M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1935	**Press** ~~**Mis.**~~
31-73		
Dated	13. 12.	~~**19**~~ 1866

8/9

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
13th December 1866.

Read the following papers :—

No. 71. From the Magistrate of the Kistna District, to the Chief Secretary to Government, Fort Saint George; dated Masulipatam, 17th November 1866, No. 370.

I have the honor, with reference to my letter of the 3rd instant, No. 358, to forward Extract from a Report on the riot, by Mr. Stuart, Acting Head Assistant Magistrate.

2. The omitted paragraphs have reference exclusively to the conduct of the Sub-Magistrate, and, as his case is under separate investigation, I have thought it better not to trouble the Government with an imperfect report on his conduct.

3. The Government will, I feel sure, approve of the promptitude shown by Mr. Stuart in his prosecution of this inquiry.

Extract from a Report from the Acting Head Assistant Magistrate, to the Magistrate of the Kistna District; dated Bezwarah, 12th November 1866.

With reference to paragraph 7 of my letter, dated 1st instant, I have the honor to report on the riot which took place at Mustabad in the Nuzid Taluq under my charge. The following statement of the circumstances is derived from the evidence taken by me in the course of the subsequent inquiry.

2. Several weeks before the riot, it was known in Mustabad that a certain Goldsmith of Kaza, in the Mangalageri Taluq, was about to marry his son to the daughter of a person of the same caste in Mustabad, and that the bridegroom would enter Mustabad in a palanquin with a procession and music.

3. Between this time and that of the riot, a determination was come to by the leaders of the right-hand caste, chiefly Kurnams, to prevent the Goldsmiths, who belong to the left-hand caste, from bringing their palanquin into the village; and in order to carry this determination into effect, in place of applying to the Civil Court for an injunction, they proceeded to stir up the pariahs of their own and neighbouring villages to prevent it by force.

4. The Goldsmiths, being well aware of the opposition they were to meet with, obtained two Constables from the Assistant Superintendent of Police at Guntoor, and applied to the Superintendent at Bunder for a larger number at their own cost. Eight men and a Deputy were sent, but, unfortunately, this application was made too late, and the men did not arrive until the riot was over.

5. In the afternoon of the day on which the disturbance took place, a party of Goldsmiths came to my house, and asked for an order to the village authorities of Mustabad. I declined to give one, referring them to the Civil Court. They then asked for Police Constables, which I also refused, pointing out that I could not send Constables to assist at a private procession. They then said they feared a disturbance, in consequence of which I had an order prepared to the Sub-Magistrate of Gunnaveram, the next morning, directing him to take measures to prevent a breach of the peace. I was then under the impression that the procession was not to take place for some days.

6. In the evening of the next day, some of the Goldsmiths came to me, and said there had been a riot at Mustabad, and that one man had been shot by the Police on the previous night. They added that the Inspector and Sub-Magistrate were then in the village. As I had received no information from the Sub-Magistrate or Inspector, I supposed that all was now quiet, and made arrangements to go to the village the next morning.

7. From the evidence, it appears that, on the morning of the 26th October, at about 12 o'clock, the Goldsmiths arrived in procession at the village, and found about 30 pariahs, armed with heavy sticks and rice-pounders, prepared to prevent their entry, upon which they sent some of their party to call the Moonsiff and Chiefmen.

8. The Moonsiff's Headmen and Kurnams came out and examined their papers, none of which, however, referred to the village of Mustabad, and then told the pariahs to allow them to pass.

This was merely a ruse, and as such it was evidently understood by the pariahs, who refused to disperse.

9. The Chief Goldsmith then applied to the Kurnams to write a report to the Sub-Magistrate and Inspector, but was met by evasion and delays—they would try to persuade the pariahs; they had no ink or paper—till, at about 4 P. M., the Goldsmiths themselves having brought writing materials, one of the Kurnams wrote down, in duplicate, the names of 18 of the pariahs, with a short report, and sent them to Gunnaveram by one of the two Constables who had accompanied the party from Mangalageri.

