

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1157	Press
		~~Mis.~~
168-169		
Dated	15. 7. 1963	#17

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
15th July 1863.*

No. 168. Read the following Proceedings of Government in the Military Department, dated
30th June 1863, No. 2,116.

*Offer observations on the explanation afforded
by the Military authorities, relative to the
late disturbance which took place between the
men of the 31st Light Infantry and the Police
at Vizagapatam.*

(Vide Proceedings Military Department, dated
30th June 1863, Nos. 586 & 587.)

No. 169.

ORDER THEREON, 15th July 1863, No. 1,151.

To be recorded.

(Signed) J. D. SIM,
Secretary to Government.

Exd. T. O'Connor.

Judicial Department

Apr 14 38

Proceedings of Government in the Military Dept.
Dated 30th June 1863

For Orders

I have some doubts whether it will
not be best simply to leave these
proceedings in the Judicial Dept.
and not let them go further. They
concern the Military Dept mainly.

At any rate I would only com-
municate it to the S.O. - and not the
other papers - the May 1st & the final
Police.

Jps
- Under the favorable opinion expressed of
Major Buck by the Inspector Genl. of Police the
removal of that officer does not seem called for
at present. That step is only suggested for consid-
eration" & is decidedly recommended by the C. in Chief
S.M.

MILITARY DEPARTMENT.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers :—

From the Officiating Adjutant General, Fort Saint George, 9th June 1863, No. 437; to the Secretary to Government, Military Department.

I have the honor, by order of the Commander-in-Chief, to acknowledge the receipt of the Order of Government, dated 2nd instant, No. 1817, communicating the decision of Government in the Judicial Department, relative to a disturbance which took place in March last, between the men of the 31st Light Infantry and the Police at Vizagapatam.

2. The Government has apparently accepted the correctness of the remarks of the Session Judge, relative to the "lax state of discipline in the 31st Light Infantry," &c., &c., also the report of the Acting Magistrate regarding the Proceedings of Lieutenant Isacke, who Mr. Carmichael states, refused to grant leave to the Bheastie of the Veteran Company, to attend the Court of the Session Judge.

3. The Commander-in-Chief thinks it is to be regretted that this matter was dealt with simply on the papers submitted to Government by the Acting Magistrate at Vizagapatam. Mr. Carmichael in his letter of the 20th April, reported to the Chief Secretary that the Officer Commanding the Northern Division had been furnished by him with a copy of the Session Court Calendar "in the case of the riotous Sepoys" of the 31st Light Infantry: and (as was to be expected) Major General Browne immediately called on the Officers, whose conduct had been so freely commented on by the Judge as also by Mr. Carmichael, for any explanation they had to offer on the remarks of these gentlemen.

4. Major General Browne's letter, dated 29th April, No. 69, with enclosures* are herewith forwarded for submission to Government. They have been retained in this Office under the impression that Mr. Carmichael's report, &c., would have been referred to this Department, when all the correspondence complete would have been laid before the Commander-in-Chief, and His Excellency's orders taken on the subject.

5. Sir Hope Grant feels sure that it will be a satisfaction to Government to read Major General Browne's defence of Lieutenant Isacke, whose conduct now appears in a very different light from the impression left in regard to it by the exparte-statement of Mr. Carmichael. In the absence of a summons or other document from the Civil Authorities, Lieutenant Isacke exercised his discretion, as he had an undoubted right to do (as the Bheastie's Commanding Officer) in refusing the man's application for leave: and very properly punished him severely for his presumptuous defiance of him in absenting himself without leave. Had Mr. Carmichael caused the man to be furnished with some document shewing that his attendance was required at the Session Court; or had he adopted what is believed to be the usual course when a servant of Government is required in a case under investigation,—i.e., requested the Officer under whom he was serving to direct the attendance of the party at the time specified, there would have been no opening for Mr. Carmichael's remarks, and the Bheastie would have escaped the punishment awarded him.

6. The Officer Commanding 31st Light Infantry in his letter to the Assistant Adjutant General Northern Division, dated 24th April, has successfully answered the reflection cast on his Regiment generally by the several Civil Authorities, whose correspondence is recorded in the Proceedings of Government under reply. Lieutenant Colonel Money also shews that the accusation of the Police that he omitted to take any steps to guard against the anticipated disturbance, is entirely without foundation. The Lieutenant Colonel further justifies the conduct of his Adjutant, in defending men who were arraigned before the Judge; and he also represents that the Session Judge was duly informed by the Adjutant, of the measures adopted to preserve the peace.

7. It will be seen that Major General Browne thinks it probable that some men of the 31st Regiment, were concerned in the affair at the Bheastie's house on the 8th March: and no doubt this is the case. But the Commander-in-Chief fails to trace in these papers that there is

proof that the disturbance in question was occasioned (as alleged) by men of the 31st alone. The remarks of Lieutenant Colonel Money in his 15th paragraph, on this point are apposite, and deserving of consideration.

