of an hour speaking to these people on this matter two or three cried out aloud "we won't let it go" "we won't let it go" one man Deponent particularly recognised. Then we thought it better to go and commence work first at Orappanier, on arrival at the mund of the Orappanier channel, we found a very large crowd of men assembled on, and around the said mundy. The first thing the Lascelles did was to tell the people more especially an old man who seemed to be a leader among them, that the Deputy Magistrate of Madura had sent him an order that they were

not

not to make any disturbance, and allow the
band to be cat-gutted. He also warned them
that all unlawful assemblies and large
crowds which refused to disperse as
ordered by the Magistrate and Police, were
liable to very heavy punishments under
the New Penal code which took effect
from this date. He told this said old man
that he ought not to get himself ruined,
that he was sure to suffer, and told him
to order the other people to disperse. He also
told him that if his village suffered any
loss that he could make a complaint for
damages to the Civil Court. He also
told him that Mr. Cuningham would
give him an endorsement telling him
that this would not be a Kramnib affair
and any loss that they hereafter suffered
they could call upon him to be responsi
-ble for the same. This old man seemed
to Deponent partially to agree to the
endorsement which in fact he was the
first to apply for. This man the Tasildar
spoke to, and advised a long time. More
over, the Tasildar and his peons went
among the people, advising them and warning
them of the consequences of their not

dispersing

dispersing, according to the orders given
by the Police officers. For an hour and
a half we waited talking quietly, and
advising the people to allow the work-
to go on. At the same time as Deponent
said, the Constables armed with batons arri
-ved on this spot, during our conversa-
-tion the constables, who were armed with
muskets, and whom Deponent ordered
to come up behind, arrived at the spot.
These men armed with muskets, Deponent
ordered to fall in in file about 40 paces
to our right, aside from those armed
with batons. During the conversation
held by the Tasildar, with the people,
Deponent two or three times said to him
that he thought he (Tasildar) had given
the people sufficient warning and ca
-ution, and Deponent asked him
whether he should bring up Constables
armed with batons to clear a place in
the crowd to enable the coolies to work,
but as the Tasildar recommended we
should wait, Deponent refrained from
any active measures, at the same time
Deponent told the Tasildar that we
ought to be firm and show no wavering

because

because he (Deponent) saw that the crowd was collecting larger and larger every moment. Deponent saw several people on the ground shouting and calling for others to come and join them. They brought out all the old iron and stones of the village and laid them in heaps, huddled together on the ground. Seeing so many women hindered, Deponent from bringing his constables. Among others deponent saw the old man to whom the Jailoar had been speaking telling the people not to allow the ground to be cut. others Deponent heard saying "we won't allow it" Deponent told the Jailoar he thought it would be better to take his name down and to arrest him. accordingly he was made a prisoner of and handed over in charge to the constables armed with muskets. He thought then as we had waited long enough and given the people sufficient warning, that we should form a street with the constables, and thereby enable the mark to go on. Accordingly, having left the constables armed with muskets where they were, about forty yards to the rear, deponent proceeded

with the two Lieuts. Cowing hams with the constables armed with batons to form a street as above stated. The constables, no sooner tried to form the street, when they were attacked by the whole mob who rushed down into the water and picked up stones which they had concealed there and attacked us most furiously. At the same time another large body of men rushed out from a Caroon of Tope with stones and slings. The constables, who had only batons, were driven off the ground by the mob, the two Cowinghams & Deponent remained behind on the ground. From the shower of stones the constables with the batons went back and joined the party armed with muskets, the two Cowinghams and Deponent being left alone were attacked furiously with stones and struck in several parts of the body, one man deponent saw lift a large stone out of the water, and aim it at him, this man Deponent thinks he could recognise. Now the constables who were not loaded before and although they had received no orders to fire, began firing whereupon,

the mob fell back, and the Coringhams and deponent came back and rejoined the constables. The firing did not cause the mob to retreat for; they kept slinging stones and flinging at us as hard as ever; Deponent ordered some constables to fire on a party who were particularly forward in their attack. Immediately we got clear of the mob deponent ordered the constables to cease firing at once. Just at this time deponent saw a constable drop down and thought he had been knocked over by the villagers; the mob were very excited, Deponent spoke to the Jemadar and having consulted with the Coringhams determined that as with such a small force, we could not possibly gain our object; we had better retire regularly and quietly, and report the matter to the Magistrate & act further as he orders. Deponent thought that not more than twenty to twenty five cartridges had been fired; but one or two constables who must have fired more than the others; called out that their ammunition was expended another reason for our retiring. The unfortunate

constable

constable deponent is sorry to say was accidentally shot by one of our own men. The Police, only a very small armed body, had very much, but were confused, and this accident thus occured. Although the Police at first fired without orders, deponent thinks it was very fortunate they did, otherwise the two Coringhams and deponent would have been cut off and very seriously wounded if not killed. Having taken the Constable, who was shot and conducted the other Constables about 1/4 of a mile from the spot. Here Lieut M'Coringham examined the pouches of the Constables, and found that 46 Cartridges remained; the Constables having started with 10 rounds each thus at least 84 Cartridges must have been expended. The only way that deponent can account for so many Cartridges being expended and so few of the villagers hit; is that numbers of the Cartridges must have dropped out of the pouches in the confusion and that the Constables were entirely confused; and some fired quicker than the others without aiming or that they fired over the villagers heads not intending to shoot them. Lieut M'Coringham and deponent missed the Jemadar, who we thought had

had gone round by the left instead of which he had proceeded to a tree beyond the village - He therefore galloped back and met the Tahasildar and came with him into Sirumangalum - The firing on the part of the Constables was not only inevitable but necessary; otherwise the mob would have cloned us and caused the Police to retreat ignominiously for their lives - The number of the mob, deponent estimated at from four to seven hundred; the attack and resistance on their part was premeditated; for villagers from several of the surrounding villages were assembled and they had an immense quantity of stones ready at hand - When the Tahasildar joined Lieut McCaringham and deponent, he told us that by our fire three villagers has been wounded two of whom died afterwards - The people came to the Tahasildar and told him this - As soon as we retreated from the Village of Arapanier, the people molested us no further, although deponent saw a crowd following in the distance - From Arapanier deponent saw crowds of people proceeding away to their villages in different directions - When attacked by Arapanier people in

front,

front, we were fired upon by the Vellalr people in rear also -

Signed C. A. Pertram Lieut
Asst Supt Police of Tinnevelly
still doing duty in Tahasildar -

Taken before me this 2d day of January 1862
Signed H. E. Sullivan
Deputy Magistrate

Further deposition on Oath on the 7 January

On arrival at Sirumangalum bungalow I sent for the Tahasildar and handed over the Petitioners Tahreed, I asked the Tahasildar what he thought of the affair after he read the Tahreed, he then came forward and with a plan of Caringhams before us - pointed over the positions of the disputed channels, the Tahasildar said to me that he thought that as he had seen water going down the Vellalr channel they had a right to object but on Lieut Caringhams saying he would allow according to his plan the same amount of water to run down the channel as was then going down Mr Caringham also said that when he went over that channel the day before the Tahasildar did that there was no water in it at all; after Mr Caringham

said

said the same amount of water would
go down; the Tahasildar said nothing more
about the Sittalai Channel - The Tahasildar
asked Dr Cuningham some question about
either 2 Crops or 2 months supply in the
Arapalaiur Tank - Dr Cuningham said
there was 2 months supply also that by this
the Arapalaiur people would lose nothing
at all. The Tahasildar said nothing more.
We said we would go to the place where the
Channel was to be cut, and the Tahasildar
said he would accompany us - The Tahasildar
I saw made no objection -

Did you hear the Tahasildar say
that a reference must be made to Dr Jelliac
before the Channel could be cut, because
the circumstances under which alone
the Channel was to be cut as per Dr
Jelliacs order, were not as represented
in that order -

No I did not - I did not understand
about 2 Crops or about saving the
whole of the Satanguli crops - I -
heard the Tahasildar and Mr Cuningham
talking about 1/3d, & not one half
of the Crop being saved - I did not hear

the

the Takeed being read, if it was read
I did not understand it as I did not
pay attention to it, if it had been read
to me I should have understood it -
I said also to Cuningham we'll go to the
Arapalaiur breach and cut that first
you cannot suppose cut the Channel
the whole way to day, if the Sittali
people make any objection we'll
tell Jelliac to night and bring him
out with us tomorrow -

What orders did you get from
Dr Jelliac - I got this Chit A and he
said to me in the afternoon that he thought
Cuninghams plan reasonable and that
the land ought to be cut - At the bank
of the Channel I told the Tahasildar
to arrest the old man as he was evidently
at the bottom of the whole business - When
arrested he lay down on the ground
and kicked and said he would not
come that he might be killed - I saw
from this it would be no good making
arrests for many others threw themselves
on the bank and we could not lift them
up and carry them away - and we

were

were being jostled about in the crowd.
The Jahaildar advised to move out of the
Crowd which I did, then thinking that
we had delayed already 1½ hours
and that the thing must be done; that it
would be better to shew a little firmness
and move in the Constables to disperse the
Crowd to enable the Coolys to work — at
that time the Crowd had no stones or sticks
or arms of any sort and they appeared
Submissive; that is saying "Dermadoras" × Good Sir.
some also said Endorse Vendam - Vida = ⊙ Dont want
= mation - and there was nothing that Endorse.
20 Constables with batons could not + We must
do with the Crowd. The Constables moved allow -
on to the bank easily enough; no cutting
was commenced; the mob took stones
out of the water in the Channel where
they had been concealed and began to pelt
us — I got a blow from a stone on the
back. I saw the fellow picking the stones
out of the water and throw it at me.
I turned and got it on the back; at the
same time I was struck in several other
places; and my hat was knocked over
my Eyes by a large stone - Before we
were

were on the bank the Constables fired —
I saw Police Canningham had been hit hard
on the head; and blood on his body - I dont
know exactly how many rounds were
fired - I imagined 20 to 25 - As the Crowd
kept pressing on us after we got out
of it I ordered some Constables to fire
which kept them back: I did not order
the Constables at first to load or open
fire; when on the Bund and the Constables
fell back, I called out "Inder Awe" —
Come on — I never imagined that the cutting
of the Channel was anything but perfectly
legal and proper and Mr Jellicoe also
agreeing and thinking the cutting perfectly
proper never led me to think it was
otherwise. I was in command of the party
of Constables although appointed to
the Tinnivelly District having received
instructions to remain and shew my
successor Lieut R Canningham the
working of the Police before I left. I
intended leaving for Tinnivelly on 3d
or 4th January 1862.