10. In the mean time, some of the Goldsmiths had gone to the Inspector of Police at Gunnaveram, who set out with five men, four armed with muskets and himself with a pistol, first calling upon the Sub-Magistrate to go with him, but meeting with a refusal.

11. On the way, the Inspector met the Constable carrying the letters from the Headmen of the village, and despatched a Mohatad with that addressed to the Sub-Magistrate, to Gunnaveram, taking the Constable back with him to the village, where he arrived about 7 P. M. Here he found the Goldsmiths and Headmen sitting beside the palanquin outside the village; 20 to 30 pariahs, armed as above described, were sitting near.

12. The Goldsmiths immediately complained of the pariahs, and the Inspector ordered his men to arrest them. Two were caught and handcuffed, the remainder escaping.

13. A short time afterwards, the pariahs came back, and called out to the Police to release the prisoners, and this having no effect, a little later they rushed down upon the party, apparently intending a rescue, but were promptly met by a charge with the bayonet, before which they again ran away, not, however, until they had inflicted several wounds on the Goldsmiths' party, chiefly with sticks, but one in the arm with a spear or knife. It was then too dark to identify the assailants.

14. Soon after, a loud shouting was heard in the village, and the Goldsmiths became alarmed for their houses and families. The Inspector gave the word to load; the Police ran into the village to the Goldsmiths' houses, where, however, no pariahs were found; then they posted themselves in such a position as to protect the houses.

15. Up to this time, the Headmen and chief Kurnams had remained with the Inspector, and in this position they remained about two hours longer, hearing the voices of the crowd at a little distance, but without being disturbed.

16. After two hours, one of the Kurnams, who is now under trial, got up and went to his house, which is close to the open place where the mob then was. He had not been gone more than a few minutes, when loud shouts were raised, Ram Govinda! Rama Govinda! and a mob, stated as 200 in number, came down upon the Police, armed this time with spears and swords, as well as clubs.

17. The Police appear to have advanced a short distance with charged bayonets, and called to the pariahs to stop, but without effect. Either from confusion or irresolution, they did not fire, and were instantly overwhelmed Two muskets were either fired or went off accidentally in the scuffle— it is impossible to say which; one pariah was shot dead through the breast, and another slightly wounded in the thigh. The Police and Goldsmiths' party took to flight, and hid themselves where they could; the Inspector and Constables finding shelter in the houses of some of the Chiefmen of the village.

18. The mob now became infuriated, and the Constables, concealed in godowns and cow-houses, heard voices outside, shouting "where are the Constables? we will kill them." The palanquin was broken in several places, and most of the party received several blows, but no one was seriously wounded. The Goldsmiths, considering their house unsafe, made a hole in the wall at the back, and escaped; but it does not appear that any attempt was made to break open houses or to loot, the object of the rioters probably being to break the palanquin, and to rescue the prisoners.

19. The excitement continued for an hour or so longer, and then ceased. The Inspector now sent off a pencil note to the Sub-Magistrate, describing shortly the occurrences. The Sub-Magistrate made his appearance the next morning, but, except his Orderly, without a single Constable.

20. From his records, and from the evidence, it appears that he first held a Punchayet on the body of the dead pariah, and came to the conclusion that he had died from the effect of a gun shot wound. He then sent for the Police, and put them upon their trial, as defendants, for the homicide, taking depositions on oath from some of the Headmen and a number of pariahs as witnesses, and

from the Inspector and one Constable as defendants. The pariahs were made to identify and point out individual Constables, stating what each had done.

21. Not a single man was arrested for the riot; but the two prisoners whom the Police had put in irons the previous night, and who had remained where they had been left till morning, were released by him. Moreover, although some of the Goldsmiths came to complain, they were not heard, the Sub-Magistrate observing that, if they acted contrary to the general custom, they must expect such treatment.

22. This inquiry was continued the whole day, and no information was sent to me at Bezwarah, eight or nine miles off. The Inspector wished one of his men to take an express to Gunnaveram, but all were afraid to leave the house where the Sub-Magistrate was staying. Many pariahs were still standing about, and doubtless the Police could not have left the village without bloodshed. The Sub-Magistrate also declined to forward a letter for the Inspector to Gunnaveram, although he was at the time sending two peons to that place. The Sub-Magistrate was staying in the house of the Kurnam abovementioned, who is on his trial for abetting the riot.

