

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 21	Press ~~Mis.~~
25-27	
Dated	7-1-1918 64

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
7th January 1864.

Read the following papers:—

No. 25. From A. WEDDERBURN, Esq., Acting Magistrate of Bellary; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Hurpunhully, 18th December 1863, No. 59.

On the 6th instant, I reported to Government the intelligence that had reached me, regarding the plunder of the Cowle or Military Bazaar of Bellary by some of the Native Military and others. The Superintendent of Police, who was at a very remote part of the District, immediately communicated with me, and informed me privately that he had heard that opposition had been made by the Officer in command of the Station to the lines being searched for the plundered goods. In reply, I concurred with him that should this prove to be the case, the matter should be at once telegraphed to head quarters.

2. Captain Hicks has now sent to me copy of his letter to the Military Joint Magistrate, dated 9th December 1863, No. 840, and of his report to the Deputy Inspector General, contained in his letters No. 843 of the 9th, and No. 861 of the 12th December; as these will doubtless be laid before Government by the Inspector General, I need not forward copies.

3. On the 11th December I received a petition from several persons in the Cowle Bazaar, containing however such extraordinary statements, that before further procedure I have requested the Military Joint Magistrate to report to me the course followed by him for the detection of the criminals in the execution of his duty. I have not yet received a reply, but the report of Captain Hicks, up to the 12th instant, discloses a state of things which might be almost considered incredible.

4. Scarcity has been impending, and prices have had a tendency to rise for the last two months, whenever it was concluded that no more chance of rain remained. Incorrect rumours were reported to me at Bellary in demi-official correspondence with the Military Department, that shopkeepers had shut their shops, and refused to sell. I immediately communicated with Mr. Firth, the Tahsildar, who stated that the shops had not been shut in Bruce Pettah, which is the great Grain Market of the Station. I gave out what would be my course of action: that if an official and true representation were made to me that the merchants refused to supply grain at any price, I was then prepared to compel the sale (at however the merchants' own price) on the ground of necessity. No such representation, however, has ever been made, and though prices have risen the market has been always open.

5. It appears, then, from the report of Captain Hicks* that refusal was given to the Police to enter the lines; that up to the 12th instant, no general Search Warrant was allowed to be executed; that the Police were told to bring special

evidence against each Sepoy supposed to be implicated; and that the Superintendent's request for the parade of the Regiment for identification of the men, was not at once and without difficulty complied with. Of course every day's delay must weaken identification, and the refusal of a general Search Warrant for the plunder, supposed to be secreted in the lines, must have the same detrimental effect in the defeat of justice. It is doubtful whether these points have been duly considered by the Military authorities.

6. But the most extraordinary thing of all is that a British Staff Officer of Cavalry, whose word would be a command to his men, was actually in the Cowle Bazaar at the time of the robbery, did not himself head the Police against the aggressors, or gallop off to bring a party of his Regiment to restore order and to prevent plunder, which some private soldiers of Her Majesty's 74th assisted in doing. That the mere presence of a mounted British Officer performing his duty was sufficient to turn the mob is shown by the report that so soon as Major Steele, Brigade Major, appeared the mob began to make off. It is even averred that the Adjutant of the 1st Cavalry not only refused to interfere, but actually sanctioned the crime by words of command. Government are doubtless in receipt of a report from the Major General on this subject.

7. The action of Captain Hicks, Superintendent of Police, has been characterized by much tact and ability. He seems to have lost no time in urging the necessary steps to be adopted

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after his arrival, and I have every confidence in his judgment and energy for the furtherance of justice. Should the Military Joint Magistrate favor me with the report I have called for, I shall lay it also before Government for their information.

8. With regard to the subsequent affair at Bruce Pettah on the 2nd instant, Mr. Blake the Deputy Magistrate, Mr. Firth the Sub-Magistrate, and the Police seem to have acted in a most praise-worthy manner, and to have succeeded by the prompt measures taken in the prevention of what, in all probability, would have been a repetition of the Cowle Bazaar outrage.

