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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Judl DEPARTMENT

G.O. No. 2750
~~B.P. No.~~

Press
Mis.

(CorHdl Ao)

Dated 27.10.1884 ~~196~~.

Not to be folded or roughly handled

G.O.No 2750 Judl. dd 27.10.1884

te for the Right Hon^{ble}
The Governor.

I understand from Mr Shephard, who has just left me, that the District Magistrate Coimbatore has committed the accused persons in the Salem case, to stand their trial at the next Sessions. early in July No immediate action is therefore possible. But Mr Shephard might be instructed to watch the course of the trial in the Court of Session & to keep the Government informed of all that goes on. – E.F.W.

~~this~~ 18/6/84.

Trials in Coimbatore
of Salem witnesses.

Ootacamund
3 July 84.

My dear Shepherd

The Govt. would be glad if you could arrange to be present in Court when the Salem perjury cases come on for trial before the Coimbatore Court of Sessions in view to your informing them whether anything is brought out in evidence of such a nature as to throw doubts on the justice of the convictions in other Salem riot cases—

Yours truly

(Sgd.) [illegible]

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Coimbatore
Sessions Court.
12th July 94.

My dear Webster

The case of Thondamuthur Poondurai will be finished this morning and as all the evidence for the prosecution has been taken in his case I propose leaving Coimbatore. Nothing

now that appears to me
of any importance has
come out in the evidence.

Wilkinson says he went
further forward than the police
& therefore could see more,
but his evidence is contradicted
in several points by Whitlock
& others. He says he made
no enquiries on the following
day and so that difficulty
is completely disposed of.

I think the accused
are as likely as not to
be acquitted but these
men witnesses have done
them more harm than good.

yrs sincerely
H H Shephard

Mr Shephard was directed to watch the Salem cases under trial at Coimbatore & this is his report.
E.F.W
14/7/84

CHIEF SECRETARY
14 JUL 84
GOVERNMENT OF MADRAS

Seen
15/7

No. 248.

Madras
17th July 84

From

The Govt Pleader,
Madras

To

The Chief Secretary to
Government

Sir,

With reference to the Demi-official letter dated 3rd July 84, I have the honor to say that I went to Coimbatore in order to be present at the trial of the Salem Riot witnesses charged with perjury by Vijiayaraghavachari. The first case taken up was that of the most important accused namely Thandavaraya Gounden, the Mecheri Munsiff and as all the evidence for the prosecution was to be taken in his case, I thought it unnecessary to remain at Coimbatore after it was concluded.

I do not think that any new matter of importance as bearing on the cases of Sundaram & others came out in the evidence. Some of the Constables who were left by Inspector Johnson to guard Kandakadu Street were called to say they did not see the Complainant or any Brahmin in the crowd that came down upon them. One of them said he recognized nobody in the crowd, another that it had no leaders. But their evidence is open to the observation that they had very little opportunity of seeing what took place in as much as their ranks were broken and they were themselves swept away by the crowd. Evidently they were more intent ~~content~~ on securing their own safety than on noting how the crowd was composed. Col Whitlock gave much the same evidence as he gave on previous occasions. As to what occured at the Mosque, he said that his party stopped at the point in the road leading to the Mosque spoken to by other witnesses in this as in the former trials and that the crowd was very large in the space between him & the Mosque. He also said that on the following morning, he & Mr. Wilkinson drove past the Mosque and back by the same route and made general inquiries but no names were given. Mr. Wilkinson said he drove to the Mosque with Mr. Pritchard from his Court & found Col Whitlock & the others there, that Mr. Pritchard went ~~the~~ same distance in front of the Police & was called back by Mr. Mullaly; that he himself went in front of the Police & could see the lamp post there being no crowd about it. According to him the crowd was not more than

than

800 strong, whereas Col Whitlock said that it was near 3000, and the distance between it & the police was about 18 yards. He believed he stayed there some 15 minutes for the greater part of the time talking to Col Whitlock. Next day he went with Col Whitlock to visit the Mosque but made no inquiries. They talked to the Muhammadans & heard what they had to say of their losses, the dishonor done to the Koran & the Mosque &c but had no names mentioned to them.

Mr. Mullaly, called for the prosecution, said he did not think he could see the lamp-posts from the place in which he stood, it being 80 yards off. Except that Mr. Wilkinson said something about telegraphing to Govt., he could not recollect what Mr. Wilkinson did or said or how long he remained on the spot.

Mr. Wilkinson's evidence even if accepted on the points in which it is contradicted by the evidence of Mr. Mullaly, Col Whitlock and other witnesses, who spoke when the facts must have been tolerably fresh in their memory, does not appear to me to bear in any important manner on the cases in which the convictions have been allowed to stand by the High Court. According to his account while admitting that he found

The Police at the place where other witnesses say they were, he himself went ~~and~~ further and so might as he says we seen more than they could see ndeed unless he had gone further it vas physically impossible for him to have seen the lamp post. It is further to be observed that whatever may have been the time of Mr. Wilkinson's arrival it was clearly some considerable time after the work of destruction had begun. It must even have been some little time after the firing ceased for he says he did not hear it. At so late a stage of the rioters proceeding it is not likely that the ringleaders would have retained the station they are said to have taken up at the outset and it is possible that altho' the crowd was not dispersed by the firing it may have been less massed together in consequence & so spectators may have been enabled to see more of the ground than was previously visible. Having regard to these circumstances I do not think that the evidence on which Sundaram & the others were convicted is materially affected by Mr. Wilkinson's evidence.

The other point in which his evidence as reported to have been given before the Committing Magistrate called

called for attention was the alleged statement that he had made enquiries of the Mahammadans on the day after the Riots took place and no names of Ringleaders or others were mentioned. In the sessions Court as will have been seen, he said he made no such enquiries and therefore no inference in favor of Sundaram & the others can be drawn from the fact that the Muhammadans did not give the names of those who had taken a leading part in the Riots

The witnesses were kept pretty closely to the issue actually before the Court and I do not think there was any evidence beyond that already mentioned to which I need specially refer.

The evidence that Vijaya Raghava Chary was during the whole day which the riots occurred in the Agraharam at some distance from the Shivapetta Mosque was very strong and it was believed by the Judge and assessors

In respect of Thandavarayan statement that he saw Vijaya Raghavach at the Mosque that day Thandavarayan was accordingly convicted on the other count relating to Vijayaraghavach presence at the house of Sundaram, there was very little evidence and the Judge acquitted Thandavaraya tho' the assessors found him guilty.