23. No reinforcement arriving, the Police remained all the next night in the house with the Sub-Magistrate; but, about midnight, a Constable arrived with my order to the Sub-Magistrate, to provide against a breach of the peace. The Constable stated that I was likely to be in Mustabad in the morning. The Sub-Magistrate then got up, called for paper and ink, and began to write the Memorandum of the previous day's proceedings, which should have been "written with his own hand, as the case went on," the day before.

24. On my arrival the next morning, two pariahs, who had been slightly wounded, and two of the Kurnams were at once arrested, and the Sub-Magistrate's records impounded; the Sub-Magistrate was ordered back to Gunnaveram; and by evening, about 25 men were arrested, and a reinforcement of Police obtained from Bezwarah.

25. More arrests followed the next day, and warrants were issued for some who had absconded. The following day, the inquiry began, from which the above facts have been derived.

26. The Superintendent of Police arriving from Bunder, we prosecuted the inquiry together, and, at his suggestion, went again to Mustabad, where some more persons were identified from among the pariahs of a neighbouring village.

27. Under the circumstances, it appears to me that the Police behaved exceedingly well up to the time of the last charge of the pariahs, when a volley should have been fired; they seem, however, to have shrunk from the responsibility of so decided a step, and, failing in this, the after circumstances followed of necessity. The Inspector has since exerted himself, in a vigorous and efficient manner, in detecting the rioters and their instigators—the latter a work of no small difficulty, when the whole village, with the exception of the Goldsmiths, were on the site of the rioters.

28. After the inquiry had elicited the chief facts of the case, the Sub-Magistrate's records were examined, and, his proceedings thus coming to light, he was suspended, and directed to proceed to Bunder.

* * * *

41. Having reviewed the chief points in the Sub-Magistrate's defence, I beg to return it herewith, and have only to add that, being of opinion that the sentence I was competent to pass was sufficient for the offence, I, this morning, sentenced nine men to two years', and 22 to one year's, rigorous imprisonment.

Sentence has not yet been passed upon the Kurnams, as there are a few more witnesses to examine.

As I believe that the Moonsiffs and Mohatad, although not perhaps engaged in the previous conspiracy, did not exert themselves to prevent the obstruction or the delay of the Kurnams in writing the report, but only did what they thought would be sufficient to screen themselves from punishment, and as they have been of no service, and given no assistance whatever in detecting the case, I have decided to suspend them from their posts for one year.

* * * *

(A true Extract).

(Signed) G. THORNHILL,
Magistrate.

No. 72. From the Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 30th November 1866, No. 1993.

General Department.

I have the honor to submit the report of the Superintendent of the Police on the recent riot at Mustabad, in the Masulipatam District.

2. The riot arose out of the opposition of the right-hand caste inhabitants of the village to a left-hand caste marriage procession, which the Magistrate had authorized. As usual in these cases, the rioters were chiefly pariahs, no doubt hired and supplied with drink for the occasion. The influential parties generally keep in the back ground. A very small party of Police were present, and were overpowered; and for a time the rioters had entirely the upper hand. One rioter was shot, and one slightly wounded, whether by accident or not has not been cleared up.

3. A mistake was made, I consider, in having so small a body present on such an occasion. The Government is aware that, when the Police was first organized, the liberty of using the highways had to be maintained in most Districts. It was done in every case (*e. g.*, in Salem, North Arcot, and elsewhere) by massing up a sufficient body of Police to overawe any attempt at disturbance. Once the people saw that vigorous preparations had been made, they quietly acquiesced, and all opposition ceased. In most Districts, the liberty of all castes is now never disputed.

4. I purpose issuing further orders to Superintendents of Police that, under similar circumstances, they are to provide, by concentrating their men, for showing a force that will at once overawe every attempt at opposition, and, if possible, have an European on the spot.

