M.R.O. 1—3,000—16-10-29

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 845 Press ~~Mis.~~

181-182.

Dated 27.5.1862 ~~Mis.~~.

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 27th May 1862.

No. 181. Read the following Proceedings of Government in the Military Department, dated 21st May 1862, No. 1,857.

Requesting, in reference to Judicial Proceedings of Government, dated 8th instant, No. 760, His Excellency the Commander-in-Chief to take such notice of Lieutenant Macdougall's alleged irregularity in pressing the Bullock's required for the use of his Detachment as may be considered necessary, and to issue such orders as may be requisite to prevent similar irregularity in future.

(Vide Proceedings Military Department, dated 21st May 1862, Nos. 449 and 450.)

No. 182. ORDER THEREON, 27th May 1862, No. 845.

Communicated to the Magistrate of Nellore.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. T. O'Connor.

Proceedings of the Madras Government, Judicial Department, 3rd April 1862.

No. 35. Read the following letter from Lieutenant Colonel W. G. WOODS, Adjutant General of the Army; to the Secretary to Government, Military Department, Fort Saint George, dated 21st March 1862, No. 285.

The Officer Commanding the Hyderabad Subsidiary Force has forwarded the Proceedings of a Court of Inquiry assembled to investigate a complaint preferred by Private Curreem Beg, No. 2,114 of the 19th Regiment Native Infantry, on being fined by the Magistrate of Ramyaputnum in the sum of 20 Rupees on the charge, it is presumed, of endeavouring to intimidate the Police. Brigadier Browne brings to notice the hardship of the Private's case, as he acted only under the orders he received from his immediate superior the Serjeant Major of the Detachment in the act which it is supposed constituted the offence.

2. The statement of Serjeant C. Wilkinson of the Artillery relative to what occurred on the occasion is as follows:—

"The Detachment marched into Ongole on the evening of the 12th of January, the Officer "Commanding the Detachment then gave orders to have 15 pairs of Bullocks ready for the follow- "ing day at 2 P. M., for the use of the Detachment to proceed to the following march (viz.,) "Tungatoor on the 13th ultimo, about 3 P. M. the Commanding Officer sent for me to "know if the Bullocks had arrived—they had not; I was then ordered to take 4 men and a "Serjeant and a Naigue and 2 Sepoys and go into the village, and if I seen any Bullocks to "bring them with me, myself and the party ordered went into the village, and we found one of "the Revenue Peons procuring the Bullocks. He had procured about 5 pairs when we arrived, "and we procured 5 pairs more, I was in company with one of the Europeans and the Naigue "and 1 Sepoy, when the Bullocks were collected together, when a Native dressed in plain cloths "came up with 5 or 6 Police Peons with their staffs drawn and in a threatening manner; as soon "as the Native above alluded to came near the Sepoy, he caught him by the neck and pushed "him violently across the road. I then ordered the Sepoys to fix bayonets, to take charge of "the Bullocks and for his own protection, he did so, and remained perfectly steady afterwards "at ordered arms—the remainder of the cattle then came up and we proceeded on the road, the "owners of the Bullocks were paid for the hire and they departed satisfied from Tungatoor."

"There was no violence used in procuring the cattle by the party under my charge, the "owners gave them willingly, the Native above alluded to was in my opinion under the influence "of liquor or some other intoxicating drug."

3. Lieutenant Macdougall in forwarding the above statement, reports that the Acting Serjeant Major acted up to his orders, and further that he (the Lieutenant) advanced money for the payment of the fine to save the Private from imprisonment with hard labor.

4. The original correspondence is forwarded for perusal, and as the case as reported appears to be a hard one against the Private, the Serjeant, if any; being the one to blame the Commander-in-Chief directs me to suggest, that it be referred to the proper department for the report of the Magistrate, and should there be any mitigating circumstances, His Excellency trusts that Government will be pleased to remit some portion at least of the heavy fine imposed.

Referred to the Judicial Department.

FORT SAINT GEORGE,
22nd March 1862.

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

No. 36. ORDER THEREON, 3rd April 1862, No. 545.

Referred to the Magistrate of Nellore for report. He will likewise forward to Government the record of the case or a translation of it, if the original is not in English—as also the Session's Judges remarks on the case, if any were made in his review of the Calendar.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again Proceedings of Government in the Military Department.

Referring a letter from the Officer Commanding the 19th Regiment N. I., with other papers and an endorsement from the Brigadier Commanding the H. S. Force, relative to a fine imposed upon Private Curreem Beg, of the above Regiment by the Joint Magistrate of the District of Nellore. (Recorded in Proceedings, 3rd April 1862, No. 545,)

Read also the following letter from J. W. B. DYKES, Esq., Magistrate of Nellore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 24th April 1862, No. 14.

I have the honor to acknowledge the receipt of the Proceedings of Government, Judicial Department, and Order thereon, dated 3rd April 1862, No. 545, calling for a report on a letter from Lieutenant Colonel W. G. Woods, Adjutant General of the Army, to the Secretary to Government, Military Department, Fort Saint George, dated 21st March 1862, No. 285.

2. The letter from the Adjutant General forwards correspondence received from the Officer Commanding the Hyderabad Subsidiary Force, with reference to a complaint preferred by Private Curreem Beg, No. 2,114 of the 19th Regiment N. I. against the Magistrate of Ramapatam. And at the direction of the Commander-in-Chief, the Adjutant General suggests for the consideration of Government, as the case appears to be a hard one, that report should be called for from the proper Department, and should there be any mitigating circumstances, a portion at least of the heavy fine imposed by the Magistrate on the Private, and complained against, be remitted.