Signed C A Porteous
Asst Supt Police Tinnivelly

Sworn

Sworn this 7 day of January 1862

Signed. W. R. Lemmon

Magistrate

Irvin Cahoy

W. R. Lemmon

Magistrate

1862. Deptt.

No3 Enclosure in letter

No 7 dated 15 January

1862 from the Magestrate

of Madura

Copy of deposition

of Lieutt. C. A Porteaous

Assistant Supt. of

Police of Tinnevilly

Recd

No 101

The Deposition of M Somasoondera Modali Takaeldar of Piramangalam taken upon solemn affirmation before me H R Levinge Esquire Magistrate of the District of Madura, the 6th day of January 1862 who saith; that the Sathangudi people never made any application to Deponent respecting the withered state of their crops or requiring any supply of water; the Sub Overseer Muttuswamie Pillai wrote to deponent a yadast which was received on the 27th December. that the Asst. District Engineer has made an arrangement to take the water from the Channels of Ponnamangalum and Oraiyanur to the tanks of Sathangudi for 30 days and five days in every fortnight to the Pitali tank - That when the Amins were beginning to make the said cutting some 200 villagers of the Oraiyanur and other villages armed with sticks assaulted them. / The said yadast No1 was put in and read / Deponent then wrote in reply asking for a Copy of the order he had received from the District Engineer on the subject; the Subovereseer replied that he had received a verbal Order from Lieut Cunningham; but that the District Engineer and the Collector had been written to on the subject / No 2 put in and read / Deponent on the receipt of the yadash No1 on the 28th December issued

issued a Memorandum to the Police Inspector of Tirumangalum and Takeeds to the Satamaigars of Oraganiur and Nonnamangalum to keep the peace - Upon that breach of the peace being committed nothing further was done. On the 29th December deponent received a Memo No 3 from the Asst. District Engineer requesting him to keep the peace and assist in the execution of the Cutting Mr Caningham came to Tirumangalum soon after the receipt of his Memo; and told deponent that he intended to make the cutting that afternoon; and asked for the assistance of the Police; deponent made an answer that he had already issued orders to the Satamaigars and Police Inspector and all would be ready - The Conversation deponent had with Mr Caningham on the 29th December was to the following effect that he had written to the District Engineer Mr Rynes who had endorsed to the Oraganiur villagers in order agreeing to Mr Caninghams proposition; that Mr Rynes was on the Hills and would Communicate with the Collector - In the afternoon of the 29th December Mr Caningham started for the Spot where the Cutting was to be made; and on his return told deponent that on his attempting to cut the Channel he was obliged to desist as the villagers assaulted him; he also asked deponent to accompany him to the Spot the next

morning

morning. The villagers of Oraganiur did not make any Complaint to deponent concerning the attempt on the part of the Asst District Engineer to cut their Channel; On the issue by deponent of his Takeeds to the Satamagars. Deponent on the Evening of the 29th of December made a report to the Collector on the above mentioned Circumstances; this report was sent by a Taleg peon Palaniyandi with directions to Land it over to the Head Moonshe in the Collectors Office to be read over to the Deputy Collectors: To this deponent received no order on the night of the 29th December: the police Inspector reported to deponent the assault upon Mr Caningham; but no steps were taken to punish the villagers; nor any Examination held, because Mr Caningham made no Complaint and said he would proceed to the Spot the next morning the 30th / The report of the Inspector No 4 was put in and read / Nothing was done subsequently towards the punishment of those individuals who committed the assault upon Mr Caningham on the 29th - On the morning of the 30th December Mr Caningham, the Sub Overseer Muttuswami Pillai and about 50 Coolies went to deponent, who with the Police Inspector and about 10 Constables proceeded to the place where the cutting was proposed to be made by the assistant District Engineer - Deponent

Saw

about 300 villagers from Arakanie sitting and lying down on the bank; deponent asked them the reason of their assembly; they replied that they had come to prevent the cutting of their channel; that some of them had gone to the Hills to present a Complaint to the Collector and requested his orders; deponent said to Mr Cuningham that it would be better to wait for these orders from the Collector before proceeding any further - Mr Cuningham then asked the people what objection they had; they replied that the water they now possessed was sufficient only for their early crops, and that the crops which they had newly raised would perish should the water be taken away from them - they wished deponent and Mr Cuningham to come and see their later cultivation; accordingly we went with the villagers to Arakanie, and Mr Cuningham measured the lands and found the water to be breast high - He called the Curnum and asked of him the extent of the early and later cultivation; we also inspected the crops; the Curnum said that the later cultivation was in extent about 10 Manis Mr Cuningham then told the villagers, who were called before him, that as they had sufficient water, he intended to make the proposed cutting in their channel - The villagers then asked

Mr

Mr Cuningham to give them an agreeing to guarantee that this cutting should not be a damage; and that they should incur no loss; Mr Cuningham agreed to this and told the villagers to come to him to the Bungalow at Tirumangalum - We then went back to Tirumangalum - Deponent made no report to the Collector of the occurrences on this day because no person acquainted, and the people agreed - In the evening Mr Cuningham sent for deponent and told him that none of the villagers had come in for the guarantee, that he would go into Madura and return the next morning and inspect, in the first instance the crops under the Satangudi tank and ascertain whether they could be saved or no; and then make arrangements to meet the objections of the Pungangolum and Sikalai people; and then entertain the proposal to cut the channel - On the 31st December deponent was informed that Mr Cuningham wanted him to go to Satangudi to meet him - deponent went accordingly to Satangudi, as well as to Sikali, Pungankolum and Ponnamangalum in search of Mr Cuningham but did not meet him - deponent returned to Tirumangalum; and at about 2 PM Mr Cuningham sent to deponent his Mashigi Nagalingam Pillai, who asked deponent

his

his opinion about the state of the crops whether withered or otherwise; deponent replied to Nagalingam Pillai that some of the crops of Sathangudi were withered, that some only were green; therefore the whole of the crops would not be saved; besides the Pungenkolum and Sikkali people raise much objection; there is already a Complaint under investigation before the Sub Magistrate of Madura between the Pungakolum and Sathangudi villagers; that the distance the water would have to be conveyed was about 3 miles; the small quantity of water cutted would flow would not reach the crops; therefore; it would be better for Dr Cuningham to represent all these things to the Collector and wait for his orders - Nagalingam Pillai then went away. The Sub Overseer Muttuswami Pillai came also to deponent soon after, and to him deponent mentioned the same particulars - Dr Cuningham then sent for deponent, who went to him; on his arrival at the bungalow, before deponent saw Dr Cuningham, he was told by the said Sub Overseer Muttuswami Pillai and Nagalingam Pillai, that Dr Cuningham had determined to cut the Channel and that deponent should raise no objection -

Deponent

a suit for damages against him for Dr Cuningham and he would be answerable; so he wanted to cut the Channel at once - Deponent then proposed to write a reference to Dr Jellicoe and asked the gentlemen present to write also a note; they replied, that deponent might write them, but that they should be in Madura in the evening, and would inform Dr Jellicoe of every thing - They requested deponent to follow them to the spot where the cutting in the Arapanur Channel was to be made. Deponent went to his Office and followed them to the Arapanur Channel Deponent, Dr Porteous, the two Prefers Cuningham the Police Inspector, Sub Overseer, deponents Duffadar and some peons, and some Police Constables with batons and buckets about 40 in number by Sikkali; on arriving there the Asst District Engineer, Dr Cuningham and came to deponent, and asked him, how much of the crop was withered and how much green; the crops near to some wells were alone green; all the rest were withered; then Dr Cuningham told deponent, let us see the Sikkali Channel whether or no water was flowing down it; we saw the Sikkali bank and Channel and no water was flowing down; one of the Sikkali villagers with a small quantity of withered crops in his hand; showed it to Dr Cuningham and asked him to come and