5. This is the first caste riot that has occurred for some years. During the first year or two after the Police was organized, the peace was frequently threatened in all parts of the Presidency.

From Lieutenant W. H. HOSKINS, Superintendent of Police, Kistna District, to the Inspector General of Police; dated Masulipatam, 20th November 1866, No. 189.

With reference to your Telegram of this date, requesting me to send a special report on the Mustabad case, I have the honor to submit a copy of a letter* which I wrote to the District Magistrate, informing him of all the particulars of the case, wherein I trust you will find ample details. Similar information was given by me, at the time, in my Departmental diary.

* No. 131, dated 1st instant.

2. Mr. Thornhill, the District Magistrate, and Mr. Stuart, the Head Assistant Magistrate, have both fully acquitted the Police of any blame in the matter, and the former, I believe, has sent a special report on the case to Government.

3. The prisoners have now been sentenced—11 to imprisonment for two years, 9 of whom with hard labor; and 22 for one year, all with hard labor.

4. Inquiry int the conduct of the Sub-Magistrate by the Head Assistant Magistrate has brought to light many irregularities. There is good reason to suppose he was the chief cause of the riot, by encouraging the obstruction of the palki procession. He is under prosecution on several charges, the result of which will hereafter be reported.

From Lieutenant W. H. HOSKINS, Superintendent of Police, Kistna District, to the Magistrate, Kistna District; dated Bezwarah, 1st November 1866, No. 131.

I have the honor to report the following circumstances of a riot, which resulted in one man being killed, and another wounded, by the Police.

2. Some Goldsmiths of Kaza, near Guntoor, started with a bridegroom in a Palanquin, to celebrate a wedding at Mustabad, in Nuzid Taluq. There being a prejudice of the right-hand caste people against the Goldsmiths, as of the left-hand caste, riding in a Palanquin, a disturbance was apprehended by the latter, and, in consequence, they were accompanied by two Constables along the road, as a guard.

3. On their arrival near Mustabad, on the 26th ultimo, a mob of about 30 pariahs met them outside the village, and prohibited the bridegroom riding in a Palanquin. The Goldsmiths showed an order from the Joint Magistrate, to the effect they were at liberty to hold their processions, and an endorsement on an Urzee by me for the Police to promptly assist, by keeping the peace whenever disturbance might be expected.

4. The mob ignored these papers; the Palanquin was, therefore, put down, and a report sent to the Inspector at Gunnaveram, who arrived with five Constables, at 7 P. M. At their approach, the mob dispersed, but they managed to arrest two persons.

5. About quarter of an hour afterwards, the mob again appeared, armed with spears and clubs, and commenced an attack, but were charged with bayonets by the Police, and driven away from the Palanquin. One of the bearers (a washerman) and a Goldsmith were hurt—the former being wounded by a spear on his left arm, and the latter receiving a blow on his mouth from a stick. This took place outside the village.

6. A few minutes later, the Goldsmiths cried out that the pariahs had gone to loot their houses. Then the Police loaded their carbines, and entered the village, but found no pariahs, although they had heard much shouting. The Inspector and his men stood near the Goldsmiths' houses, to prevent any plundering. The palanquin was now brought there empty by the bearers. The two Moonsiffs, the Pettandars, the Village Watcher, and Kurnam Hanoomantayya were present.

7. About 10 o'clock, some of them went away, on the excuse of taking their food, and amongst them was Kurnam Hanoomantayya, who took the direction of a hill, whence, almost immediately after, a large mob of 200 pariahs came out with spears, swords, and clubs, and advanced towards the Police. The Inspector and some Constables went a few spaces in front, charged bayonets, and directed the mob to stop, and if they had any complaints to send their Chiefmen to speak to him.

There is no doubt of this. I have since visited the spot with Head Assistant Magistrate.
20*th November* 1866. (Signed) W. H. H.