8. It is not within the province of the Commander-in-Chief to comment on the Proceedings of a Magistrate on the Bench: but His Excellency cannot help drawing the particular attention of Government to the 8th paragraph of Major General Browne's letter, in which he states that the Magistrate refused to recognize evidence shewing that some of the men whom he fined, were on guard at the time they were charged with assault.

9. Sir Hope Grant directs me to add that he is not prepared to accept the dictum of Messrs. Robinson, Knox and Carmichael, either individually or collectively, that there is a lax state of discipline in any Regiment in this Presidency, or that the Officers of a Regiment do or do not neglect their duty. These are Military questions which His Excellency thinks it would be advisable for the Civil Officers of Government to refrain from offering an opinion upon. It may be and undoubtedly is the case, that there are some bad characters in every Corps, but this certainly does not warrant the wholesale condemnation of a Regiment.

10. In conclusion, the Commander-in-Chief observes that this is the second instance of an alleged collision between the Military and the Police at Vizagapatam; but the same body of Sepoys has not been concerned in both affairs. In the first case it was the 38th, now it is the 31st Regiment—whether the men of the Police have been changed between the two occurrences the Commander-in-Chief is not of course aware; but it is worthy of notice that in both instances has Major Buck been the Senior Police Officer on the spot. This is a peculiar feature in the question, and His Excellency thinks it a matter for the consideration of Government, whether it would not be expedient and for the good of the service, to transfer Major Buck to some other District, where he would not be in such immediate contact with the Military. The events referred to certainly lead to the inference that the Major's proceedings are not always judicious.

From the Officer Commanding Northern Division, Waltair, 29th April 1863, No. 69; to the Adjutant General, Fort Saint George.

I have the honor to forward, for submission to His Excellency the Commander-in-Chief,

the accompanying papers* received from the Magistrate of Vizagapatam.

2. The occurrences to which these papers refer took place before my arrival at this

Station, so that I have no knowledge myself of the actual particulars, and I therefore forward, in original, the reply† submitted by the Officer Commanding the 31st Regiment Light Infantry, to the statements which they contain.

3. I have been quite unable to ascertain how the ill-feeling between the men of the 31st and the Police originated. Colonel Money attributes it to two Recruit Boys having been beaten by Policemen, but why the Policemen beat them, I cannot learn. According to one account, there had been gambling disputes, according to another, a quarrel about a woman, a very probable cause. The boys were beaten on the 27th February 1863, and thereafter followed a series of petty fights, each party accusing the other of being the aggressors; until, on the 8th March 1863, an assault was made at about 6 p. m., on a house belonging to a Puckally of the Veterans, evidently for the purpose of thrashing an obnoxious Policeman who was supposed to be there.

4. On the 3rd March, consequent upon the disputes which had then occurred with the Police, Colonel Money ordered an extra evening Roll Call for his Regiment.

5. The Puckally preferred his complaint before the Magistrate, adding as a matter of course, that he had been robbed, but which there is reason to conclude was merely the customary addition to a charge of assault.

6. A large number of persons appear to have been concerned on this occasion, of whom the greater number were probably Sepoys of the 31st, others however having joined them.

7. At a Roll Call held the next day, the Police selected 56 Sepoys whom they asserted to have been engaged in the riot; of these 19 were proved to have been on duty.

8. The Magistrate convicted seven Sepoys, and fined them seven Rupees each, though it is asserted that there was evidence which he refused to recognize that some of these men were at the time on Guard.

9. Eight others were committed for trial by the Session Judge.

10. On the same day, 9th March, one of the Police Inspectors informed his Superintendent that the whole Regiment had plotted to turn out in a body at 3 p. m., "to have another looting of the place."

11. Colonel Money, after communicating with some of his Native Officers, felt assured that there was no foundation whatever for this wild report, and therefore refrained from doing more than ordering his Line Guard to be strengthened; while he satisfied himself by quietly riding through the place that there was no sort of indication of any impending disturbance. However from that date the Field Officer of the day was directed to sleep at the Barrack Guard of the 31st Regiment Light Infantry.

12. The Superintendent of Police, however, appears quite to have credited his Inspector's report, though upon what possible grounds it was made, is quite unknown, and he resorted to the very extraordinary measure reported by Sir G. C. Whitlock in his letter of the 10th March 1863, No. 44, of ordering the Police to be placed on duty with loaded Muskets.

13. With regard to the assaults made by the Police, seven cases were submitted to the Superintendent, who disposed of them in accordance with the evidence, fining some and acquitting others.

14. The Sepoys, committed for trial, were all acquitted for want of proof, and I believe it is quite certain that several of them were present on duty with Guards at the time of the affray.