I was absent from Madras for three working days. I have the honor to request sanction for payment of Rs 525 on account of fee and also of Rs 100 being the amount due according to the authorized scale of my travelling expenses and allowances, in all amounting to 625 Rs.

I have the honor to be
Sir
Your most obedient servant

H H Shephard
Govt Pleader.

P.S. I would add with regard to Thandavaraya as well as the others also as I see by the newspapers have been convicted by Mr Parker that his judgment merely follows that given by the High Court in acquitting Vijayarajavachari. The conclusion arrived at in the case of Sundram & others is no more shaken by these recent judgments than it was by the High Courts judgment of acquittal.

H.H.S.

Genl ~~Confl~~ No 2791/1
1884

From

The Government Pleader
Madras.

To

The Chief Secretary
to Govt.

Dated 17th July 84

Received.

No. 248

Subject.

Communicating the report of the observations made during the Salem Perjury Cases at the Coimbatore Sessions Court & applying for fees &c.

CHIEF SECRETARY
18 JUL 84
GOVERNMENT OF MADRAS

Coimbatore
July 9th /84.

My dear Webster,

I am sending you printed copies of the judgments in eight of the Salem cases. In the ninth the charge was withdrawn. It is a great relief to my mind to know that this matter will be brought before Govt. by one who knows as well as you do what evidence is necessary in trials in this country.

I do not think

I have ever known so bad
a case as this agst Vijaya
Raghavachari. The prisoner
had no personal malice
agst him whatever. It was
simply a concocted case.
The evidence of his alibi was
so overwhelming that [illegible]
wd not go on cross examining
& confined himself to the
plea of the possibility of
mistaken identity.
It was shewn that V.C. had
personally aided in
dispersing the July rioters,
& also on the very day the
mosque was destroyed had
endeavoured to stop the
crowds passing through

[illegible] appearances & prevent
them joining the mob. A
[illegible] Pleader, who has
at times acted as a Dt.
[illegible] fied to this. [illegible]
t he should be
ted on perjured
[illegible] freely
cting arson &
murder & himself
heading the mob!
The three ~~[illegible]~~ convicts have
been convicted on evidence
put forward by the same
agency; on the same
general theory of arson,
& in part upon the same
testimony.

I have been [illegible]

the newspaper [illegible]
have not been quite
accurate. We did [illegible]
find that there [illegible]
no conspiracy, [illegible]
two of the absen[illegible]
acts of conspira[illegible]
[illegible]
the [illegible] Kirts
Mattam & [illegible]
Pilcap must have
really occurred to all.
I incline to think there may
have been some sort of
prearrangement, & that
some of the accused may
possibly have been con-
-cerned, but whether they
were convicted on true
testimony, these trials

have much sympathy to
doubt.

[illegible] understand big men
pulling the strings behind
the curtains & planning in
secret the destruction of the
[illegible] gun, & having men
[illegible] put in for that purpose,
[illegible] I doubt that such men
[illegible] be personally present,
[illegible] w^d unfold their plans a
week beforehand at mixed
meetings of old castles
ranging from 15 to 500
in number. And not
a whisper heard of these
meetings till detectives
had been several days
at work. Such overt acts

To [illegible] to [illegible] native ways of working — the conviction is strong in my mind that Party were [illegible] well served in places, & think the authorities there lost their heads after the riots. Surely there is [illegible] ag.st Messrs [illegible] have w.d not ~~have~~ been believed in Colonies [illegible]. As an illustration of what I mean, I w.d ask you to read Mr. Ivers reasons for committal in this very case ag.st V.C. To my mind all that

13 27

tittle tattle, is utterly out of place in the Calendar of a committing Magte., it only shews that the writer's ~~head~~ was turned by the excitement, & disposed in him till he came to believe himself a kind of "Saviour of Society" & ready to believe in any number of ramifications of conspiracies. I have been very careful in my judgments to keep only to the points at issue & not to enter into the general question. But I have not been able

CHIEF SECRETARY

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

ERNMENT OF MAD

D.O. No 234

From
G.A. Parker Esqr

Dy 19. 7. 84
Registered 9. 8. 84

Salem Perjury Cases

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 34 OF 1884.

Queen Empress of India *versus* Sabapathy.

Offence.

Giving false evidence in a Judicial proceeding with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.

Opinion of Assessors.

Guilty.

Finding of Judge.

Guilty.

Sentence.

Two years' rigorous imprisonment.

Judgment.

1. The prisoner, Sabapathi, is charged under Sections 193 and 195 Indian Penal Code with having given false evidence on November 8th 1882 before the Additional Sessions Judge of Salem with intent to cause one Vijayaraghava Chari to be convicted as an instigator and abettor of the destruction of the Shivapett Mosque on August 16th 1882. The statement alleged to be false was to the effect that one morning 7 or 8 days before the riots the prisoner had been to the house of Kartikesa Pillay, then Head Quarter Inspector of Police in Salem, and had there seen amongst some 10 to 14 others Vijayaraghava Chari; that there had been a discussion about the quarrels in connection with the Shivapett mosque and that 2nd Prisoner had urged that the mosque should be destroyed.'

2. The prisoner in his deposition A named ten persons, not counting the Head Quarter Inspector and Vijayaraghava Chari as having been present when this discussion was carried on. Seven of these have been called and swear that no such meeting and no such discussion ever took place.

3. The first of these, Yellappen, a snuff merchant was acquitted in the Additional Sessions Court. He swears he has never been inside Kartikesa Pillay's house in his life. This man may be presumed to be respectable as he was made a special police constable, at the time of the riots. The next witness (4) Moothoosami Pillay is a contractor who was also one of the accused but not convicted. His house appears to be close by the Head Quarter Inspector's. The 5th witness Kailasa Kounden is the Pokumpolliem Mittadar,— a man in the enjoyment of some Rs. 20,000 per annum. He declares he did not even know where Kartikesa Pillay lived in Salem, and never saw prisoner in his life till he saw him in Court. The 6th witness Subraya Mudaliar is a Vakil of the District Munsiff's Court, and whom prisoner represented in his deposition as urging legal instead of violent measures. He denies that there ever was any such meeting or discussion. The 7th witness is the Native Doctor who is in the habit of attending Kartikesa Pillay's family. The 8th Kuppa Naick is a merchant in Salem and lives close by the house in question. The 9th Ramassamichetty is also a merchant.

4. Against the credit of these witnesses it may be urged that they were themselves accused and would hardly be likely—even though some of them had been acquitted, to admit that they took any part in an agreement which was criminal. The prisoner calls no witnesses.