See

see the Channel through which the Spring water comes, we saw the Channel and found no water for some distance until we crossed the Channel; at this spot we saw the villagers digging the Channel and water was flowing; deponent and Dr Cuningham spoke to those people about taking the water from the Arapanire Channel across their Channel. They said that they would not allow us to carry water across their Channel some two or three of the villagers whom deponent could recognize; but he cannot tell their names, bending their heads said cut off our heads first, before you carry water across our Channel; We all then decided to proceed to the Arapanire Channel. When we came near to the Channel, we found a large number of people collected together on the Southern bank of Arapanire Channel, and some old men and women were lying on the bank; some females had some infants in their arms. Some of the villagers were sitting under the Castor oil trees; in the presence of the three above mentioned gentlemen, Deponent asked the people why they were crowded there, they replied that they were there to prevent the cutting of their Channel; deponent then explained to them the punishment to which they were liable under the Penal Code;

and

Deponent saw Dr Cuningham, who said that he had determined to cut the Channels and as the Police force at Tirumangalum was quite insufficient; and the men being very wicked people he had written to Dr Porteaus to come to Tirumangalum with Dr Jellicoe either the same night or the next morning, deponent said if Dr Jellicoe should come and decide the dispute, it would be all right and he /deponent/ would have no responsibility. On the morning of the 1st January 1862 deponent was called to the Tirumangalum bungalow where deponent saw Dr Porteaus, the Asst Superintendent Dr W.E. Cuningham. Dr Porteaus handed over to deponent an order sent by the Deputy Magistrate Dr Jellicoe which deponent opened and read. It was written in the order, that it is known from the Engineers Department that the Arapanire tank contains water sufficient for two crops and that the Sathanguli crops will be wholly saved, it is improper that the Arapanire Ryots should raise objections to the arrangement, should this be the case it was ordered that the Channel should be cut and to inform the Arapanire people of the punishment to which they would be liable should they assemble themselves unlawfully according

to the

to the provisions of the New Penal Code -
As soon as deponent had read this order,
he asked Dr Cuningham the Asst Engineer
whether or not it was true that the Oraganier
tank contained water sufficient for the crops,
and whether the crops of Pattangadi would be
entirely saved - Dr Cuningham asked deponent
who said so - deponent replied that it was
so mentioned in the order - Dr Cuningham replied
that he only said that Oraganier Tank contained
water sufficient for one Crop; and the Pattangadi
Crops will not be wholly saved - Deponent
then said we must make a reference to
Dr Jellicoe about these circumstances; it
seems that Dr Jellicoe does not know the objections
of the Pungankolum and Pithalai villagers;
Dr. Porteous then asked which these objections,
who also showed to deponent a letter addressed
to him by Dr Jellicoe, and talked to Dr Cuningham
the Asst District Engineer, who showed to
Dr Porteous a book containing sketches of
all these disputes, and told him that if we
should wait a day for orders, the whole
of the crops would perish and there would
be a loss to Government of about Rupees 800;
that the Oraganier people would lose nothing
by this arrangement, and if any of the villagers
thought they were injured they might bring
a

and made a verbal Proclamation that
the people should disperse and return to
their villages; We saw one old man whose
name is Iroganandangoodi Karuppanan, he was
a ryot of Oraganier, and seemed to be the
Chief man in the crowd; we sent for him
and spoke to him for about 1/4 of an hour. at
last he asked for an Endorsement from Dr
Cuningham who immediately drew out in
pencil an Endorsement to this effect, this is
merely a temporary measures but no damil,
to convey water to the Pattangadi crops; and
when the endorsement was offered to him,
he refused to receive it and went into the Crowd
and told the people not to obey the orders of
the Officers then present; deponent then
spoke with some other old men; one of
whom he can recognize, and he has since
been apprehended and is in custody; these
persons seemed to be quick in our presence
but on retiring from us made signs to the crowd
not to obey us - These conversations altogether
occupied about an hour, but resulted in
nothing; Then deponent and Dr Porteous
thought it best to arrest some of the head men
of the crowd and keep them apart; one which
the old man, Iroganandankudi Karuppanan
was arrested, when first laid hold of

he

he threw himself upon his back and requested to get up when Mr Porteaus gave him in charge of the Drill Havildar; then deponent and one or two Constables went to the hand to arrest more people. And whilst we were so engaged, Mr Porteaus ascended Mr Cuningham where the cutting was to be made & who shewed the spot on the western side to Mr Porteaus. Mr Porteaus took the Constables armed with batons, and ascended the hand, the crowd some descending into the channel, others on the hand picking up stones, began stoning the gentlemen, Constables, deponent, and his Peons. There was then a great confusion, the gentlemen descended the hand; and the Constables also came down and we were very great danger of our lives; the Constables with fire arms were standing on the South east side of the hand, and there was a cart but without bullocks placed near them, deponent and his Peons stood by the side of this cart. Then the Constables with muskets began to fire singly; the villagers of Pillali and Pungan kolum came up stairs and also began throwing stones upon us and the Constables; the gentlemen and Constables then retired to the South side; then the Constables stood and began firing towards the north. Deponent and his Peons then thinking that it was unsafe, removed the cart to the west. There we saw the Oraganir people came towards that direction carrying wounded people; deponent thinking that the people would attack him, mounted his pony and rode in the direction that the gentlemen had taken; the Pepers Porteaus and Cuningham on their horses met deponent and took him to Pungan kolum - While we remained there a crowd of persons came following us; thinking it unsafe to stay there any longer we rode off to Tirumangalum direct - On our arrival at Tirumangalum deponent proposed to Mr Porteaus to issue warrants to arrest the rioters; but he said that the force was too small, that he would go into Madura and bring out a larger force until which nothing further was to be attempted - Before leaving Tirumangalum for the spot where the cutting was to be made; deponent wrote an Urzee to Mr Jellicoe addressed to the Deputy Magistrate Mr Jellicoe enclosing a copy of an Urzee to the Collector dated the 1st January 1862 giving it in charge of a Tahsildar Peon, Palamiah at between 9 and 10 A M with directions to deliver it to the Deputy Magistrate

Mr Jellicoe

Mr Jellicoe —

Q. When you found that the facts mentioned in the Pakeed with respect to the quantity of water in the Ooraianur tank; and the whole of the Crops under the Pattangudi tank being saved were not as supposed when the Pakeed was issued; How came you to Sanction the Bund being opened?

A. I read the Order and earnestly represented the objections to those gentlemen as above stated and told them that we had better wait for Mr Jellicoes Order; in the mean while, the gentlemen consulted together; Mr Cuningham said if you delay this day it will be of no use to Pattangudi; because almost all the crops will have perished - And by this arrangement; if there should be any loss to the Villagers Mr Cuningham would be responsible, so they resolved to cut it without obtaining my Sanction - They called upon me to follow them, and I thought that if I did not obey them and go to the spot where they expected some resistance. I should be blamed. I therefore followed them to the Spot -

Signed in Simasoondrum doodly
Solemnly affirmed this 6 January 1862
Signed W H Lewin
Maristrate

Further deposition on Oath on 8th day of January 1862 -

When I got to the Bandy I heard firing here and there in different directions - at that time Mr Porteaus and the other gentlemen were descending the bund; & the men of the bandy the firing party were east of the bandy. Mr Porteaus came afterwards to the firing party. little while after he came again to the bandy and he made a Katon Constable who was crouching there to join his party - then the Constable who died was standing a little distance to the South and firing often to the westward - Seeing Mr Porteaus moved further to the South; then he fell down - Immediately Mr Engineer Cuningham came and lifted the man and carried to the place where the Katon Constables were - after I came down to Tirumangalum I found the man to be shot - About a minute after I came to Bandy I saw the Constable who was afterwards shot firing at his own accord towards the west - he was about 2 yards from me, I could see well because I was sitting on the ground; the persons were standing round about and I could see well through the space between their legs - The Constable shot, was firing as above stated

before

before Dr Porteous joined the Carbine party - The umbrella was broken by a stone when it was held over my head - about 11 of my Peons that were around me were hit by Several stones, Some received wounds too - The handy which had tarpaulian Cover over was hit by many stones and the hits made holes in the Tarpaulian - The 2 stones I have produced fell into the handy when it was dragged to the westward - If the Carbine Constables had not fired none of the Government Servants would have got safe out of the Crowd - I did all I could by reading Dr Jellicoes orders and verbally ordering people to disperse, but the crowd would not obey - I made one arrest, before I could make any more; baton Constables all ascended the bund, immediately stones pelting began, we were in great confusion and looking after the safety of our own lives - before stone pelting began there were neither stones nor sticks in the hands of the people; nor lying about the bank - We saw nothing to make us fear - That the people had any intention to make such a sudden attack upon us - Except the said Constable I saw no body wounded at the time by firing - All

5

the stones they pelted they had concealed in the water - The stones purposely must have been brought and put in the Channel because there were no stones round about the place being black Cotton soil - I did not hear Dr Porteous call out "Utter Awe" to the Carbine Constables and I did not see them came towards him - I know very well that the Carbine Constables did not go over by my handy where Dr Porteous was - I saw the Carbine Constables in a disorganized state shooting at different directions; which I remarked to Dr Porteous as we were coming to Tirumangalum for which Dr Porteous said "Yes" and expressed his Sorrow - The old man named Pogan thanked God Narayanan said to the people when he was returning from us, and made Signs by his hands to his people; and told them in Tamil "Nal kadai" Nalkadai

* Dont listen, or obey —

After Dr Porteous joined the carbine party I saw about 5 men in a row firing to the north and the rest were scattered about near that; before that the Constables were firing - When those 5 men were

firing

firing stone pelting was going on - Afterwards he collected all his men and moved them off - I dont know how many rounds were fired —

Signed Th Somasoondera Moodaly
Talazildar

Solemnly affirmed before me this 8th day of January 1862 —

Signed W H Lewinge
Magistrate.