9. Mr. Deputy Magistrate Blake, in his letter of 3rd, received on the night of 6th December, copy of which is annexed, referred to me for instructions regarding the disposal of the towns-men captured on the occasion, and suggested their release as being inoffensive persons coming merely on their peaceable errands. This view of the subject, however, being in contrast with the circumstance of their forming part of a large assembly, the purpose of which, after the recent outrage in Cowle Bazaar, and the apparent impunity of the offenders, as well as the anticipated attack seemed in no wise peaceable, I directed him (in communication with the Superintendent of Police) to place them before the Head Assistant Magistrate, for examination, and ultimate disposal. A further report will be made on receipt of additional intelligence.

From B. A. BLAKE, Esq., Deputy Magistrate of Bellary; to A. WEDDERBURN, Esq.,
Acting Magistrate of Bellary, dated Bellary, 3rd December 1863, No. 401.

I have the honor to report that a mob of about 300 persons, from the Cavalry and Native Infantry lines and Cowle Bazaar, assembled yesterday at about 12 o'clock on the bund of the tank here, apparently for the purpose of plundering Bruce Pettah, but was dispersed by speedy measures being adopted, without allowing time or opportunity for a disturbance taking place; and I am happy to state that it was effected without resort to arms, or violence of any kind.

2. Immediately on receiving a report of the gathering, I addressed a hasty note to Captain Abdy, the Assistant Adjutant General (as had been previously arranged shortly after the plunder in the Cowle Bazaar, when the Major General Commanding Ceded Districts informed me that I would obtain Military assistance should it be needed), intimating that the town was in danger, and requesting that a Military party may be sent there without loss of time; and I proceeded immediately to the town, and saw at once that unless immediate measures were adopted, there was no chance of averting a dreadful disturbance, which I apprehended would be inevitable other-wise, as I was aware that the merchants and their men were prepared with arms to resist an attack.

3. As the strength of the Police available then was insignificant, compared with the large mob already collected on the bund, I considered that the best that could be done, under the circumstances, would be to seize every Sepoy and Trooper (whom I understood were the ring-leaders) who may be found in undress in the town, for they had already begun to enter it by twos and threes, as was done, I believe, just before the plunder in the Cowle Bazaar, and accordingly issued orders to the Police to that effect.

4. The measure proved to be an excellent one, for no sooner were a few Sepoys seized, than a large party of them, who had already entered the town, made a rush through lanes, and joined the mob on the tank bund; when finding that the Military had not yet come, I left the Police in the street below, which served to keep the mob off, and I hastened to the Cantonment, and brought down a party of Cavalry before any mischief could be done; the mob dispersed at sight of the Military party, and the Civil Pettahs have thus escaped an attack of plunderers.

5. Besides the persons who were arrested in the town, others were seized with the assistance of the Cavalry under the command of Captain Parsons and Lieutenant Arbuthnot when running away: some on the road leading to the Cowle Bazaar from Bruce Pettah, others in the bed of the tank, and some close to the Fort and Cowle Bazaar.

6. I have made over the Sepoys and Troopers to their Commanding Officers, and the rest, who I believe are relatives of Sepoys, and others, as also some of the bad characters of the Cowle Bazaar, I have retained in custody pending your instructions.

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7. I am of opinion that they should all be released with a suitable warning, as no doubt some of them are innocent creatures, who were seized when escaping through fright from the Pettah, where they may have gone to purchase grain; others were taken up when walking quietly through the streets, and it would be impossible now to discover where, and under what circumstances, each was seized; and this is the more desirable, I think, when it is considered that no resistance whatever was offered by any of them.

8. I have taken opportunity to bring to the notice of the Major General, personally, the exceedingly prompt manner in which Captain Dyneley of the 1st Light Cavalry complied with my call on him for Military aid, as well as the act of co-operation I have experienced from both Captain Parsons and Lieutenant Arbuthnot, in the expeditious manner in which they brought up Detachments of Cavalry to the scene of the threatened disturbance, and in causing the seizure of those escaping.

9. The Major General, immediately on receipt of my intimation, issued orders, which brought up guards speedily to the Pettah, where he personally issued orders for their disposal; and he has also given orders that no Trooper or Sepoy is to enter the Civil Pettahs without obtaining a Pass-port for the same, which I consider the best preventive of a disturbance in this time of scarcity of grain.