3. The case in question was tried by the Acting Joint Magistrate Mr. H. S. Thomas; and I beg to submit for the consideration of Government the report of the Joint Magistrate under date the 18th instant, with the record.

4. The grounds on which the Commander-in-Chief is of opinion that the case is a hard one against the Private are that the Serjeant, under whose orders the Private acted, if any one, was in fault. From the Acting Joint Magistrate's report the Government will observe that this plea was duly taken into consideration at the time of the trial. And the prisoner, it will be seen, was fined, not for obeying orders, but for going beyond his orders, as set forth in paragraph 14 of the said report, and paragraph 6 of the decision, where the Acting Joint Magistrate, after showing the force used, remarks "the plea is brought forward that as Soldiers they acted under the order of their Commanding Officer, but it does not appear there was any order to use violence or to fix bayonet against the Police in the discharge of their duty."

5. As regards the concluding sentence of the Government Order, I have the honor to state that no remarks have been made on the case by the Sessions Judge.

6. And, in respect to the opinion expressed by the Commander-in- Chief above referred to, that if any one was in fault in the case now under report, the Serjeant was in fault, I beg to submit for the consideration of Government whether the Commanding Officer was not also in fault.

7. It is just one year ago since a Detachment, passing through this District, committed a gross breach of the Laws, that it was my duty to bring to the notice of Government under date the 14th February 1861, No. 6. On that occasion the Commanding Officer had the Village Magistrate tied to a cart wheel and flogged. And, in Nellore the same Officer, following up the outrage committed at Velampalli, openly set the authority of the Police at defiance. In accordance to the Order of Government the Officer in question was sent back to this District for trial, and having been heavily fined, and put to great expense, I had hoped that there would not be a repetition of conduct that was in every way objectionable; but in this I regret to find, I have been mistaken. And, if the Commander-in-Chief is of opinion, that the Serjeant in the case now under report, is the man in fault, if any, I fear but little progress has been made to a more satisfactory state of affairs.

8. From the Adjutant General's letter, the Government will observe that a Detachment marches into Ongole, and 15 pairs of Bullocks being required for the use of the Detachment, and not being forthcoming, according to the statement of Serjeant C. Wilkinson, the Commanding Officer calls for Serjeant Wilkinson, and orders him to take "a Serjeant, a Naigue and 2 Sepoys and go into the village, and if he sees any Bullocks bring them with him."

9. The Detachment commanded by the Officer who gave this order, is a Detachment proceeding on ordinary duty. There is no emergency. In case there is a day's delay it is simply a matter to be reported either to myself or higher authority, and on inquiry made, due notice taken, of the conduct of the local authorities, if in fault. But instead of any such procedure, the Commanding Officer acts, as if he were in a hostile country, takes the law into his own hands, and orders a Serjeant to go into the village, and if he sees any Bullocks, bring them.

10. It is scarce possible to conceive any course that the Commanding Officer could have adopted, more likely to create a most serious breach of the peace, or more calculated to lead to the perpetration of the grossest injustice. And, if as stated by the Serjeant before the Court of Inquiry held at Hyderabad, the Commanding Officer gave orders for the Soldiers under his Command to go into the village and take any Bullocks they saw, I trust that the Government will be pleased to suggest for the consideration of His Excellency the Commander-in-Chief, whether the Commanding Officer, who gave that order, is not more to blame than the Serjeant to whom it was given, and whether it is not necessary that such instructions shall be issued on this occasion, as shall prevent Officers in Command of Detachments taking the law into their own hands, and so bringing discredit on the service to which they belong, and discredit on the Government, whom the people will naturally associate with such acts of lawless violence as form the subject of this letter, and my letter of the 14th February 1861.

11. The three enclosures received with the Proceedings under acknowledgment, are herewith returned.

ORDER THEREON, 8th May 1862, No. 760.

Under the explanation submitted in the above report from the Magistrate of Nellore, and the papers that accompanied it, the Government are not prepared to remit the fine inflicted by the Acting Joint Magistrate on the Sepoy Curreem Beg.

2. Resolved that the papers be communicated to the Military Department in reference to the Order in that Department, 22nd March last, and for any further notice that may seem called for of the conduct of Lieutenant Macdougall.

(True Extract.)

Signed A. J. Arbuthnot
Acting Chief Secretary.

To the Military Department,
(with 6 enclosures.)
" Magistrate of Nellore,

Exd. F. Cartledge.

Proc. 3rd April / 62 to 8th May — Art. 700.

Proc. of Govt
Judicial 1862 Dept.

Proc: of Govt in the
Military Dt 1857

Military Department

No 1807.

Communicated to the Commander-in-Chief with reference to Military Proceedings No 1276 of the 8th April 1862.

2. His Excellency is requested to take such notice of Lieutenant Macdongall's alleged irregularity in pressing the Bullocks required for the use of his Detachment, as may be considered necessary and to issue such orders as may be requisite to prevent similar irregularity in future.

Fort St George
21st May 1862

H Marshall
Secretary to Govt

To
The Adjutant General
with 6 Enclosures / to be returned
—"— Judicial Department
—"— Dy. Adjutant General Mess Bullock Proc.

No 945 — 27 May 1862

Communicated to the Magistrate of Nellore.

The Magistrate
of Nellore.

Dept Secy

1871782

Proc. of Govt
Judicial 1862 Dept.

Proc: of Govt in the
Military Dt 1857

Dt 21st
Rd 22nd May 1862.

No 1031

Requesting in reference to the Proc: of Govt of 8th inst. No 760 that the Commander-in-Chief to take such notice of Lieut. Macdongall's alleged irregularity in pressing the Bullocks required for the use of his detachment as may be considered necessary & to issue such orders as may be requisite to prevent similar irregularity in future —

with an Order.

H.S.