15. Lieutenant Isacke has stated in explanation of the Magistrate's charge against him, that the Puckally Shaik Madar, applied to him for permission to visit Chicacole to give evidence as a Prosecutor against one of the Sepoys of the 31st Regiment Light Infantry, about to be tried at the Sessions; the Puckally did not inform him that he had been summoned, nor had the Magistrate intimated to him that the Puckally was required, he therefore refused to let him go: the Puckally however proceeded to Chicacole without leave, and on his return, he was punished by Lieutenant Isacke with simple restriction to Barracks and forfeiture of Pay for the days he was absent without leave. He again absented himself from the punishment awarded and Lieutenant Isacke then awarded a punishment of eighty-four hours confinement in a Solitary Cell for the last offence.

16. Lieutenant Isacke also states that he was not aware that the Puckally's house had been broken into until the 23rd April 1863, when he was called upon to reply to the averments of Mr. Carmichael in his letter, No. 167, of the 20th instant, and that in consequence of there being no Lines attached to the Veteran Barracks for the Native Followers of the Company, they are permitted to live any where they please in the town, and that unless any disturbance that took place at their houses was reported by themselves, it would not be brought to his notice.

17. As these same papers will, I conclude, be referred to His Excellency by Government, I refrain from all comment.

18. I have no reason to apprehend any further disturbance, and I will take care that so far as it depends upon the Sepoys, it shall be kept down with a strong hand; but I must hope that the Police Officers may be required to be equally strict on their side, and that they may not be suffered again to adopt so dangerous a course, and one so directly calculated to provoke a fatal collision, as the placing of loaded fire arms in the hands of their men.

From the Officer Commanding 31st Regiment Trichinopoly Light Infantry, Waltair, 24th April 1863, No. 93; to the Assistant Adjutant General Northern Division, Waltair.

I have the honor to acknowledge the receipt of your letter, No. 82, of yesterday's date, together with copy* of Calendar of persons tried by the Session Judge of Chicacole.

* Herewith returned.

2. The Session Judge remarks in the 2nd paragraph, that it was brought to my notice, that an ill-feeling had sprung up between the Sepoys and the Constables, and that the Adjutant stated that no measures had been adopted to preserve the peace.

3. The Adjutant states, that so far from having "remarked that no measures had been adopted to preserve the peace," he informed the Session Judge that the Line Guard had been increased.

4. On the 2nd March, I received a letter from Lieutenant Gordon, Assistant Superintendent of Police, stating, that two of his Constables had been maltreated by certain men of my Regiment: my reply to this is attached and marked A.

5. As to no precautions having been taken, I ordered an extra Roll Call, and had it explained to the men, that if I heard of any more disputes between them and the Police, I would have still another Roll Call, and, if necessary, one every hour.

6. On the morning of the 9th March, I went to Sir G. Whitlock to inform him that I had received several complaints from the Sepoys, that they had been maltreated by the Police, and that no Sepoy dared leave the Lines alone, for fear of being beaten by the Police. I found Mr. Carmichael there, who had come to tell the General that he had received complaints against the Sepoys.

7. Sir G. Whitlock said he would order a Court of Inquiry, but Mr. Carmichael stated, that the Police having lodged their complaints against the Sepoys, he must inquire into them himself; I then proposed that the Sepoys should also lodge their complaints against the Police before Mr. Carmichael, but the General would not consent to this, and told me to lay their complaints before Major Buck, which I did, and the result was that he fined one Policeman 5 Rupees.

8. On the same day, at about 1 p. m., the Assistant Adjutant General called upon me and shewed me a letter, copy of which is attached and marked B: and told me that the General left it to me, to do whatever I considered proper. I knew there was no truth in the report, and I had such perfect confidence in the men, that I did not consider it necessary to do any thing more than ride through the town at 3 p. m., which I did, accompanied by the Adjutant, and we did not see a single Sepoy.

9. Had I ordered a Parade, and so prevented the men from going into the town, the Police would have asserted, that but for their timely notice and my precautionary measures, the town would have been looted: but my having taken no precautionary measures, proves the utter groundlessness of the charge, and shews the *animus* of the Police against the Sepoys.

10. In the 3rd paragraph, the Session Judge states, that the Puckally alone selected the seven Sepoys now before the Court, from the whole Regiment: the fact is, there was a Roll Call to enable the Police to identify those Sepoys by whom they said they had been assaulted, and they picked out upwards of eighty, about half of whom were on duty, and others who proved beyond the possibility of doubt, that they were in the Lines at the time the assault was said to have been committed.

