M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 815 — Press ~~Mis.~~

Dated 22 S. S. ~~19~~ 1886

4/5

Not to be folded or roughly handled

JUDICIAL DEPARTMENT.

No. 815.

FROM

A. J. ARBUTHNOT, ESQ.,
Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to forward, for submission to His Excellency the Governor General of India in Council, the annexed copy of a letter from the Inspector General of Mofussil Police, recommending the grant of a Pension to the Widow and Children of a Head Constable, named Thomas Kelly, who was killed in the execution of his duty.

7th May 1866, No. 722.

2. It will be seen that the Head Constable was shot dead by a Gunner of the Artillery, who had deserted with his carbine and ammunition, and whom Kelly was proceeding to apprehend, under orders from his Departmental superior.

3. The Gunner has been found guilty and sentenced to death.

4. Kelly was a Pensioned Bombadier of Artillery. He had served in the Police since the 1st November 1861, and is stated by the Superintendent of Police to have been a very good, sober, steady man. He has left a widow and four children, with a Military Pension of but 4½ Rupees a month.

5. The Constable having been killed in the execution of his duty, I am directed to support the recommendation of the Inspector General of Police, that a monthly Pension of 7½ Rupees may be granted to the widow and children, irrespective of their Military Pension. As the pay of the deceased was Rupees 22 a month, the pension above proposed is much within the prescribed maximum limit of two-thirds.

Despatch from the Secretary of State, No. 33 of 1859, dated 21st April.

I have the honor to be,
Sir,
Your most obedient Servant,

FORT SAINT GEORGE,
25th May 1866.

Chief Secretary.

From the Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 7th May 1866, No. 722.

I have the honor to forward a letter from the Superintendent of Madras District, dated 17th March 1866, No. 100, and to submit, for the favorable consideration of Government, the case of the widow of Head Constable Thomas Kelly, who was shot dead on the 17th ultimo, at Saint Thomas' Mount, by Gunner George Baker, of the Artillery, when proceeding, in the execution of his duty, to arrest him as a Deserter.

2. The facts of the case are these :--Gunner Baker deserted, taking with him his carbine and ammunition. The Police were called on to discover and apprehend him. The deserter was discoverd, and marked into a Tope by the Native Police. Thither, Head Constable Kelly, whose special duty it was to deal with Europeans, went to take him into custody. Baker shot Kelly dead on the spot, before he reached him.

Kelly

3. Gunner Baker has been found guilty and sentenced to death. The Chief Justice is reported to have remarked, in passing sentence, "the man whom you sent "out of life so suddenly was acting with moderation towards you."

4. Head Constable Kelly was a pensioned Bombardier of Artillery. He had served in the Police since 1st November 1861, and was a very deserving, steady, sober man. He leaves a widow and four children very insufficiently provided.

5. I beg earnestly to recommend that the case may meet the special consideration of Government, and that the widow's pension may be made up to 12 Rupees per month at least, until the children can support themselves or be provided for.

From the Superintendent of Police, Madras District, to the Inspector General of Police, Kotagherry; dated Saint Thomas' Mount, 17th March 1866, No. 100.