True Copy

W H Lewinge
Magistrate

1862 Depth

Dist Enclosure

No 4 Enclosure in letter No 7 dated 15 January 1862 from the Magistrate of Madura

Copy of Sebastian of the Tasildar of Tirumangalum Taluq

Ans to be Printed

Inf Ward
No 101

The Information and Deposition of Lieut H E Coningham Assistant Superintendant of Police for the District of Madura taken upon oath before me H E Jollicoe Esquire Deputy Magistrate of the District of Madura, the 2d day of January 1862 who on Oath saith -

That on the 31st December last, in consequence of a requisition which was sent by the Acting 2d Assistant District Engineer Lieut H Coningham and with the request of the Deputy Magistrate; Lieut Porteous and deponent, as well as 33 Constables, 13 of whom were armed with muskets, and 20 with Lattons proceeded to the Tirumangalum Bungalow on the morning of the 1st January 1862 - Soon after our arrival at the Bungalow, the Tasildar of the Tirumangalum Taluq visited us; we asked him what was his opinion as to the cutting of the Draganier supply Channel; the Asst Engineer being of opinion that the cutting ought to be made so that the Sattangudi Tank, the crops under which were almost perishing might be supplied with a little water - The Tasildar said that in his opinion the cutting ought to be made, as it would be a saving to Government of about five hundred or six

hundred

hundred rupees, About midday Lieut Porteous, Lieut Cuningham, deponent, and twenty Constables armed with Latons proceeded to the Spot where the Cutting was to be made; the 13 other Constables followed us at a distance of about 500 or 600 yards - The Tahasildar of the Tirumangalum Taluq also accompanied the first party - On our arrival at the ground, the Tahasildar had a conference with the Chapanier villagers; this conference lasted about an hour; at the termination of which, the Tahasildar stated that the villagers would consent to have the hund cut; provided, a guarantee was given to them that they should sustain no loss - Lieut Cuningham accordingly wrote out a guarantee which was translated to the Villagers by the Tahasildar - At this moment deponent noticed that the crowd had increased to a great extent; and saw large of people hidden in the Carter ail plantations, which were close to the hund; there were also a large number of women and children lying down on the top of that portion of the hund which was to be cut. On 20 Constables being brought forward to form a street so as to enable the Coolies to work between, at the Spot where the hund was to be cut, all the Villagers made a tremendous yelling, and commenced pelting us with stones and mud, most of the stones

were

were of gravity about the size of a mans fist; smaller stones were projected from slings; deponent was surrounded by a number of the Villagers, who attacked deponent on all sides, who was then on foot, deponent received a blow from the stone of a sling on the back of the head which nearly floored him, it bled a good deal - At this moment, deponent hears a firing from the direction where the 13 Constables, armed with muskets, had been posted which was about 50 yards to the right - Deponent is not aware who gave the order to fire; but is of opinion that it was most fortunate that the firing did take place; as, owing to the great number of villagers, some four hundred at least, in deponents opinion none of the party would have left the ground alive - The villagers attacked us in such a determined way, that we had some difficulty in keeping the Constables together; they retreated and continued to fire until the villagers went off to about fifty yards distance - Her, Lowever, still continued to pelt us with stones - One unfortunate Constable was struck through the back of the head accidently by one of his own men, we could not find out by whom - When we had retreated about four hundred yards, we halted; and Lieut Porteous and Lieut Cuningham rode back to see what had become of the Tahasildar; he was Lowever quite safe, and joined us soon after

=wards

afterwards - He had taken down the names of some of the villagers who had been engaged in the riot; one of these was an old man, said to be the Head of the villagers, he was taken prisoner by the Constables; who were armed with muskets but he afterwards escaped in the confusion - deponents however could identify him - Deponent stayed with the Constables while Lieuts Porteous & Cuningham went in search of the Tahsildar - Deponent gave directions to the drill Naigue to see how many Cartridges remained in the pouches; he informed him that there were 66; deponent thought that about twenty or thirty shots were fired altogether; but subsequently found out that more than ninety cartridges had been expended; but deponent imagines that a number must have fallen out of pouches in the confusion - Deponent enquired of the Tahsildar whether he knew how many villagers had fallen; he replied that two had been killed and four wounded, and one of these last was a woman; they were all Oraparur people; Deponent also enquired from whence the Villagers brought the stones with which they pelted us, as deponent did not see any about the ground when he first arrived; he replied that he had instituted an enquiry about it, and had discovered that they had been hidden in the

water.

water of the Channel; and in the plantations of Castor oil trees; and that evidently the attack was preconcerted; and had been arranged before hand - just about this time, owing to the blow on deponents head, and the heat of the sun; Deponent nearly fell down, but was restored by pouring water on his head - After this we returned to the Bangalow at Drumongadum and after giving directions that the body of the dead Constable should be conveyed in a hand-y to Madura, we also returned to the Station. About an hour after my arrival, the Civil Surgeon Dr Wilson, examined the wound on Deponents head, and stated that it was nothing more than a bruise and not serious - Deponent should have stated before, that the Sittali people assisted the Oraparur villagers in the attack upon our party -

Signed W E Cuningham Lieut
Asstt Supt of Police Madura
District -

Taken before me this 3d day of January 1862.

Signed W E Jelliçoe
Deputy Magistrate

Further deposition of Lieut Cuningham on Oath on the 7th January -

Remember a Tahsildar being given to the Tahsildar but in consequence of its being in

Tamil

Jamal I don't know what it was about further than that it was about the cutting - I saw a letter Mr Jellicoe wrote to Lieut Bertrams stating he thought Lieut Cunninghams proposition was unreasonable and that it ought to be cut - The letter A shewn to me is one of them there was another; this is I think the 2d which was written - I was a short time with the men (Constables) and was sitting in a Chair in the room and did not pay attention to the conversation which took place between the Jahasildar and my brother generally about the Crops; there was a plan on the table - at one time I heard the Jahasildar say he thought it best to wait and to make a reference to Mr Jellicoe afterwards he changed his mind and said very well Sir or words to that effect; from what I heard I supposed that he acquiesced in my brothers proposition —

Signed W E Cunningham
Asst Supt of Police

Sworn before me this 7 day of January

Signed W B Lewinge
Magistrate

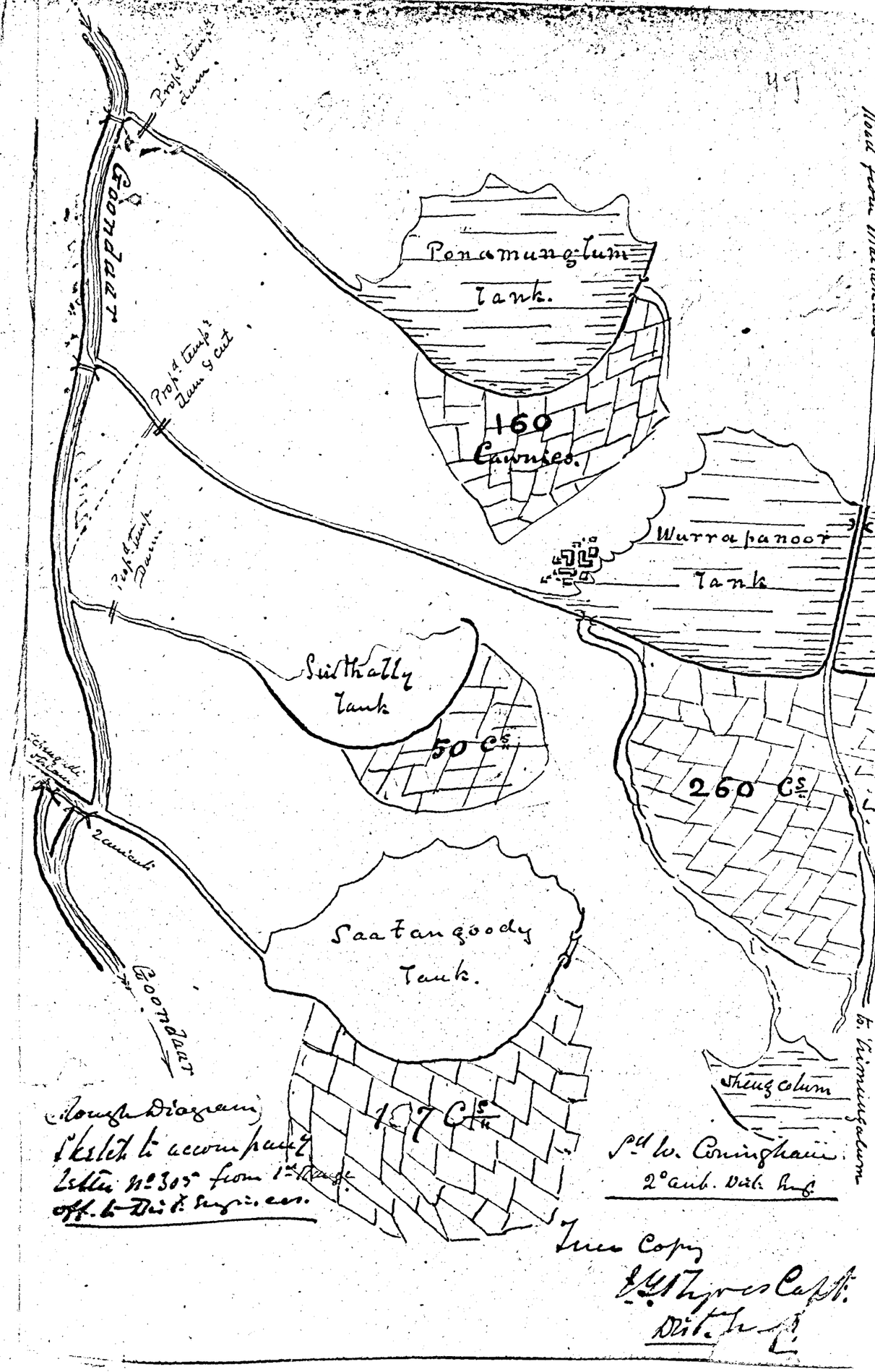
True Copy

W Lewinge
Magistrate

1862 - Dep.tt

No 5 Enclosure in letter No 7 dated 15th January 1862 from the Magistrate of Madura

Copy of Declaration of Lieutt H. E Cunningham acting Supt of Police of Madura



Rough Diagram Sketch to accompany Letter No 305 from 1st Asst. Off.r & Dist.t Superintendent.