5. The Assessors convicted the prisoner, but I reserved my decision for further consideration. It cannot be said that there is any thing intrinsically improbable that several persons should happen to gather together in the house of a well known man, and should discuss what was

then the chief subject of discussion in Salem. What is unlikely is that a man in the position of Vijayaraghava Chari should be the one to advocate violent measures, and that if violent measures were seriously proposed, they should be discussed in the presence of a stranger and in the house of the Head Quarter Inspector of Police. If I could have thought that the prisoner's account was merely exaggerated, and that Vijayaraghava Chariar's remark (if made at all) that only four persons would be punished on either side if the mosque were destroyed might have had reference to the tendency of criminal prosecutions to break down, I should have hesitated to convict. In such case I might have considered it not unnatural that the witnesses should deny the meeting altogether, if the conversation which passed had become so distorted in repetition as to assume a criminal character.

6. The Judge who tried the case believed that the prisoner had greatly exaggerated what had occurred, especially in his statement that an agreement was come to to destroy the mosque. It is evident therefore he was not even then looked upon as entirely trustworthy. We have now the evidence of seven persons—some of them holding very respectable positions—that no such meeting and conversation took place at all.

7. I have considered the case very carefully and have come to the conclusion that there is not, on the whole, ground for reasonable doubt that the witnesses are speaking the truth. Concurring with the Assessors, I convict the prisoner, and direct that he be kept in rigorous imprisonment for two years.

(Signed.) G. A. PARKER,
Acting Sessions Judge.

14th July, 1884.

(True Copy.)

Acting Sessions Judge.

To

THE

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 35 OF 1884.

Queen Empress of India *versus* Tandaraya Kounden.

Offence.

Giving False Evidence in a Judicial Proceeding with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards, under Sections 193 and 195 of the Indian Penal Code.

Opinion of Assessors.

Guilty.

Finding of Judge.

Guilty.

Sentence.

Four years' rigorous imprisonment.

Judgment.

1. The prisoner Tandaraya Kounden is charged under Sections 193 and 195 of the Indian Penal Code with having given false evidence against one Vijyaraghava Chari in the Additional Sessions Court at Salem on November 8th 1882, intending to cause him to be convicted of an offence punishable with transportation for life or imprisonment for seven years and upwards. Vijayaraghava Chari is a Vakil of the District Court at Salem, and was also in August 1882 a Municipal Commissioner for that town. He was tried for participation in the riots at Salem on August 16th 1882 and for conspiracy. He was convicted by the Additional Session Judge in Calendar Case No. 11 on 20th November 1882 (exhibit E.), but the conviction was reserved by the High Court on appeal (exhibit F.) on January 9th 1883. The prisoner was one of the prosecution witnesses in Calendar Case No. 11 and was an approver. Sanction to prosecute him was granted by the High Court on 21st December 1883, (exhibit B.) The complaint was made on April 8th 1884, to the District Magistrate of Salem, and on May 1st the trial was transferred by the High Court to this District.

2. The prisoner is charged in two counts with having made two distinct false statements with respect to Vijayaraghava Chari; the first to the effect that on the Friday before the riots Vijayaraghava Chari was present at a meeting of some thirty people at the house of one Sundaram Chetty where the subject of the destruction of the Shivapett Mosque was discussed at which meeting Vijayaraghava Chari had used inflammatory language distinctly tending to urge the destruction of the Mosque;—the second to the effect that he, Tandaraya Kounden, had seen Vijayaraghava Chari at the mosque when it was destroyed and in the act of leading up rioters to attack it.

3. The case in support of the first count rests upon the testimony of Vijayaraghava Chari himself, and of two persons, Kanda Kounden and Ponnusami Chetty who were stated by the prisoner to have been present at that meeting. Of these Kanda Kounden was acquitted in the Session Court and Ponnusami Chetty on appeal. In corroboration of their testimony, two neighbours were called (witnesses 5 and 6) who depose that they know of no such meeting, and it is also shown that no such meeting was reported to the Police. The case therefore really rests upon the testimony of three persons who were accused by the prisoner and as to whose presence the Judge who heard the evidence was satisfied, though the prisoner's deposition was discredited on appeal The Assessers convicted upon the 1st count, but I think more corroboration of these witnesses' denial should be looked for to justify a criminal conviction.

4. To support the second count a large number of witnesses have been called;—to prove first of all that Vijayaraghava Chari was not seen or recognized by the Police and other officials present at the riots and that his name was never reported to them as being present either at the time or on the succeeding two days; and secondly that on the day of the riots he spent the whole day in the Agraharam at the house of one Runga Chari and therefore could not have been present. It is also urged that it is extremely improbable a man of his profession and previous conduct and character would have placed himself in such a position.

5. Vijayaraghava Chari was alleged by the prisoner in his deposition to have been seen by him in Kandakara Street, bringing men down the street to attack the mosque. The Sub-Inspector Mari Prakasa Pillay (7th witness) deposes that he came down Kandakara Street about 12-30 and could not force his way through as the Police party stationed at the entrance to Kunnar Street on the opposite side of the mosque square were then firing. He accordingly worked his way round and joined the firing party; where he afterwards took down the names of such rioters as he identified or who were reported to him under the orders of Col. Whitlock, the Superintendent of Police. The Sub-Inspector was acquainted with Vijayaraghava Chari, but did not see him in Kandakara Street. His testimony was corroborated by Lovejoy (8th witness), Col. Whitlock (9th witness), Mr. Wilkinson (10th witness) and Mr. Mullaly (31st witness), but this evidence is really worth nothing, for these witnesses did not go into Kandakara Street and the crowd in the mosque square was so great that they certainly could not have recognized people in a street which leads into the square on the other side. Three ex-policemen (witnesses 9-11) were however called who had on that day been on the temporary guard which had been ordered to form across Kandakara Street with fixed bayonets to keep back the mob. These depose that they did not recognize Vijayaraghava Chari, but it is clear from their evidence that they behaved with the most abject cowardice and really recognized no one. They allowed their line to be at once broken and it is evident that all they thought about was to keep their own bodies out of the line of fire from the other side of the square. They have since been—very properly—dismissed from the Police for their conduct on this occasion.