I regret to have to report the death of Head Constable Thomas Kelly, under the following circumstances:—About 8 A. M. this morning, I received a letter from the Officer Commanding the Mount, informing me that Gunner George Baker of the Royal Artillery was absent, and had taken with him his carbine and ammunition. I sent the letter to the Inspector, and directed him to send Constables out in different directions, to see where the man had gone to. The Inspector was at Head Constable Kelly's station at the time; sent Constables on the Poonamallee, Palaveram, and Madras roads; and he and Head Constable Kelly went towards Moor's Parcherry, where several prostitutes reside, and where there is a tope of trees much frequented by the soldiers. Head Constable Kelly remarked to the Inspector that the man would most likely be there, and as it was Saint Patrick's day, he had most likely taken his carbine and ammunition to shoot birds, &c. On reaching the Parcherry, they met Deputy Constable Nagappah, No. 324, who told them that the man had a short while before left a prostitute's house; that he had followed him towards the tope; that the man had beckoned to him, and called out "come here, come here;" he then had no carbine in his hand; the Deputy being alone stood at the distance of about 150 or 200 yards from the tope; he came out shortly after and fired in the direction of the Deputy, who said that the bullet struck the ground once or twice, struck his coat and fell on the ground, when he picked it up. Unfortunately neither the Inspector nor Head Constable believed this, and went towards the tope. The Inspector and Head Constable entered it at different places, about 12 paces apart. Directly they did so, the Inspector heard the report of fire-arms, and heard the Head Constable groan. He stepped forward two or three paces, and saw the man re-loading his carbine behind a cocoanut tree. Up to this time the Inspector had not seen him, and he presumes that the Head Constable had not seen him either, for he did not speak. The man must have seen them coming, got behind the tree, and taken a deliberate shot at the Head Constable, who fell *dead on the spot*, shot through the heart. As the man had then reloaded his carbine, the Inspector called out to the Deputy and two Constables that Kelly was shot, and went off to the nearest Officer's (Lieutenant West's) house, about 3 or 400 yards from the tope, and asked for assistance. This Officer immediately mounted his horse, and rode off to the Barracks, where he got an armed party of men and proceeded to the spot, accompanied by Captain Foster. They found the man seated in the tope about 100 yards from where he shot the Head Constable. On the party approaching him, he neither moved or spoke. One of the men went up to him, seized the carbine, and he was taken off to the Main-Guard. After he shot the Head Constable, he went up to him, took his Police cap, and put it on his own head, and was found with it when arrested. The tope is about one and a half miles from my house. Directly I heard of the occurrence, I went to the Main Guard for men, but found they had gone, and when I reached the place the man was in custody. The only blame, if any, to be attached to the Police, is the Inspector not believing the Deputy's report. Had he done so, and sent at once for an armed party, this unfortunate occurrence would, in allp robability, not have occurred. However, neither he or the Head Constable, or any one else, anticipated any murderous intention, or even resistance, on the part of the man. He took 30 rounds of ammunition with him, and was found with 23, so that, excluding the two shots fired at the Head and Deputy Constables, he must have fired five shots at other objects, and, as before stated, they believed he was amusing himself. Head Constable Kelly is a pensioned Bombardier of the Artillery, and was entertained as a Head Constable on the 1st November 1861. He was a very good, sober, steady man, and I much regret his untimely end. He leaves a wife and four children, who will now be reduced to the small pension of, I believe, Rupees 4-8-0 per month. As the Head Constable died in the execution of his duty, I trust you will obtain sanction for a further pension for them.

Exd. J. H. Burns.

2

Judicial Department.

No. 83

To

The Secretary to the Government of India,

Home Department.

Simla

Sir,

I am directed to forward for submission to His Excellency the Governor General of India in Council the annexed copy of a letter from the Inspector General of Mofussil Police recommending the grant of a Pension to the Widow and Children of a Head Constable named Thomas Kelly, who was killed in the execution of his duty.

2 It will be seen that the Head Constable was shot dead by a Gunner of the Artillery who had deserted with his Carbine and ammunition, and whom Kelly was proceeding to apprehend under orders from his departmental superior.

3 The Gunner has been found guilty and sentenced to death.

Kelly

7 May 1866 No 722

4 Kelly was a Pensioned Bombadier of Artillery. He had served in the Police since the 1st November 1861 and has left a widow and four children with a Military Pension of but 4½ Rs a month.

is stated by the Supt of Police to have been a very good sober steady man. He has a very good character

5 The Constable having been killed in the execution of his duty, I am directed to support the recommendation of the Inspector General of Police that a monthly Pension of 7½ Rs may be granted to the widow and children respectively of the Military Pension. As the pay of the deceased was Rs 22 a month the pension above proposed is much within the prescribed maximum limit of two thirds.

Despatch from the Secretary of State No 33 of 1859 dated 21st April

Fort St George
25 May 1860

215

Judicial 1866 Departt.

No. 815.

To
The Secy: to the Govt
of India
&c. &c. &c.
Dated 25th May 1866.

274-275.