Sd H. Cunningham 2d Asst. Dist.t Supt.

True Copy
H. H. Myres Capt.
Dist.t Supt.

Murrapanum Tank.

To

Sub Overseer Mootoosamy Pillay
in charge of Thiroonmungalum Talook

From

Coorpa Naick, Ramalinga Tamby
and others Ryotts of Suttangody
Village of Do Talook

In the Periacolum
Tank of Suttangody village
187 Cawnies of Nunja lands
yielding a Revenue of 1250 Rs.
being under cultivation during
this year the plants are
beginning to be withered as the
Tank has been empty for some
days. The Ponnamungalum and
Worraspunoor Tanks which lie
north of the Petitioners Village
are supplied with water more
than sufficient to mature the
crop of the fields under culti-
vation each having 2 months
supply in excess of what is re-
quired to mature their crops.
Therefore we request that the
spring water flowing (from the Goondaay)
Ponnamungalum and Worraspu-
noor channels may be turned
down to our lands & save our
crops and the Government
revenue and this without any
damage to the crops of the other
two tanks. The Petitioners will
be responsible & at our own expens

close the ends and other repa
in the channels of Ponnam
-gulam, Veraspanoor and Vilva
channels.

The Veraspanoor ryots
by throwing open their sluice
let the spring water which is
flowing down their channel
pass on to the Sheng.colum
Tank.

Thiroomunpalum
11th December 1861

Signed - Andy Vauen
Canicopiller Veirapatra Pill
Coorpen Nick
Ramalingen Vauen
Linna Caulkara Vadew
Mark - Ponnusammy Vauen
Cuttoolla Ponnusammy Vau
D. Sinnatamby Pyandy Va
D. Vellay Cytta Vauen
D. Caloova Vauen
D. Veerana Vauen

True Copy

W. [illegible] Captain
District Engineer

Folio 20 Para 1 & 2 Englo

Govt. 20 Jany/62 No 9600

No. 2 No. 1485 D.99

From

The District Engineer
Madura

To,

The Dy. Chief Engineer
S.C.

Dated 14th January 1862
Rec. 20. do
Ans. 20 January 1862
Enc. 1.

No. 1383

Forwarding an official Report from Lieut. Coningham of what occurred in Connection with the Orrapanore Riot &c in the Madura District.

20/1/62

To

Lieut. Coningham
2d Asst. Divn. Engineer

From

Moothoosawmi Pillay
Sub Overseer

Respected Sir,

The Sunjah lands to the extent of 187 Cawies under Peracommoy in the village of Sathangbody in the Poromunga-lum Tallug have been cultivated for the Current Fasly (71) but the Paire growing in the fields is now withering for want of water in Consequence the Ryot Rama-linga Tavei and others requested me through an application that the two Tanks by the name of Ponnamungalum and Wurrapa-noor. Konmoy on the North side do Contain water sufficient to mature their crop & make them have an encrease of 2 months supply and that if the springing water in the supplying Channel of the 2 Tanks be turned to their lands the Government would thereby gain a revenue of 1,250 Rs. I herein enclose the applica-tion and the Cavarnamah given by Ramalinga Tavei & others to the above proposal made by themselves.

I have inspected the above 2 Tanks, they do hold

three months water of which one month water is more than necessary to the wet-lands on them and much more than they (the landed) do not at all require the springing water in the supplying Channels of these two Banks

The Ryots of Warapanoor allow their water to pass to Davustanum Thangalum lying South of that of Warapanoor through its sluices and Tumbs and moreover it appears to me that the Warapanoor Ryots have an opinion to leave the springing water of their supplying Channel to Sithaly Connoy Bank connected with Davustanum the Ryots of which place hereupon requested me for orders to turn the water of the above Channel to their Bank I entirely protested against it telling them at the same time that it should be made use of for Government lands which are in great want of water.

I therefore respectfully beg to bring this case to your notice & request to your necessary orders to throw temporary Dams across the Penramangalum and Warapanoor Channels and open breaches in their bunds & throw also a dam across Sithaly channel to carry the water to the Sathangoody

Peracoonnoy which is now destitute of water.

Signed Mootthoosawmi Pillay
Sub Overseer.

16th December 1861
Veeraracotty

True Copy. Allen Martin
Lt. Thynne Captain
District Engineer

My dear Mrs Lovage

There has been a fearful Row here - Sir Thos Cunningham & Sir Speakers to Jellicoe I started with Cunningham (Police) for Broadplain Tank - We took 50 men with us 20 rounds per Battn & 13 Mk I Rockets & Ammunition - We arrived here ~~last night~~ that morning and about 11 o'clock we proceeded to Broadplain Channel

3/1/62

My dear Keshaw,

There has been a most fearful row here. Between the Inspector and myself proceeded to the Nonsapaum Chungle. We took with us 20 Constables, 13 of whom were armed with muskets & Ammunition & 20 with bills. We arrived at that village (Sathlayoorday) which was quite dry but the crops were in want of water; the Nonsapaum however, expected to find some cut at all, as they considered the water to belong exclusively to them. This caused matters to [illegible]

assembled my brother last Sunday with lumps of wood: since the Constables, myself & men armed at the Police, myself & men armed at the bank the Brewery about to rob accompanied by Headsider Constable accompanied by Headsider Constable proceeded & the Constables from Headsider Police's letter stating that the work was to be done was read out to them. The Headsider also explained to them the necessity of the Road being cut through - the explanation was useless the men would not hear - the Police & myself taking 20 constables to the spot where the road was to be cut through & ordered them to form a chain. About the Woraporon Villagers 400 in number, commenced to fell trees with large stones and lumps of wood

The Constables with the muskets were also this time about 70 yards distant from the other Constables - They behaved well, but owing to the boisterous crowd & the shouts of abuse & bell around were compelled to retreat - fortunately for us, the Constables with the muskets continued firing, which had the effect of causing the villagers to go back - They however kept pelting & I got a tremendous whack in the back of the head by a very heavy stone but - fortunately, I did not - Peters & I kept the Constables pretty well together, but my to the numerous number of the villagers they continued to retreat - but unfortunately Constable Kisterawen No 1379 who also had in the back of the neck by

Body Camp. Baby Hills
Jany 3d

My dear Mr Bycroft

I left Onatawa to spend the Xmas Holidays on the Baby Hills, & have just received the enclosed account of a most unfortunate affair in the Jerusalem Talook regarding the cutting of a channel to let water down to save some crops in the Deyt Pellagy & the one in which the Zoon occurred

me of his not having by mistake fired Counsel - Among the villagers it seemed little doubted that Zoon had been killed - It is a most lamentable affair altogether I fear Sahib Come down as soon as possible - I am certain that if the Fireworks had not taken place not one of us would have left the Ground alive - I leave Dear Watkins to tell you before Peters & I will institute an Enquiry & tell about the unfortunate Accident -