6. The evidence of all these witnesses is of a negative character and does not go far towards shewing that Vijayaraghava Chari was not there. The one important point which is brought out is that Vijayaraghava Chari's name was not reported to the Police or Magistrate on August 17th and 18th. That it should not be reported to the Sub-Inspector when he took down the names on the 16th is not inconsistent at all with the prisoner's statement, for the Sub-Inspector took down the names in Kunnar Street, and would naturally write down only the names of persons whom he could see where he was, or those around him could see, and these could not comprise the names of any of the crowd in Kandakara Street.

7. I now come to the alibi, and it is really upon the truth of this that the case against the prisoner must stand or fall. No less than fifteen witnesses—most of them occupying very respectable positions in society—have been called to prove that on the day of riots, Vijayaraghava Chari really spent the whole day in the Agraharam, chiefly in the upstair verandah (looking into the street) of Renga Chari's house. The testimony of these witnesses practically covers the whole of the day from (say) 9 A.M. to any rate about 4 P.M., in the afternoon. The prisoner fixed the time at which he saw Vijayaraghava Chari, in Kandakara Street as between 12 and 1 o'clock, and therefore it is material for the prosecution to prove that at that hour he was in the Agraharam. The principal witnesses who would seem to fix his presence there at that hour are witnesses 16, 17, 19, 20, 21, 22, 23, 26, 28, 29. Of these the 16th was an Assistant Master in a school and is now a Pleader in the District Munsiff's Court. The 17th is a Pleader. The 19th is a Mirassidar who lived in Renga Chari's house; the 20th a Sanskrit Pundit; the 21st is the present Head Quarter Inspector—formerly Audit Inspector at Salem; the 22nd is an Attender, a nephew of the District Munsiff of Strivalliputtoor (30th witness) who himself deposes to having been Vijayaraghava Chari, between 2 and 4; the 23rd is a Pleader in the District Munsiff's Court; the 26th a School Master; the 28th a Taluq Overseer; and the 29th a Pleader of the District Court.

8. Against the testimony of these witnesses, it is of course urged that they are relating the occurrences of a day very long ago and that their memories cannot be trusted as to the exact time at which they saw Vijayaraghava Chari. As to this it may be observed that eight out of these fifteen witnesses were examined for the defence before the Additional Sessions Court at Salem in November 1882, when the occurrence of the day of the riots were fresh in their recollection, and that they gave the same evidence as they do now. Moreover I do not gather from the judgment of the Additional Sessions Judge that they were even then looked upon as other than truthful witnesses for he observes that it is *proved* by very respectable witnesses that Vijayaraghava Chari was in the Agraharam at 9 A.M., at 11 A.M. and again on the upstair house of Renga Chari about 2 P.M. The Judge held however that the only two witnesses who spoke to the time between 12 and 1 might have been mistaken as to the exact time and therefore it was not conclusively shewn that Vijayaragha Chari could not have been at the mosque for a short time. Strange to say the Judge does not expressly find whether Vijayaraghava Chari was at the mosque or not. But on the appeal the Chief Justice held that no reason was given for discrediting those two witnesses, and that they appeared as respectable as the other witnesses who had been believed and this formed one of the grounds on which the conviction was reversed by the High Court.

9. Three of the witnesses now called were summoned at the Sessions trial, but not called. It is of course to be expected that the evidence of the better educated witnesses should be more precise as to time than that of the others. The Head Quarter Inspector (21st witness) gives a very good reason for remembering the time on the day of the riots at which he saw Vijayaraghava Chari (viz. 1 P.M.) for he recollects that on that day he had left the key of the Cash chest at home and had to go back to fetch it and then he saw Vijayaraghava Chari—again the Overseer Raghava Iyengar (28th witness)—a very cool and collected witness—gave very good reasons for recollecting the precise hour. It must be observed that the distance from the Agraharam to the mosque is about $1\frac{1}{3}$ miles, so that Vijayaraghava Chari could hardly have slipped out of the Agraharam and returned again within a few minutes.

10. Another attempt to fix the time was made out of the fact that a runaway horse came galloping through the Agraharam and was caught there. Witnesses are called to prove that this occurred about 1 P.M. and that Vijayaraghava Chari called some one to catch the horse as it was Mr. Mullaly's. It appears from Mr. Mullaly's evidence that he dismounted to see to a boy who had been wounded, giving his horse to a native to hold. The crowd was uproarious and the horse got frightened and broke away from the native and galloped off. Mr. Mullaly thinks this was about 1 P.M. but he was continuously on duty from early morning till late evening and will not attempt to fix the time exactly.

11. Then as to the probabilities of the case. It must, I think, be admitted to be extremely improbable that a man of Vijayaraghava Chari's position should go and personally lead on a mob of roughs to destroy the mosque. It is shewn that he had given personal assistance to disperse the crowd when previous riots occurred in July; he deposes,—and it is not contradicted,—that he himself warned the Deputy Magistrate on August 15th,—the day before the riots—that the town was in a very disturbed state and that there might be another riot. He had, it is true, defended the July rioters in his professional capacity, but it cannot be inferred from that that he would be likely to take part himself in a riot. Again even supposing his sympathies to be with Hindus against Mussalmen,—which is probable enough—he was, as a District Court Vakil and Municipal Commissioner, so well known that he certainly could not have escaped recognition. The Police would have known him; any Mussulman who recognized him would have denounced him to a certainty, he at any rate could not have been ignorant that recognition could mean for him nothing but irretrievable ruin and disgrace. Having regard to his previous conduct and professional position, his presence at the mosque appears to the last degree improbable.

12. The prisoner has called eight witnesses to prove that his statement was true, and it is also urged for him by his counsel, rather inconsistently that he may possibly have mistaken another man for Vijayaraghava Chari. Five witnesses were called to prove that he had been seen going towards the mosque at Shivapett in a Jutka

with Sundaram Chetty, who has been convicted. The 1st witness Kareembeg says that he saw Vijayaraghava Chari going in a Jutka between 11-30 and 12 A.M. on the day of the riots; that he was alone and that the Jutka was going from Shivapett towards Salem, i. e. in the contrary direction to the mosque. This certainly does not help the defence

13. The next witness Akbar ali khan is the Village Munsiff of Salem. He deposes that on the day of the riot he saw Sundaram Chetty and Vijayaraghava Chari at 12 o'clock going in a Jutka towards Shivapett, and that a crowd was rushing after them shouting "they are going! they are going!" He noticed them specially as he knew them to be ringleaders but how they were ringleaders of a riot which to his knowledge could not have begun at that time, he cannot explain. This man, like the last witness, never gave any information to the authorities, though he knew any number of officials were making enquiries, and in fact never breathed what he knew to any one till he gave his deposition in this Court two years after the riots. These same observations apply to the fourth and fifth witnesses. They are Mussulmen and why they should have kept back material evidence against Hindus, they cannot explain.