8. The mob, without at all heeding the Inspector, rushed on his small party. A volley should at once have been fired among the mob; but, whether it was due to fear of responsibility, or to the mob coming on too quickly, the Police were overwhelmed. The Inspector received a blow on his right hand, and retreated, pressed by three pariahs, with the Constables, who were beaten by others with sticks. During the scuffle, two shots were fired by the Constables, they say unintentionally, as the carbines went off when grasped by the pariahs; at any rate one pariah was killed on the spot, and another slightly wounded on the thigh.

9. There were a few torches here and there, but the night generally was dark. The mob now seem to have become exasperated at the death of one of their number, and while the Inspector and his men took refuge in different houses, wandered about in search of them, and threatened to kill them when found. About 2 A. M., the Inspector sent a report to the Sub-Magistrate at Gunaveram, who arrived in the morning.

10. No inquiry was made by the Sub-Magistrate during the whole day into the case of riot, and he would not hear any thing the Goldsmiths had to say; instead, he held an inquest on the corpse, and commenced a prosecution against the Police for "Culpable Homicide." Many of the pariah rioters were examined as witnesses, while the Inspector and Constables had to stand in Court as defendants, and were pointed out and identified for their

several acts. The two pariahs who had been arrested the previous evening, and been handcuffed to each other since, were released by the Sub-Magistrate, against the protest of the Inspector, and without any evidence against them being heard. No report of the case was sent that day to the Head Assistant Magistrate—distance only nine miles—at Bezwarah, as the Sub-Magistrate would neither send a report himself, nor let the Inspector do so by a peon who was despatched to Gunnaveram in the afternoon, and there was no other opportunity for giving information, as it was not considered safe for any of the Constables to go into the streets, where the pariahs were still on the look-out to take vengeance on them.

Had they gone out, there would certainly have been more bloodshed.
20th November 1866. (Signed) W. H. H.

11. In the evening (27th), the Head Assistant Magistrate heard from some Goldsmiths that a row had occurred at Mustabad, and he, therefore, next morning, went to the spot. Inquiry showed him that the Police had been wrongfully treated by the Sub-Magistrate, whose records of the case were at once impounded by him. The Sub-Magistrate was also directed to leave the village, and return to Gunnaveram.

12. Many of the rioters came forward as complainants, including the wounded man, whose arrest was first ordered, and followed by that of 24 others, against whom the Head Assistant Magistrate found telling evidence. Inspector Forster and some more Constables from Bezwarah were sent for, and arrived the same day. In the evening, the Head Assistant Magistrate returned to Bezwarah with the prisoners, and next day (29th) again went to Mustabad, for further inquiry, returning in the evening.

13. The day following (30th), the examination of the different witnesses commenced, the prisoners being prosecuted under Sections 148 and 152 of the Penal Code. Kurnams Hanoomantayya and Mallayya are among them, and took prominent parts in the riot. Warrants are out for 15 more persons, who will soon be brought in. Yesterday, the inquiry was continued. The conduct of the Sub-Magistrate caused him to be suspended yesterday evening by the Head Assistant Magistrate, who, I believe, has written to you on the subject.

14. Tomorrow, we both intend going to Mustabad and staying there for a few days, for the purpose of further inquiry.

15. An injunction has now been issued to the Goldsmiths by the Local Civil Court not to ride in a Palanquin until the suit laid by the other party is disposed of, which is to be regretted, as it is desirable to see the procession carried out now at all hazards.

No. 73. ORDER THEREON, 13th December 1866, No. 1935.

The Governor in Council concurs in the opinion of the Inspector General of Police, that, in the case of riots of the nature of that referred to in the foregoing letters, a strong force of Police should invariably be collected. The Acting Head Assistant Magistrate appears to have acted with much energy and promptitude on being apprised of what had occurred.

2. The Magistrate will report to Government, in due course, the result of the investigation into the conduct of the Sub-Magistrate.

(True Extract).

To the Magistrate of the Kistna District.
" Inspector General of Police.

Chief Secretary.

Exd. J. H. Burns.

Palanqueen was now brought there empty by the bearers. The 2 moonsiffs, the Pattamdars the village watchers and Karnams Hanoomantayya were present.