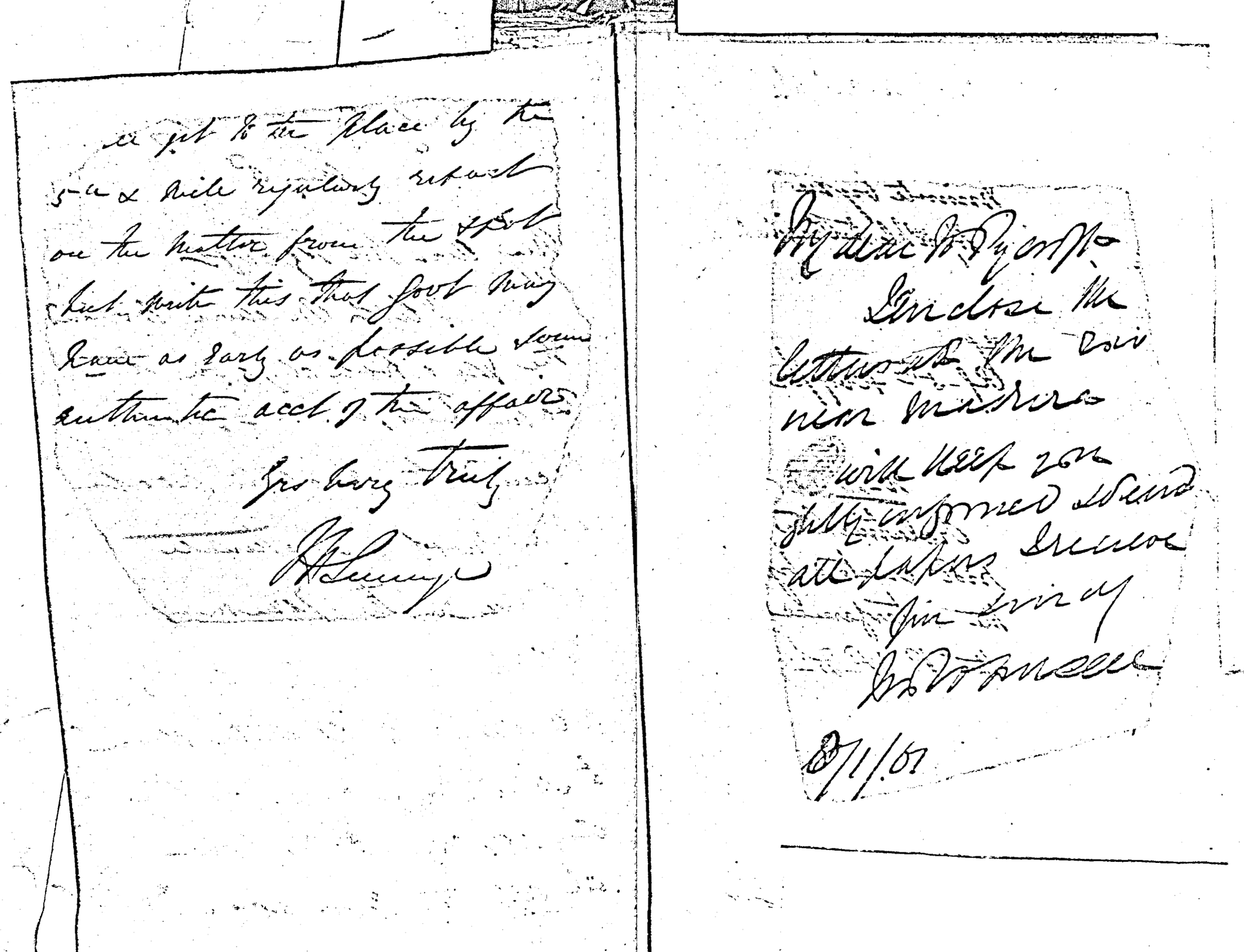
In great haste

Yours Sincerely

Jerusalem

Travellers Bungalow

New Years Day



as yet to the Place by the
Sec & Rule requiring retrack
on the matter from the Post
but trusts this Post may
Rec'd as early as possible some
authentic acct of the affair

Yrs very Truly

J. Lemly

Major Gen'l Geo. D. Ramsey
Chief of Ordnance
Washington D.C.

Sir

I enclose the
letter of Gen Davis
with instructions
with reference to
the Laboratory
at Frankford Arsenal

Very Respectfully
Your Obt Servt
Geo. D. Ramsey
Bvt Maj Gen
U.S.A.

8/1/67

3rd Dept 1862 Dept

Minute by the
Hon'ble the President

Rd 5th Feby /62

No 217

Relative to a
riot created by
the interference of
the P. Ws Dept.

to strike me that the act
of tapping our Bank to fill
another was sufficient on
this day reason to cause an
outbreak among those who
were dependent almost for
their existence upon the weak
& thin Bank. What are the
rules about this? It is true
that the Govt retain the
Bank does not appear to me
to grant a right to destroy or
wound it credit for this pur-
pose & was intended by
answer. Who gave the
authority or order to Mr Ellis?

HW

The order for tapping the Bank
seems to be most questionable
but we cannot wait for the Collectors
report & must fall in for action

HW

I agree with the President in thinking Captain Haynes entirely wrong in claiming for his dept the power of altering & controlling the supply of water to the different Tanks - Water disputes are difficult to settle, create angry feelings & require the greatest care & attention - The Regulations therefore provide specially for their settlement by the Collector either by Panchayet under Regn XII of 1816 or by summary Judicial powers under Regn V of 1822, an appeal lying in both cases to the Zillah Court.

Such has been the Law & there is certainly nothing [illegible] reported in the Standing Rules of the D.P.W. as at present constituted to show any alteration in this important point or transfer the powers vested by Law in the Collector to the District Engineer.

On the contrary it has been ruled that the "Collector has still the protective superintendence of all works of irrigation" & that so diversion of water by cutting the bank of a channel should take place without his express sanction -

But other Rules make the point still clearer - Thus "the relative position of the Collector & his professional Associate" has been described by the figure of "head & head" - All estimates for new works & for the improvement or repair of existing works

D.P.W. Code Page 265

Do C248

Do 1467

of water. The Collector alone is authorised
to decide such questions, when objections are
raised, and he would be most careful in
hearing & attempting to satisfy all parties,
before he permitted any departure from
prescriptive usage — Undoubtedly, in any future
& more extensive Irrigation Works so as to
enable them to supply new Villages contiguous
detriment to the old tanks, it has the power
of distributing the newly formed water, but
this must be done through the Collector & with
the greatest care, to remove all fears & to secure
rights to perfectly secure that a clear defence
could be made to any actions, which might
be brought in the Civil Courts.-

On this limitable occasion there
has been no infringement of Irrigation works
which increased the ordinary supply of water.
- This sudden attempt to usurp the D.C.'s
after the usage / enjoyment of the district, by
deeding that one Village could have water
& giving it to them, is in my opinion
highly reprehensible & contrary to all rules
- such proceeding must create confusion
alone by rendering precarious rights &
rendering the value of land insecure for
unless steps be taken by Govt. to put
orders, similar to the

23rd Jany/62

Yours very truly
J. Thomason

Their papers were received by
Col Hartley last night and by
him were made over to me —
contain Explanations of the
Assistant Engineer and
District Surgeon of Trichinopoly
of their proceedings in connection
with the late Inundation
I am intimate Acquaintance with
that they may be taken with
consideration as to the

Jo-pan which are already in
circulation on Rockhead —

13

22/4/62

JPL

Whether two points raised here 1st the relative rights of the different villages to the coast — 2nd the right of the D.C. to exercise the discipline of water-way against that the accounting the District upon in Jo. Pan held that his conduct was borne because he was meddling with other persons business — but in fact I believe that the question of the right to water is established pretty clearly — and that the District Engineer is wrong in every way — he however takes upon himself the blame which I at first ascribed to the attendants to his office, and the latter therefore must be a certain extent relieved from responsibility he has shown wanton judgment in forcing on a measure against the feelings of the people, and should be warned to be more careful in future. Capt Rogers however ought to have known his instructions bind him to consult with the Revenue authorities. he ought to have known that questions of water are specially questions for the Collector. he should have directed his Asst to make the necessary reference to the Collector his deputy — it is owing to his neglect that this unfortunate accident has occurred. he must be severely reprimanded & warned that should any similar occurrence occur again, he will be removed from his office as District Engr.

WD

Memo —

I am enclosed to circumstances from
Lieutenant Colonel Office
to Chief Engineer Office
re Rainfall Register at
Waterloo Bridge Rochdale —
on re Engineer to the Local Board
Rate assessment Act. —

Brother Kirman cannot attend
to until 11 o'clock. Agent's date
Office - Waterloo Bridge, Rochdale, 9th
Monday — 14/11/62 Sgd

Ind. 1862 Dep.t

Minutes by H. E. the
Commander-in-Chief
& the Honble Messrs
Monckead & Maltby.

D/ 23rd Janry.
R/ 5th Feby.

No 218, No 219, No 220

Relative to a riot
created by the interfe-
rence of the Dep.t of
Public Works —

If there be no Police
it seems a matter of
doubt whether it be
wise or even legal to
attempt to open the
Land & great censure
is due to the Parties
for the want of proper
management of the
Police — The men
living without authority
— shooting one of their
own Party & expending
the greater part of their
ammunition does seem
a great want of dis-
-cipline & want of Pru-

W — The Alarm
seems to exist
with the Police Collection

See Bill

Wills

Proper qualities of
Police men

Thos Drew
Esq

Police Office
Aug 21st 1817

[illegible] & the Board they applied

p 12 – The Hamilton Scheme from

Mr Lessing's report to have been

opposed to the project of cutting the

channel bank altho' an observant

& that upon he wanted more

coman to make his opposition

sufficiently felt – But it was not

competent to the Harbour Board to pro-

ceed contrary to the Engineer's report

with money the public have subscribed

& the public credit unless with the

sanction of the Colonist.

7. The Hamilton recommending the

Lessing's report says that in addition

to the cutting proposed reference

made to Mr Selicoe has recommended

on this head.

P 49: Attention not drawn to

fact that bar bank should

have been cut with sanction

of the Colonist.

P 54 – Lieut Cunningham may have

been acting under the authority of

Mr Selicoe – supposing that

Selicoe had authority to sanction

any such proceeding – on the

1 Sept. the dredging was not took

place – but on the previous days

when attempts were made to cut

the bank – Mr Selicoe seems not

to have known anything of the

matter.

I have altered the wording

Of North in regard to Capt. Ryan
Capt. Ryan according to the
Rule made by Mr. Prendergast

4/2/62.

The leading facts seem to me to appear
where they were -

Judicial Department.

Memorandum.

~~PROCEEDINGS of the MADRAS GOVERNMENT~~

Read the following letter
from the Magistrate of
Madura -

(Received 15th January 1862.
No 7.)

The persons most to blame
are
1st Mr Cumming here the
Asst Engr who appears to have
acted without any thought or
deliberation & to have assumed to
himself powers which were
never entrusted to him - and
who is evidently unfit to be
trusted in the responsible
position of Asst Engr
2nd Mr Pellicer the Dy Magistrate
who seems to have no idea of the
responsibility imposed upon him
by his position of Dy Coll.
& Magistrate - who neglected his
own plain & obvious duty &
tried to shield himself from
responsibility by an improper
attack upon the Police Officer
whose warning should have put
him upon his guard. Mr Pellicer must
certainly ought not to retain a
position the duties of which he
has shown himself unfit or
unwilling to fulfil -
Capt. Ryan cannot be exempted from blame -
the District Engr from blame -
he appears to have allowed his
subordinate to interfere in
a matter altogether foreign to
the duties of his Dept and
he did not make a reference
to the Collector with whom
only does the responsibility
of all matters connected with
the Revenue rest -

1. The Magistrate of Madura forwards his report on the riot which occurred in the Village of Kodaipanoor in this District on the 1st Instt.

2. The report is full and clear, and as it seems to me, indicates great mismanagement and a total ignorance of their position and duties on the part of

Para: 7.