14. One other witness was called to corroborate this story, one William Kelly (3rd witness) and his evidence was specially dwelt upon for the defence, as it was urged he was a respectable person, having no connection with either Hindus or Mussulmen. This witness deposes that he saw a Jutka and the rush of Mussulmen after it from the Fort; that he saw Sundaram Chetty in the Jutka and another man whom he could not recognize, as his back was turned towards him, but that the people were shouting out that Sundaram and Vijayaraghava Chari were going. This evidence would no doubt be very relevant if it were true, and it therefore becomes necessary to look carefully at Kelly's statement and to consider whether he is a reliable witness.

15. He stated that he had been Postmaster at Salem, but had resigned of his own accord, and that he was now a Pleader in the Magisterial Courts. I take this to mean that he lacks the legal qualifications for an enrolled Pleader, and therefore is without these guarantees of attainments and character which the Courts exact in the case of regular Pleaders. The office of Postmaster in a large town like Salem must be fairly well paid, and it would mean an assured income and pensionable service. It appears strange that Kelly should have resigned such an office to follow a vocation for which he had no special qualifications, and the fact that he did so, or says he did so, is sufficient to raise a suspicion that his antecedents may be doubtful.

16. That suspicion is not lessened by Kelly's own account of himself. He knew that Sundaram Chetty and Vijayaraghava Chari were both on their trial, and knew that his own evidence would be material. He also knew where to look for other evidence which would also have been material, and yet he never told any person in authority what he had seen and has not the slightest notion how prisoner came to know he could give such important evidence. Now whatever reason there may be, in cases like the Salem riot cases,—to distrust the testimony of Hindus against Mussulmen or of Mussulmen against Hindus, it might at least be expected that the whole sympathies of an East Indian Pleader—if he were a respectable man—would be altogether on the side of Government and for the interests of public order. The fact that Kelly did not inform the authorities of what he says he had seen is enough to cause his evidence to be regarded with much suspicion.

17. The 6th Defence witness Ellappen swears that he went with prisoner to the attack on the mosque and saw Vijayaraghava Chari there. In cross examination he declared that *on the very day* the mosque was destroyed, prisoner had exhorted him to give evidence against Sundram Chetty, Vijayaraghava Chari and against *himself* (*prisoner*) also. The assertion that prisoner while himself engaged in the commission of a serious crime, turned round and solemnly conjured his comrades to give evidence against themselves and against himself too, is really too absurd for serious discussion.

18. The last two witnesses were Mussulmen who at the Sessions trial had given evidence against Vijayaraghava Chari swearing that he was present at the mosque and encouraging the rioters to destroy it. Their evidence was discredited by the High Court, and notice was served upon them to show cause why they should not be prosecuted for perjury. They only escaped prosecution (vide the order of sanction B) on the ground that they had suffered so grievously at the hands of the rioters that they might possibly have been mistaken, or have persuaded themselves that they recognized Vijayaraghava Chari. It was suggested for them by their own council———presumably on their own instructions———that they might have mistaken a Putnul Chetty for a Brahmin and on these pleas they escaped prosecution. And now they come forward again and swear that their original statement were true and that they *did* recognize Vijayaraghava Chari.!!!

19. The Assessors convict the prisoner and certainly no other verdict was possible in the face of such overwhelming evidence. The crime committed by the prisoner is a very serious one, and it is made worse by the fact that he purchased his own immunity from punishment by the promise of giving truthful testimony. I do not suppose that he had any personal malice against Vijayaraghava Chari; but finding that this particular person was suspected by the authorities, the prisoner was quite willing to swear that he saw him at the mosque—and would no doubt have been equally willing to swear the same against any one else—no matter whom,—simply because he thought that by such means he could best secure his own escape.

20. Concurring with the Assessors on the second count, I convict the prisoner and direct that he be kept in rigorous imprisonment for four years.

(Signed.) G. A. PARKER,
Acting Sessions Judge.

12th July, 1884.

(True Copy.)

Acting Sessions Judge

To

THE

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 36 OF 1884.

Queen Empress of India *versus* Rayappa Chetty.

Offence.

Giving False Evidence in a Judicial Proceeding with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards, under Sections 193 and 195 of the Indian Penal Code.

Opinion of Assessors.

Guilty.

Finding of Judge.

Guilty.

Sentence.

Two years' rigorous imprisonment.

Judgment.

1. The prisoner is charged with having given false evidence against one Vijayaraghava Chari in calendar case No. 11 of 1882 before the Additional Sessions Court at Salem, the false statement being that he had seen the said Vijayaraghava Chari on the 11th August at a meeting of some 75 persons at the Komati Mattam, at which meeting the destruction of the Shivapett mosque and the burning and looting of Mahommedan houses had been discussed, and that 2nd prisoner had encouraged the project promising to defend the rioters in Court as a Vakil, if there was any trouble about it.

2. The prosecution called two persons alleged by the prisoner to have been at the meeting and who deny that any such meeting took place. One of these is a Municipal Commissioner and the other a merchant, who was tried together with Vijayaraghava Chari and also acquitted on appeal by the High Court. Neighbours are also called to prove that no such meeting was held to their knowledge: one of them, K. Vencatarama Chetty (4th witness) lives just opposite the Muttam about 10 yards off, and can see from his house right into the Muttam. It is also shewn that no such meeting was reported to the police, though special precautions were taken, and the force strengthened, after the riots of July 1882.

3. The probabilities seem certainly strongly against such a meeting,—granted a conspiracy to destroy the mosque, the object of conspirators would be to keep the matter as quiet as possible, and it is hardly likely they would hold a meeting in a public part of the Town to which prisoner—who is a christian and not a caste man at all,—could have gained access without any trouble.

4. Evidence is also brought to shew that on August 11th at the time when prisoner alleges he went to the meeting, Vijayaraghava Chari was engaged in business at the Agraharam with another Vakil, Balookistnier, which business resulted in a letter being despatched to Bombay on the following day (August 12th) just before the Town Hall meeting.

5. The prisoner called no witnesses, and the chief argument for the defence is that the meeting may probably have taken place and if so prisoner, who is a Christian, would not be allowed to go into the inner part of the Mattam and therefore may have mistaken another speaker for Vijayaraghava Chari.