10. The conduct of the Police on the occasion was indeed praise-worthy, the Constables exerted themselves with courage, and activity; and I cannot speak in too flattering terms of the energy and good sense evinced by Mr. Schmidt, Inspector of Police, in the management of his men yesterday.

11. In conclusion, I beg to state that from the presence of the Military guards in the Pettah, there appears to be no fear of a disturbance now, and it is hoped that in a few days we shall be able to dispense with the guards, as there will be no reason to apprehend any disturbance, from the merchants having voluntarily made a neeruck for selling grain, which, considering the rates at which they had been selling for the last fortnight or so, is pretty reasonable.

(True Copy.)

(Signed) A. WEDDERBURN,
Acting Magistrate.

No. 26. From A. WEDDERBURN, Esq., Acting Magistrate of Bellary; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Hurpunchully, 21st December 1863, No. 60.

I have the honor to forward, as promised in my last, the report of the Military Joint Magistrate on the late riot and plunder in Cowle Bazaar of Bellary. There is little further information than what has been supplied by the Superintendent of Police; however, it is satisfactory to find that 170 prisoners are now under examination, and if adequate proof can be supplied against them, their punishment will be a salutary warning against future outbreaks.

2. As regards a permanent Sub-Magistrate for Cowle Bazaar, I am unable to make a recommendation. The press of work of which Captain Johnstone complains is altogether of an abnormal character, and unlikely to recur.

3. I do not understand the request made by the Military Joint Magistrate in the conclusion of his letter, viz., that I should "direct the Village authorities to render every assistance (its nature not specified) to merchants wishing to purchase grain in the District, where I am given to understand there is an entire monopoly on the part of the wealthier portion of the community," "stand there is an entire monopoly on the part of the wealthier portion of the community," which merchants I am to encourage, and which I am to repress is not clearly made out; however, all interference is uncalled for, and would be prejudicial. I have indeed by a Circular requested the grain monopolists to consider that while Government do not control the price of grain, their liberty to charge high prices should be tempered with the consideration that they have a duty to perform, as well as a privilege to enjoy, and that they should consider the advantages they have derived from British protection, and not push matters to extremity with the poor by combination and monopoly; while orders may not be given it is possible advice may be followed.

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From Captain G. N. JOHNSTONE, Military Joint Magistrate, Bellary; to A. WEDDERBURN, Esq., Collector and Magistrate, dated 16th December 1863, No. 499.