4. The Assistant Engineer receives this Agreement from the Sub Overseer paid Rattles upon himself — without reference to the Revenue Authorities who were the only officials who had any authority in the business to pack upon it — paid to order a channel dug to the cut and its water abstracted in stated proportions to two villages, neither of which had any right to it — He makes no account of the opposition which was certain to be offered by the villagers whose water was turned off — or of those across whose lands and channel the water would

agree generally with the Police. Both views of the case, but consider that Govt should be informed what punishment the Sub. Overseer has received from his immediate superiors — It was his departure from orders which caused the unfortunate loss of life and to a stricter enquiry than seems to have been made. The decision of the water would be scarcely resisted — His conduct seems therefore to more deserving of censure than that of folly.

The Deputy Collector conducted in removing the armed police to be actually employed not without carefully examining the case & accompanying them to the scene of the water dispute is highly blameable — It shows his unfitness for a post entailing active & responsible duties — Perhaps his being put down to a lower grade in the Treasury Dept. Collectorship would appropriately mark the displeasure of Govt.

of all concerned.

5. Finish was leave for Sub Overseer, & subordinate officers in the Department Public Works, interfering with the distribution of waters in the Villages, and having Agreements from the inhabitants of some Villages that they pay for the supply of water for which they had asked, they would be able to save a portion of their Crops, & would pay assessment on the Crops which had failed — all this being a matter with which an Assistant Engineer in the P.W.D. has nothing whatever to do.

Para: 4, 5, 6.

Officers — Mr Pittons acted properly in referring for authority to the Magistrate and had this officer done his duty no bad results would have occurred — I cannot think that he was to blame for not exercising his power to prevent the anonymity by assuming to give [illegible] destruction of crops — this was settled between him & others — he would have acted more wisely had he left an officer with the armed party — but he might fairly have inferred from the absence of visible weapons that no effectual resistance would be offered — he will however learn from this that the general principles of discipline cannot be lost sight of with impunity — I cannot blame the Police officers for running away. Being overpowered by numbers & dreading what might be expected from a body so armed —

I concur in the Memo of the Chief Secretary, & that the meddling of the Engineer officer with the Collectors duties & water rights cannot be peremptorily strictly too severely

No 95-

The measures adopted by the Healthy Assessment—and in my opinion ought to be acted upon

WM

Paras: 17 & 26.

would have to the Lieutenant Colonel consider whether in consequence of part the water taken from the one Village could have reached the lands of the other Villages not paid for matter which from what Mr Jennings says must be very doubtful

5. The District Engineer concurs in the Project of the Assistant Engineer—received a petition from the Village whose water was to be diverted—and passed the endorsement upon it—pointing out as it seems, without any reference to the Collector although they were not the same

Para: 18.

bath on the Culvery Hills together—

6. The cutting of the channel banks is possibly resisted—the parties who endeavoured to cut it twice were driven off—The Assistant Engineer was during this time in communication with the Tahsildar, who evidently misdoubted the propriety of cutting the bank, although—as is perhaps not to be wondered at in a Native in his position—he had not the moral courage either then or subsequently to oppose it—

Paras: 18-19.

7. The Assistant Engineer, then having determined

determined in spite of the two repulses to join the channel - writes to the Superintendent of Police to come out with a body of Police, and bring the Deputy Magistrate with him - he was seemingly quite unaware of the fact that such communication to an Police officer was wholly irregular, that, under no circumstances of pressure or urgency, none can call out the Police but the Magistracy - and that suppressing that he had been justified in misrepresenting the matter to all, he should have

have applied to the Deputy Collector - who as Deputy Magistrate had authority to call for the aid of the Police of the same occasion.

Para: 29.

8. The Superintendent of Police seems to have been aware of this, and accordingly on receiving from the Assistant Engineer intimation that his assistance would probably be required - he wrote to the Deputy Collector, asking his advice in the absence of the Collector. -

9. The Deputy Collector made no reference to the Collector - nor any but the lowest sort of inquiry - he

the

the afternoon of the day the Superintendent of Police received a Note from the Assistt. Magr. that "there was Cure to be a row, and that he must therefore bring out a strong party of the Police and the Deputy Magistrate."

10. The Deputy Magistrate although assured that a disturbance was certain in the event of the cutting &c being proceeded with, did not go in person to the Spot, although only 12 miles from his station - He sent out the Superintendent of Police, authorizing him to make the cutting by force under certain

certain conditions - In respect to these conditions it was essentially the province of the Deputy Magistrate to satisfy himself - In his instructions to the Suptdt. of Police, the Deputy Magistrate therefore devolved upon that officer duties in no way belonging to his Department - but which the Deputy Magistrate should himself have discharged - In place of regarding him as a Police officer - bound simply to assist the Civil Power when called on, the Deputy Magistrate employed the Suptdt. of Police

to

to play the part of a Revenue Officer - and do in truth his duty -.

11. The result was lamentable - After much parlaying an endeavour was made to put the bund by force - The people who had made their preparations accordingly resisted. The Police party were outnumbered - beaten back by showers of stones thrown by the band and by slings. The European officers were cut off and surrounded, and the firing which was commenced without orders was probably, as stated, necessary to save their lives - It is to be regretted

regretted certainly that as pointed out by Mr Lovinge, as there were two European Commissioned officers with the Police party one of them was not left in command of those who had ~~firearms~~ But no real opposition seems to have been anticipated -

12. The Police behaved both indifferently but they have not been long raised, and it is difficult to get Natives to be steady under such circumstances - It will be remembered that in the disturbance which took place at Limewally some three years ago, when the second extra

Regiments

Regiment [illegible] was called out, the troops although they had their officers with them, were beset by the townspeople, commenced firing without orders, and some twenty men were killed or wounded.

13. On the present occasion three - including a Police Constable shot by his own men were killed & four wounded -

14. What makes it the more deplorable is, that it is clearly shown in the Magistrates Report, that the attempt to cut the bund and divert the water from the Bordi-pano or Tank was wholly illegal and unjustifiable

unjustifiable, that it was opposed not only by the inhabitants of the village from whom the water was taken, but by those of the intervening villages, whose [illegible] were invaded, and that it is very questionable whether the water could under any circumstances have reached the parties to whose wells [illegible] was meant to be led. -

J.P.

Judicial Departt

Proceedings of the Madras Govt.

Read the following papers.

Letter ~~with Enclosures~~ from the Magistrate of Madura.		14 E. 15 January 1862.
Memo: with accompaniments from Deputy Chief Engineer to Secy: to Govt. P.W.D. transferred to Jud. Dept.		" 20 January 1862.
Minute by His Excellency the Govr.		without date.
" The Hon E. Maltby.		
" The Hon W. A. Morehead.		
" H.E. the Governor		dated 23d Jany 1862.
" Hon E. Maltby.		
" Hon W. A. Morehead.		
" H.E. the Comr-in-Chief.		

Order thereon. 13th February 1862. No 220

The papers above recorded relate to a riot in the village of Arrapanoor in the Madura District on the 1st ultimo, which resulted in the death of three persons - one of them a Constable of Police shot by his own men - and in four others being wounded. The circumstances appear to have been these. —

The

Read 13 February 1862. Department No.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated

8329] Madras—Printed at the Government Press.

90 & 99

C 20 Lang/62
R 2 "
C 30 "
R 3 Lab.

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90 & 99

C 20 Lang/62
R 2 "
C 30 "
R 3 Lab.

2. The water in the tank of the village of Sattanguḍi having failed, the villagers applied to the Sub Overseer D.P.W. of the Taloob. ~~Tannah~~ ~~Taloon~~ — asking him to procure for them a supply of water from the Coorapanoor village Channel. The Sub Overseer took from them an Agreement, that in the event of this request being complied with, they would be able to save a portion of their Crops, and that, in such case they would pay the Govt. assessment on the crops which had perished.—

Report of May 12 — para 4.

3. The Sub Overseer forwarded this Agreement to the Assistant District Engineer, Lieutenant Cuningham. That Officer sent it on to the District Engineer Captain Rypes, stating that after inspecting the localities he had ordered the Sub Overseer to throw two temporary dams across the Coorapanoor Channel, and by this means to supply water for 30 days to the tank

† to the District Engr. dated letter, 24 Decr 1861.

From District Engineer to D. C. Engineer. 6 Jany 1862. Para 3.

of the Sattanguḍi village and for ten days to that of the village of Shittaly — and that he had requested the Shanbogue of the Taloob to "give his assistance in case of the Coorapanoor Tank ryots giving any trouble".

Ibid. para 4.

4. Captain Rypes informed Lieutt. Cuningham that he fully approved the measures which the latter had adopted. Indeed he states that he believes that Lieutt. Cuningham did not issue his orders to the Sub Overseer until he had communicated with him (Captn. Rypes) personally on the subject, a day or two before Lieutt. Cuningham's report to his superior of the 24th Decr was written.

5. About the same date some of the Coorapanoor ryots came to Captain Rypes house at Madura, and objected to the water of their Channel being drawn off to Sattanguḍi — but Captain Rypes

Rayes would not admit their objections.

6. Two attempts were consequently made to cut the bank of the Corapancoor Channel- one on the 29 December by two Aniceers under the Sub Overseer. and one on the 30 by a party under the Assistant Engineer. but on both occasions the parties were repulsed by the Corapancoor villagers. On the 30 December the Thasildar, the Assistant Engineer with some Police proceeded to the Channel for the purpose of cutting the embankement, but found 300 villagers sitting and lying on the banks, and the attempt to cut it was not proceeded with.—

7. On the 31st December Lieutenant Cuningham having determined to cut the Channel, wrote to Lieutenant Porteous, Superintendent of Police to come out with a body of Police and bring Mr Jellicoe with him. Lieut. Porteous communicated with Mr Jellicoe, and after consultation with him moved off a party of 13 Constables armed with muskets and 20 men with batons, and ordered them to Terumungalum to await his arrival there next morning.