6. The Assessors however do not believe that any such meeting took place and I agree in that opinion. Concurring with the Assessors I convict the prisoner and direct that he be kept in rigorous imprisonment for two years.

(Signed) G. A. PARKER,
Acting Sessions Judge.

(True Copy.)

July, 15th 1884.

Acting Sessions Judge.

To

THE

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 37 OF 1884.

Queen Empress of India *versus* Govinda Chetty.

Offence.

Giving false evidence in a Judicial Proceeding with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwords under Sections 193 and 195 of the Indian Penal Code.

Opinion of Assessors.

Guilty.

Finding of Judge.

Guilty.

Sentence.

Four years' rigorous imprisonment.

Judgment.

1. The prisoner is charged under Sections 193 and 195 Indian Penal Code with having given false evidence against one Vijayaraghava Chari before the Additional Sessions Court of Salem in November 1882. Vijayaraghava Chari was charged with participation in the Salem riots of August 1882 and with conspiracy to destroy the mosque and was convicted by the Sessions Court, but acquitted on appeal by the High Court. The prisoner was 17th witness for the prosecution in that case, and he is charged with making two false statements:—the first that 4 or 5 days before the riots on August 16th he had been to a meeting of some 400 or 500 people at the Komatti Mattam at Shivapett where people of all castes except Mahomedans had been present, and at which the destruction of the mosque had been discussed. Prisoner went on to swear that Vijayaraghava Chari who was a District Court Vakil and Municipal Commissioner had been there and had encouraged the plan, promising to defend the destroyers of the mosque before the Magistrate, and had further advocated that the Mahomedans should be killed, and the Collector murdered, if he came. The case for the prosecution is that the prisoner's statement is absolutely false and that there was no such meeting at all.

2. In the second count prisoner is charged with giving false evidence in swearing that he had seen Vijayaraghava Chari on August 16th at the mosque encouraging the rioters to destroy it. The case for the prosecution is that Vijayaraghava Chari spent the whole day in the Agraharam and never left it.

3. In support of the first count the prosecution have called three witnesses named by the prisoner himself as being present at the meeting who depose that no such meeting took place. The first of these (Kuppusawmy Chetty) is a Komatti and an elected Municipal Commissioner for the Town of Salem: the others (witnesses 4 and 5) are merchants. Of these Ponnusawmi Chetty (4th witness) was tried with Vijayaraghava Chari and like him acquitted by the High Court on appeal. Two other witnesses (6th and 7th) Kandasamy Chetty and K, Venkatarama Chetty live close to the Mattam and depose that they never heard of any such meeting. The latter's house is just opposite the Mattam on the other side of the narrow street and witness can see from his house right into the Mattam. The 8th witness (Latcharam Singh) was Station House Officer at Shivapet in August 1882 and deposes that no such meeting was ever reported, though special precautions were taken after the July riots and the constables were both Mahomedans and Hindus. The witnesses who were alleged by prisoner to have been present appear respectable men and their evidence was not shaken in cross examination.

4. The prisoner called no evidence in answer to this charge, but his counsel urged that a meeting of this kind was by no means improbable, and pointed to the fact that the mosque had been destroyed, arguing that therefore there was a conspiracy to destroy it, and *therefore* some such meeting as that described by prisoner was probable. To my mind the inference is exactly the other way. No doubt the mosque was destroyed, and if its destruction were the result of conspiracy and not the effect of a sudden impulse on the part of the mob,—the complete success of the conspiracy and the absolute ignorance of the authorities would seem to argue that the secret must have been uncommonly well kept, and therefore known to very few. If the conspirators had

wished to advertise themselves and their project, so that the authorities might be perfectly prepared to defend the mosque and to lodge them securely in jail before the 16th of August,—they could have adopted no more likely method. To imagine that such a meeting could be kept secret when held in a building in a crowded street—attended by all classes except Mahomedans including seventeen (!) different castes of Sudras, seems beyond all possibility. The Mahomedans and Police must have known of it, and it certainly could not have taken 5 days to get to the ears of the authorities. Had such a meeting taken place, every man, woman and child in Salem would have known of it, and it would have been the chatter of every pial in the place. To any one who knows how fast bazaar rumour spreads and how much it gathers as it goes along, the chances would seem that by August 16th the affair would have become magnified into an attempt at a general rising, whereas the authorities had heard nothing about it at all. It is not by such means as these that conspiracies are hatched and I believe the whole story to be absolute fiction. That arson and murder should be publicly proposed at a large meeting by a man in the position of Vijayaraghava-Chari seems a little too large a demand upon credulity.

5. In support of the second count the prosecution have called many of the same witnesses as in Sessions Case No. 35:—the Police to prove that Vijayaraghava Chari was not recognised by them on the day of the riot, and that his name was not reported to them as being among the rioters;—and many very respectable witnesses from the Agraharam to prove that Vijayaraghava Chari really spent the whole of the day there. I have discussed this evidence fully in Session Case 35 and it is hardly necessary to go over the same ground again. The reasons recorded in that judgment apply equally to this. The evidence appeared to me truthful and natural. Many of the witnesses were Pleaders and persons connected with the courts. On August 16th both the District Court and the District Munsiff's Courts were closed on account of the riots, and nothing is more natural than that these witnesses who were all Brahmins should return to the Agraharam, and while not venturing out themselves should be discussing together what was going on and the general state of the Town.

6. The prisoner did not call evidence to prove that his statement before the Salem Session Court was true, but his Counsel urged for him that in the excitement at the mosque he may have mistaken another man for Vijayaraghava Chari and honestly believed that he had seen him there, and therefore that his statement, even though incorrect,—was not so to his knowledge. In such case no doubt the prisoner would be entitled to his acquittal. But if, as I believe, the prisoner is guilty on the first count, it is difficult to believe he can be innocent on this. His statements cannot easily be divided, and his testimony must be looked at as a whole.

7. The Assessors convict the prisoner on both counts and I cannot but concur with them. The offence is a very serious one. To impute falsely to a respectable professional man the open advocacy of murder is not a light offence and Vijayaraghava Chari was convicted partly upon the prisoner's evidence and sentenced to ten years' transportation. Concurring with the Assessors, I convict the prisoner and direct that he be kept in rigorous imprisonment for four years.

(Signed.) G. A. PARKER,

14th July, 1884. *Acting Sessions Judge.*

(True Copy.)

Acting Sessions Judge.

TO

THE

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 38 OF 1884.

Queen Empress of India *versus* Chinna Kishnan.

Offence.

Giving False Evidence in a Judicial Proceeding with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards under Sections 193 and 195 of the Indian Penal Code.