11. The Session Judge most unwarrantably takes upon himself to assert, that the trial discloses a lax state of discipline in the 31st Regiment Light Infantry, especially when the Magistrate's decision in Case No. 2 is added. In this case two of the Sepoys were on duty, but the Magistrate would not credit the evidence and convicted one of them: but the Adjutant who was present during the trial, told me, that in his opinion, the men were innocent, and he therefore begged the Magistrate to fine them, instead of sending them to Jail, for they were good men, and the latter punishment would necessitate their discharge from the Service. As the Sepoys complained to me that they had been punished unjustly, I applied to the Session Judge for a copy of the Proceedings, to enable me to form my own opinion of their guilt or innocence, but he has not complied with my request, nor has he ever informed me whether or not, it be his intention to do so.

12. As the Magistrate did not credit the evidence, which went to prove *alibis* in the cases of the Sepoys whom he convicted, I thought it probable that the Session Judge might also not credit it in the cases before him, unless it were laid before him in a more satisfactory manner,

than could be done by the Sepoys themselves: I therefore requested Sir George Whitlock's permission for the Adjutant to proceed to Chicacole, to give evidence of the *alibis*: and when there, he very properly hired a Vakeel of the Court to defend the prisoners, and as he believed them to be innocent, he would have been wanting in his duty, if he had not sympathised with them. Major Buck also was present in the Court, doing his utmost to convict the Sepoys, and it would have been very hard, if they had had no one to give them any assistance.

13. The Session Judge assumes that the house was broken into by Sepoys, and thereupon stigmatizes the Sepoys of the 31st Light Infantry, as having behaved lawlessly and outrageously. Now I emphatically deny, that it has been proved, that the Sepoys of the 31st Light Infantry have so acted. There are in Vizagapatam, not only several hundreds of Pensioners, but there are also many Sepoys who were discharged for bad conduct from the 38th Native Infantry, and I think it far more probable, that the outrage complained of was committed (if committed at all) by them: than by men of so remarkably well-behaved a Regiment as the 31st Trichinopoly Light Infantry.

A.
From the Officer Commanding 31st Regiment Light Infantry, Waltair, 3rd March 1863; No. 55;
to Lieutenant Gordon, Assistant Superintendent of Police, Vizagapatam.

I have the honor to acknowledge the receipt of your letter, No. 46, of yesterday's date, bringing to my notice that Constables have been beaten by Musicians and Sepoys of the Regiment under my Command.

The original offenders, I believe to be the Police, who, on the night of the 27th February, caught and severely beat some boys belonging to the 31st. There is no doubt of this, for Lieutenant Aitchison was passing at the time, and reported the circumstances to you. This is no excuse for the Sepoys who had no business to retaliate; and if the Constable can point out any one of the delinquents, I will have him punished.

B.
From A. C. Thomson, Inspector, A. Division, 9th March 1863; to the Assistant Superintendent of Police, Vizagapatam.

I have just received information that a very large body of Sepoys, in fact the whole Regiment, is planning to turn out at 3 p. m. this evening, so as to have another loot of the place, also to revenge themselves on the Constables of the Force.

ORDER, No. 2116, 30th June 1863.

The Governor in Council observes from the foregoing papers that the Commanding Officer of the 31st Regiment Light Infantry, did adopt all the precautionary measures that were required on the receipt of the communication from the Assistant Superintendent of Police, referred to in paragraph 2 of the Judicial Order of Government, 20th May 1863, No. 771; and he considers the explanation furnished to be satisfactory as to the state of discipline in that Corps.

2. With reference to what is stated* in respect to the conduct of Lieutenant Isacke, noticed in paragraph 3 of the same Order, it is understood that although the Puckally Shaik Madar, whose house was broken into, was bound over by the Magistrate† to appear before the Court of Session, it is not usual to issue a Summons in such a case; and His Excellency in Council is of opinion that Lieutenant Isacke might have easily ascertained, by enquiry, the circumstances under which it was necessary that the Puckally should proceed to Chicacole, and that he should have granted him the requisite leave.

*Paragraph 15 and 16 of Major General Browne's letter.
†Paragraph 5 of Adjutant General's letter.
†Paragraph 4 of Mr. Carmichael's letter, 20th April 1863.

(True Extract.)

Secretary to Government.

To the Adjutant General.
" Judicial Department.
Exd. T. Stubbs.

Jan 20th May 1703. 1714 1715

June 1703 2nd 1704
Mr. B. B.

Pro of B. B. in the
May 1703 1704

1703 June 1703
1704 1705 1706

1703 1704

After observations
on the explanation
afforded by the July
Astronomer relative to
the late disturbance
which took place between
the moon of the 31st 1704
and the place as
big as the moon
of 15th July 1703 1704
of 15th July 1703 1704

1703 1704

1703 1704

for B. B. as B. B. B.
any letters is the
letter of B. B. B.
the 28th July 1703 is
the letter the B. B. B.
to B. B. B. B. B.
B. B. B. B. B. B.
B. B. B. B. B. B.
B. B. B. B. B. B.

B. B. B.