8. Mr Jellicoe did not accompany the force, although in a note received in the afternoon from Lieutt Cuningham to Lieutt Porteous it was stated that there was sure to be a riot if the bank were cut. He sent out Lieutt Porteous with certain instructions, as to the conditions on which it would be well to cut the bank.

9. On the next morning the 1st January the Assistant Engineer, Lieutt Porteous and his Assistt Lieutt. Cuningham, the Police party, the Thasildar and his Peons proceeded to the Corapancoor Channel. After a long parley, an endeavor was made to cut the Channel bank by force. The villagers who had assembled in great number, and had made their preparations before hand by concealing stones

The Dept. Magistrate

stones in the channel, and posting slingers in an adjacent topc. violently resisted - Showers of stones were poured by hand, and from slings on the Officers and the whole party. The police were broken and driven back - the European Officers were surrounded, and the firing, which seems to have commenced without orders, was probably no more than necessary to save them from being killed or grievously injured. The result was that two villagers were killed by the Police and four wounded - though not dangerously - and that one Police Constable was shot by his own men -

10. Such is shortly the history of this melancholy affair as it is to be gathered from the Magistrates report and the letters of the District Engineer and his Assistant. His Excellency the Governor in Council regrets that he is constrained to declare that the whole of this disastrous business was owing to gross mismanagement, and to an ignorance of

of their position and duties on the part of all concerned

11. First the Govt. fined a Sub Overseer. a Subordinate Officer in the D.P.W. interfering in the distribution of water to certain villages, and taking engagements from the cultivators of one village as to the terms on which they would pay the assessment on their wethered crops. The Magistrate has properly pointed out that this was no part of this Executive's duty - that his conduct was quite improper. and an assumption of powers which belonged only to the Revenue authorities of the District ——

12. The Assistant Engineer receives this agreement and issues orders for diverting the water of a channel contrary to all previous usage. He makes no reference to the Revenue Officers - the Thasildar who could himself however have no power to sanction such a proceeding, having

From Asst. Engr. 24 Dec. last-para

having been applied to only to prevent the regis of Corapa. soon offering opposition. The Govt. do not however remark further on the conduct of the Revenue Board because his Superior Captain Ryves has observed that the proceedings of Lieut. Cunningham in ordering the bank to be cut and the order of the Commissioner supplying Channel not directed to the Settaw- gudi and Shittaly tanks, were taken with his knowledge, and had his full approval.—

13. Captain Ryves' own view of the question will be found in his letter to the Deputy Chief Engineer under date the 11th instant No. 1383. He considers it would seem that as flowing rivers are the property of Govt. if the water passing down the supplying Channel of a village tank be more than appear necessary for the irrigation of the lands of the village, the Govt are at liberty, altho' in contravention to all previous custom, to divert

to the lands of another village whose irrigation is scanty. Further that such questions may be decided, and the measures necessary for carrying out the decisions taken by officers of the D.P.W. without any reference to the Revenue Authorities of the District. This is not expressly stated in his letter, but is implied by his own conduct throughout the affair, and by his approval and adoption of the acts of his subordinate—

14. The Govt consider Captain Ryves to be entirely wrong in thus claiming for his Department the power of altering and controlling the supply of water to the different works. Water disputes are difficult to settle, excite angry feelings, and require the greatest care and attention. The Regulations therefore provide specially for their settlement by the Collector either by Punchayet under Regulation XII of 1816, or by Summary judicial powers under

under Regulation V of 1822, an appeal lying in this latter case to the Zillah Court.

15 Such has been the Law and there is certainly nothing with which the Govt are acquainted in the Standing orders of the P.W.D. as at present constituted, to show any alteration on this important point on transfer the powers vested by law in the Collector to the District Engineer. On the contrary, it has been ruled that the "Collector has still the prerogative superintendence of "all works of irrigation," so that no diversion of water especially by cutting the bank of a Channel should take place without his express sanction. But other orders make the point still clearer. Thus "the relative position of the Collector and his professional associate" has been described by the figure of "head and hand". All Estimates for new works and for the improvement or repair of existing works require

D.P.W. Order Book. Page 265.

—Do— Page 248.

—Do— — — — 146 & 147.

D.P.W. Order Book. Page 248.

—— Page 1143.

Reason to convey to Capt. Ryves, that the P.W.Dept. thinks his displacement at his request is

require his countersignature, and it has been further ordered that "all suggested alterations of a nature either directly or indirectly to influence the financial or the social condition of the people, must invariably be communicated to the Collector." Again, it has been laid down by Govt that the Collector under the new system was to retain "the right or the duty of declaring his opinion upon the merits of every project originating in any other quarter for improving either the irrigation or the means of communication."

+

15 The Govt therefore cannot consider Captain Ryves censurable ~~or liable to blame for~~ adopting the measure proposed by Lieutenant Cunningham, and sanctioning the cutting of the Channel bank for the purpose of diverting the water to a new bank without first obtaining the express and formal orders of the Collector. This course is so dangerous, that it must

on this occasion, must not only be censured, but must be expressly prohibited in future by a new Circular Order to be issued to the Public Dam Depôt, lest more of these lamentable events should occur. In this disapproving the doctrine held by Captain Ryves, the Govt do not advert to the fact that the Deputy Collector and Magistrate, Mr Pellicoe, had an opportunity of stopping the proceeding, when he was applied to as Magistrate for the aid of the armed police to protect the party employed to cut the bank. A serious responsibility rests with Mr Pellicoe for sending out a body of armed police on the occasion without first seeing in his Revenue capacity that the water dispute was fully and legally examined and decided - but Captain Ryves no-where shows that he considered a reference to the Revenue Officers at all necessary, nor does he

See Para 5 of Capt Ryves' letter of 9 January.

he allude to the part taken by Mr Pellicoe as any justification of his own proceedings, or as relieving him from the responsibility of the measure. In fact two previous attempts had been made by the D.P.W. to cut the bank, and it was only on its failure from the opposition of the people that an application was made to Mr Pellicoe for the support of the armed Police.

17. In his letter of 11th January Captain Ryves maintains that flowing rivers are the property of the State and that the proprietor (on behalf of the State) has the right to make the most advantageous use of that water." Even if this general principle be admitted, it is not the District Engineer who is to act on behalf of the State and alter the usual distribution of water. The Collector alone is authorized to decide such questions, when objections are raised, and he would be

be most careful in hearing and attempting to satisfy all parties before he permitted any departure from prescriptive usage. Undoubtedly when Govt. improved Irrigation works, so as to enable them to supply new Villages without detriment to old tanks, it has the power of distributing the newly gained water, but even this must be done through the Collector and with the greatest care both to remove all unfounded fears and make existing rights so palpably secure that a clear defence could be made to any actions which might be brought in the Civil Courts.

10. On the present favourable occasion there had been no improvement of Irrigation works which increased the ordinary supply of water. This sudden attempt therefore of the D.P.W. to alter the usage (màmool) of the District, by deciding that one Village could spare water and giving it to other is highly reprehensible and contrary to all orders. Such a proceeding must excite far-spread alarm by invading prescriptive rights and rendering the value of land insecure, and unless stopped in future by peremptory orders, similar unfortunate results are sure to recur.

11. The Govt have already alluded to the conduct of the Deputy Collector and Magistrate, Mr. Jellicoe, and they regard it as highly reprehensible. On the 31st December he must have been well aware that the cutting of the Channel bank would encounter serious opposition. He knew that a strong party of Police some of them armed with muskets had been sent out, yet he remained at Madura. He showed also great ignorance of Lieutt. Porteous' position and duties in

in constituting him the Judge of the conditions under which the Channel bank was to be cut. It was for Mr. Sellicoe himself as deputy Collector, and not for Lieutt. Porteous as a Police Officer, to decide on the relative state of the Coraparoor and Sallaugudi banks and lands - and whether supposing the supply of water to the former village to be greater than was required it could properly be directed to the lands of the latter. Lieutt. Porteous as an officer of Police should only have been applied to, to carry out measures on which the Revenue authorities had, on due inquiry and deliberation resolved, in the event of those measures being violently resisted. As it was Mr. Sellicoe devolved on Lieutt. Porteous duties which he should himself have discharged.

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Report. paras 40. 41.

As observed by Mr Lounge had Mr Sellicoe himself gone to the ground, this unfortunate riot would probably not have occurred. The Govt. certainly cannot allow him to remain in his present charge. His future sphere of employment will be considered in the Revenue Department.

20. The behaviour of the Police on the occasion is to be regretted, but allowance must be made for their being a new levy - for their being greatly out-numbered, and for the sudden and unexpected nature of the attack. The second officer should, as pointed out by the Magistrate, have been put in command of the armed party - Lieutt. Porteous should not have consented to act on the conditional instructions given by Mr Sellicoe, but should have required precise

and

and explicit orders
his guidance. But
on these points he
not see cause to depart
from the usual practice
of the Court officers.

Revenue Department.
Public Works Dept.
Magistrate of Madura.
Inspecton Genl. of Police.
} Dcsptd 14th inst.

Judicial 1862 Dept.

No. 220

Proceedings of the Madras Govt.

Dated 13th Feby 1862

Pass Orders on the Report of the Magistrate of Madura relating to a riot in the Village of Oorapanoor in that District.

From the Secretary of State for India 26th June No. 16 of 1862