7 About 10 o'clock some of them went away on the excuse of taking their food, and amongst them was Karnam Hanoomantayya, who took the direction of a hill, whence, almost immediately after, a large mob of 200 parias came out with spears, swords & clubs, and advanced towards the police. The Inspector & some Constables went a few paces in front, charged bayonets, and directed the mob to stop, and if they had any complaints, to send their chief men to speak to him.

There is no doubt this shot was fired by the Police. 20.11.66

8 The mob, without at all heeding the Inspector, rushed on his small party. A Volley should at once have been fired among the mob. But whether it was due to fear of responsibility, or to the mob coming on too quickly, the police were overwhelmed. The Inspector received a blow on his right hand, and retreated, pressed by three parias, with the Constables who were beaten by others with sticks. During the scuffle, 2 shots were fired by the Constables, they say unintentionally, as the

carbines went off when grasped by the parias; at any rate one paria was killed on the spot, and another slightly wounded on the thigh

9 There were a few torches here and there, but the night generally was dark. The mob now seem to have become exasperated at the death of one of their number, and while the Inspector and his men took refuge in diffd houses, wandered about in search of them, and threatened to kill them when found. About 2 A. M. the Inspector sent a report to the Sub-Magistrate at Gannavaram, who arrived in the morning.

10 No enquiry was made by the Sub-Magistrate during the whole day into the case of riot, and he would not hear any thing the gold smiths had to say; instead he held an inquest on the corpse and commenced a prosecution against the police for "Culpable Homicide." Many of the paria rioters were examined as witnesses, while the Inspector and

and constables had to stand in Court as defendants, and were pointed out and identified for their several acts. The 2 parias who had been arrested the previous evening and been handcuffed to each other since, were released by the Sub-Magistrate, against the protest of the Inspector, and without any evidence against them being heard. No report of the case was sent that day to the Head Assistant Magistrate, distance only 9 miles at Bezwada, as the Sub-Magistrate would neither send a report himself, nor let the Inspector do so by a peon, who was despatched to Gannavaram in the afternoon, and there was no other opportunity for giving information, as it was not considered safe for any of the constables to go into the streets, where the parias were still on the look out to take vengeance on them.

Had they gone out they would be murdered certain. Change from Hook. Check 20-10-60

11 In the evening (27th) the Head Asstt. Magistrate heard from some gold smiths that a row had occurred at Moostabad, and he therefore next morning went

to the spot. Inquiry showed him that the police had been wrongfully treated by the Sub Magistrate, whose records of the case were at once impounded by him. The Sub Magistrate was also directed to leave the village and return to Cannavaram.

12 Many of the rioters came forward as complainants including the wounded men, whose arrest was first ordered, & followed by that of 24 others, against whom the Head Asstt. Magistrate found telling evidence. Inspector Forster & some more Constables from Bezwada were sent for, and arrived the same day. In the evening the Head Asstt. Magistrate returned to Bezwada with the prisoners, and next day (29th) again went to Moostabad for further inquiry, returning in the evening

13 The day following (30th) the examination of the different witnesses commenced, the prisoners being prosecuted under sections 148, & 152 of the Penal Code. Karnams Ramoomantayya & Mallayya are among them and took prominent

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters,

Magistrate of Kistna Dist. (Ceremetter 17th November 1866 No. 370)
Inspector General of Police (" 30th " " " 1993)

Order thereon 13 Decr 1866 No. 1935.

The Governor in Council concurs in the opinion of the Inspector General of Police that in the case of riots of the nature of that referred to in the foregoing letter a strong force of Police should invariably be collected. The Acting Head Assistant Magistrate appears to have acted with

with much energy and promptitude on being apprised of what had occurred.

2 The Magistrate will report to Government in due course the result of the investigation into the conduct of the Police Magistrate.

To the Magistrate of Parishwar Dist.
" Insp. Gen. of Police
dated 18/12

Judl. Ltr. to Engr. 24th June 1870 No 7.

1435

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Judicial 1865. *Department.*

No. 1435

PROCEEDINGS OF GOVERNMENT.

~~Feb. 677/67~~ 873

Dated. 13th December 1865.

~~Feb. 2350/69~~

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