Finding of Judge.

Guilty on prisoner's own plea.

Sentence.

Six months' rigorous imprisonment.

Judgment.

1. The prisoner pleads guilty to having given false evidence in Calendar Case 11 of 1882 before the Additional Sessions Court at Salem against one Vijayaraghava Chari, who was charged with participation in the riots of August 16th 1882, the false statements being to the effect that he had seen Vijayaraghava Chari leading on rioters to attack the mosque and that he had been present at the meeting at the Kaliammen Kovil at which the destruction of the mosque was discussed.

2. The Court under Section 271 Code of Criminal Procedure convicts Chinna Kishnan upon his plea of guilty and directs that he be kept in rigorous imprisonment for six months.

(Signed) G. A. PARKER,

Acting Sessions Judge.

(True Copy.)

15th July, 1884.

Acting Sessions Judge.

To

THE

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 40 OF 1884.

Queen Empress of India *versus* Vencatachellapathy.

Offence.

Giving false evidence with intent to procure conviction of an offence punishable with transportation for life under Sections 193 and 195 of the Indian Penal Code.

Finding of Judge.

Guilty on prisoner's own plea.

Sentence.

Six Months' rigorous imprisonment.

Judgment.

1. The prisoner pleads guilty to having given false evidence in Calendar Case No. 11 of 1882 before the Additional Sessions Court of Salem against one Vijayaraghava Chari who was charged with participation in the August riots of 1882 to the effect that he had seen Vijayaraghava Chari leading on a gang of rioters to attack the mosque.

2. The prisoner Vencatachellapathy is convicted on his own plea under Section 271 of the Code of Criminal Procedure and is sentenced to rigorous imprisonment for six months.

(Signed.) G. A. PARKER,

Acting Sessions Judge.

15th July, 1884.

(True Copy.)

Acting Sessions Judge.

TO

THE

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 41 OF 1884.

Queen Empress of India *versus* Rasa Gounden.

Offence.

Giving false evidence in a Judicial Proceeding with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards under Sections 193 and 195 of the Indian Penal Code.

Opinion of Assessors.

Guilty.

Finding of Judge.

Guilty.

Sentence.

Two years' rigorous imprisonment.

Judgment.

1. The prisoner is charged with having given false evidence in Calender Case 11 of 1882 before the Additional Sessions Court of Salem, the false statement being that he saw one Vijayaraghava Chari leading on people to destroy the mosque at the riots of August 16th 1882.

2. Evidence was adduced to prove that the said Vijayaraghava Chari, who is a Vakil of the District Court had spent the whole day in the Agraharam and therefore could not have been present at the attack on the mosque. The learned counsel for the defence declined to cross examine upon this evidence.

3. The defence was that the prisoner had made a mistake in indentifying Vijayaraghava Chari and thus had not intentionally given false evidence. It appeared however from prisoner's deposition that he knew Vijayaraghava Chari by sight and knew he was practising as a Vakil, and when the charge was read to him, he said "I saw him with my own eyes," thus still maintaining that he was right in his indentification.

4. The assessors convict the prisoner and the Court, concurring, directs that he be kept in rigorous imprisonment for two years.

(Signed.) G. A. PARKER,

Acting Sessions Judge.

15th July, 1884.

(True Copy.)

Acting Sessions Judge.

TO

THE

In the Sessions Court, Coimbatore Division.

CALENDAR CASE No. 42 OF 1884.

Queen Empress of India *versus* Govindappan.

Offence.

Giving false evidence in a Judicial proceeding with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for seven years or upwards.

Opinion of Assessors.

One Assessor convicts and the other acquits.

Finding of Judge.

Not guilty acquited and discharged.

Sentence.

Nil.

Judgment.

1. The prisoner, Govindappan, was charged with giving false evidence in Calendar Case 11 of 1882 before the Additional Sessions Court of Salem in having sworn that he had seen one Vijayaraghava Chari, a Vakil of the District Court at Salem, leading on a gang of rioters to destroy the mosque at Shivapett on August 16th 1882.

2. Evidence was offered by the prosecution to prove that Vijayaraghava Chari passed the whole day on August 16th in the Agraharam. The Counsel for the defence declined to cross examine upon this evidence.

3. For the defence it was urged that the case was one of mistaken identity. Prisoner had deposed that he only saw Vijayaraghava Chari once: he could not tell how he was dressed, and did not know his name, but believed him to be a shop-keeper whom he knew by sight. It appeared that the prisoner had been drinking before he went to attack the mosque.

4. One Assessor is for conviction; the other for acquittal. I concur with the latter opinion as it appears to me there are grounds for reasonable doubt that the statement made by the prisoner was false to his knowledge. I therefore acquit the prisoner and direct that he be discharged.

(Signed.) G. A. PARKER,

Acting Sessions Judge.

15th July, 1884.

(True Copy.)

Acting Sessions Judge.

To

THE

Judicial DEPARTMENT.

No.

From Mr Parker, Sessions Judge, Coimbatore dated 19 July 1884

" the Govt Pleader, No 248, dd. 17 July 1884

FOR ORDERS.

Mr Parker forwards the judgments in the Salem perjury cases, with a letter in which he gives his opinion that the judgments passed in the cases other than that in which Vijiaraghwachari was convicted, require reconsideration. He doubts much whether the theory of the prosecution all through had any foundation in fact.

Mr Sheppard on the other hand considers that the results of the recent enquiry do not affect at all the propriety of the convictions in the other cases.

It will be observed that the High Court delivered both judgments in the 1st & 2d conspiracy cases on the same day, and as they sanctioned the prosecution of the prisoners now convicted on the view which they took in their judgment No 2 of their evidence, it may be presumed their judgments in case No 1 (Sundram Chettys' case) were delivered with the full belief that the evidence upon which Mr Parker has now convicted, was false & that therefore presumably Mr Parker's finding, unless they affect other evidence than that of the prisoners

will

will not induce the High Court to alter their opinion already laid down in the appeal in the 1st conspiracy case.

It was in fact in spite of the belief that the evidence, for giving which the prisoners have now been convicted, was false, that the High Court upheld on appeal the convictions in Case No I.

Taking the case of each prisoner's evidence separately.

Cal: case No 34/84 Sabapathy

He gave evidence in the 1st Conspiracy case as to the meetings 1st at Carthacasa Pillay's house, 2d at Subarayar's covil. His evidence was believed by Mr Wigram and as to the evidence of the meeting at Subarayar's covil the majority of the High Court, but *not* as regards the meeting at Caurthreasa Pillay's house.