I have the honor to report for your information that at half past 1 o'clock P. M., on the 30th ultimo, it was reported to me by a Policeman that large numbers of the Sepoys of the Garrison had entered the Cowle Bazaar, and were plundering the shops in every direction. I forthwith proceeded to make a report of the circumstance to Major General Armstrong, Commanding the station, after which I proceeded to the Cowle Bazaar where I arrived at a little before 2 o'clock. I found every street in the Bazaar densely crowded and the greatest excitement prevailing. The crowd consisted at the time of my arrival chiefly of towns-people, but among them there were several Sepoys. Major Steele, the Brigade Major, was present using every exertion in quelling the riot. I only witnessed the plundering of two shops after my arrival; of the parties who entered them, several were made prisoners, they consist chiefly of Camp followers attached to the Native Corps. I rode through the Bazaar accompanied by some of the Police, with a view to disperse the crowd, who moved off in the direction of the Regimental lines of the Native Regiment. I saw many of them carrying away bundles (which I suppose contained grain), boxes, cloth, and every description of property; large numbers of the poorer classes of towns-people also made their escape into the by-lanes of the Cowle Bazaar, many of them carrying away property. The day on which the riot took place 30 prisoners were taken while the plundering was going on, they were either found in the act of looting, or with plundered property in their possession; of the 30, six were Sepoys, two Puckallies, and one a Lascar. The Police Inspector Mr. Schmidt reported to me by the Police, he succeeded in driving back, but that he was unable with the small force at his disposal to keep them out for any length of time. There can be no doubt but that a large amount of property was looted. If the statements of the merchants is to be taken, the value of property plundered would amount to between two and three lacs of Rupees; this however, so far as I have been able to ascertain, is an exaggerated estimate. The value of property taken, is probably Rupees 80,000. The grain merchants and shroffs have been the heaviest losers by the riot, which, I am of opinion, was caused solely owing to grain of every description being retailed at famine prices; and the supply being totally inadequate to the demand, General Armstrong, who arrived in the Cowle Bazaar some time after me, ordered an immediate Roll-call to be held of the men of the 1st Light Cavalry and 30th Regiment N. I.; but ere this could possibly have taken place any men who were or had been in the Bazaar must have had ample time to return to their respective houses. The Major General also directed that a search should be made in the lines of the men of the above Corps. I was given to understand that such order was carried out, but that nothing whatever was found. About six or seven days subsequent, the Police searched some of the Sepoys' huts of the 30th Regiment N. I., and found property in all of them, which, with the exception of that found in the house of a Naigue, has all been identified by residents in the Cowle Bazaar; and one of the Sepoys, in whose hut property was found, has pleaded guilty to having taken it from the Bazaar; he states, that in being made acquainted with the order to search the lines, he concealed the property outside his house while the search was being made. This very day Bonds and other documents, which have been claimed and identified by Bhemiah Chund Johar Mull, who has been the greatest sufferer by the riot, were forwarded by the Adjutant 1st Light Cavalry to Captain Hicks, Superintendent of Police. Captain Hicks informs me that the Adjutant of the 1st Cavalry stated to him that these documents were found in the Cavalry lines; and the claimant Bhemiah Chund states that among the documents now recovered, which were taken from his house, there were Bonds to the amount of Rupees 8000. I have every reason to believe that his statement is correct. The document forwarded to Captain Hicks contains two Bonds, one for Rupees 250, and one for Rupees 100. Immediately after the riot had been quelled a strict search was made in all the houses in Cowle Bazaar for stolen property; the result has not been so favorable as I could have hoped. As only about 8 or 9000 Rupees worth of property has been discovered, though no exertions have been spared on the part of the Police, whose conduct throughout has been most praiseworthy, the unceasing vigilance of Mr Schmidt, Inspector of Police, or indeed of those serving under him, I would beg to bring to prominent and favorable

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notice. There are at present 170 prisoners under trial before me, who are charged with either taking part in the riot, or having in their possession property which they could not satisfactorily account for, most of which has been claimed and identified by merchants who were plundered during the riot. Owing to a large number of witnesses on the trials, 170 prisoners, the preliminary inquiries must necessarily be intricate and lengthened. I would beg to suggest the present as a fitting opportunity to solicit your recommending to Government that a Sub-Magistrate should be appointed for the Cowle Bazaar; it is a matter that I have for some months earnestly desired to bring to your notice, and I trust you will think fit to support my application. The ordinary duties of my office, formerly disposed of by the Commissariat Officer, as "Superintendent of Police," have, I regret to say, fallen unavoidably in arrears, owing to the amount of work that has devolved upon me through the late riot.

In conclusion, I may add that I trust there need be no fear entertained of a recurrence of the outbreak; and I would solicit your assistance in directing the village authorities to render every assistance to merchants wishing to purchase grain in the District, where, I am given to understand, there is an entire monopoly on the part of the wealthier portion of the Native community; if such practice was condemned and disapproved of, I feel assured that the price of grain would fall, and that there would be an ample supply provided for the demand in the several Bazaars.

No. 27. ORDER THEREON, 7th January 1863, No. 21.

Resolved that the foregoing letters be communicated to His Excellency the Commander-in-Chief, in continuation of the Proceedings of Government, under date the 28th ultimo, No. 2024A.

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

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Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from the Acting Magistrate
of Bellary.

Here enter. 18th 121st Decr. 1863
No. 59160

Order thereon. 17th January 1864. No. 21.

Resolved that the
foregoing letters be com-
municated to His Excellency
the Commander-in-Chief
in continuation of the Pro:
of Govt, under date
the 28th ultimo, No. 20244.

To the Adjutant General }
" Military Department. } desps 9
" Inspection General of Police } 6

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Lib of 19 Jan 1864

Judicial 1864 Dept
No. 21.
Proceedings of the
Madras Government
Dated 7 January 1864