Cal. Case No 35/84
Tandaraya Gounden.

In this case the prisoner was convicted of false evidence as to conspiracy, but as he did not give evidence in conspiracy case No 1 nothing need be said about him.

Cal. Case No 36
Rajappa Chetty.

This witness was convicted for having

said

FOR ORDERS.

said he saw Vijiaraghavachari at a meeting at the Komati Muttam. This witness in the first conspiracy case implicated the defendants in that case, and his evidence was believed. It was also believed by the judges who upheld the conviction. But there does not appear to have been any new evidence against Rajappa Chetti produced before Mr Parker which would affect the

mind

minds of the judges of the High Court.

Cal. case No 37. 84. Govinda Chetti. This man did not give evidence in the 1st Conspiracy case against Sundram and the others.

Cal. case No 38. 84. Chinna Kristnan. He was 20th witness. He pleaded guilty, & he does not appear to have given evidence against any prisoner in 1st Conspiracy case.

Cal. case 40. Vencata chellapathy. Pleaded guilty. His evidence only affected those present at the mosque. He did not give evidence as to the Consp

Calendar Case No. 41

Rasa Gounden.

This man also only gave evidence as to what took place at the Mosque and his evidence does not affect any body in the first conspiracy case.

Calendar Case No. 42.

Govindappen.

This man was acquitted.

Besides the view that the actual evidence involving those convicted in the first conspiracy is affected by the evidence now adduced before Mr Parker a view which is not taken by Mr. Sheppard. There is the view which Mr. Parker took, that so much of the evidence given in these cases has now been proved to have been obtained by persuasion on the part of the Police, that it may reasonably be doubted whether both these big cases were not "got up" by the police on false evidence.

The men now convicted by Mr Parker have appealed to the High Court

and it is suggested that after those appeals are heard, in case the convictions are upheld, the papers now received be sent to the High Court with a request that their opinion may be expressed whether or not these convictions affect the propriety of the convictions of the men now under imprisonment sentenced in the first conspiracy case.

In the first conspiracy case

12 men were originally convicted. Of these the sentences in the case of 7 were upheld and in one the conviction was altered. So [illegible] are now imprisoned in the whole result.

Sundram Chetty.	Life
Vencatachellum Mood^r.	7 years.
Manikum Mood^r. (the Doctor)	7 years.
Gopalasamy Mood^r.	5 years.
Coomarasamy Ayya	7 years.
Gurunada Ayya	7 years.
Shamuju Achari	3 years.
Ramasamy Chetty.	5 years & Rs 2000 fine

After the receipt of the recommendation from the High Court,

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in case the High C still uphold the convictions, it will of course be open to the Govt as matter of grace to remit any part of the sentences inflicted.

22/Nov/64

Judgments -
Salem Inquiry Cases

Council Box

J W

No. 270

Ootacamund
30th July 1884.

My dear Shephard

The Salem people convicted by Parker have it is believed, appealed. If so I am to ask you to report to Govt. the result of the appeals with copies of the judgments, as soon as they are issued.

Yours Sincerely
(Signed) M. Hammick

Copy of D. O.

No. 290 36 Madras
12th August 1884

From,
The Government Pleader
Madras

To, The Hon. E. F. Webster
Chief Secretary to Govt.

Criminal appeals Nos. 266, 267, 268 & 269 of 1884.

Sir,

With reference to the Demi Official letter dated 30th July 1884, I have the honor to say that the appeals Nos. noted in the margin made on behalf of Thandavaraya Koundan, Rasa Koundan, Rayappa Chetty, Govinda Chetty, have this day been disposed of. The appeals have been dismissed.

In one appeal that of Sabapathy judgment has not yet been delivered.

I will obtain and forward

As soon as possible Copies of Judgments.

I have the honor to be
Sir
Your Most Obdt Svt

W H Shepherd
Govt Pleader

To
The Chief Secretary
to Govt

Dated 12th August 84

Received. 14

No. 290.

Subject.

Communicating the resolution Criminal appeals Nos. 266 to 269 of 84 - (Salem perjury cases)

Lodged - pending the receipt of copies of the judgments promised.

39/ 79

D. O.

Salem
Collector's Office.

22nd Augt 84

Chief Secretary
23 AUG 84
Government of Madras

Dear Webster,

In reply to your Confidential D O of the 19th inst I enclose a statement giving all the necessary particulars regarding those convicted by the Sessions Judges in/82 & /83 for complicity in the July & Augt riots. I have omitted the cases acquitted in appeal & in which the sentences have expired The result is that there are now in Jail 50 individuals under various sentences, as specified, one having died in Jail.

Macbane's printed lists in the volume about the riots I find correct & I have followed the order in it for the sake of comparison.

Yours
Sincerely
George Walley

August 24

My dear Webster

I shall have much pleasure in acting on the proposed Committee

Yours sincerely
Charles A. Sumner

PS

By the way in compliance with a

wish expressed by
the Viceroy I have
examined the words
of the recent trial
at Coimbatore
and have advised
H.E. that I can
see no sufficient
ground in anything
elicited in the course
of those proceedings
to cast doubt on

the propriety of the
convictions of these
persons who are now
undergoing sentence
but I have strongly
urged that effect sh.d be
given to the expectation
held out by Lappan
I have presumed that
if the Govt. of India
recommend modifn. of sentence
the extent of it will
be left to the Madras
Govt.

Dear Mr [illegible]

With reference to your note of the 20th inst. Do you not think it would be as well to defer your views on the Salem [illegible] in the Madras Government Press [illegible], of course, carry very great weight when the papers are considering which the [illegible] in consequence of the results of the trial at Coimbatore. We have not yet the copies of the High Court proceedings confirming the Sessions decisions but as soon as these reach us the whole matter is to be taken into consideration.

Yours sincerely

28/4/84

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43 87

Confidential

Ootacamund

27. iv. 84

Dear Mr Watters

I enclose a list prepared in the Reg. Ct. of the Salem Prisoners now in jail undergoing sentence, for check in your office — No 10 – Sundi Najah Chetti is I believe dead, if so please note in red ink – There is some confusion about Kuppana Chetti Nos. 24 & 38. A man of this name was apparently sentenced twice or there may be two men of this name if so please find out & explain

44

89

re the remark column

Gellappen No. 28. does not appear in the list you forwarded please find out and explain about him.

Mylerum Pillai No 60 in your list. does not appear apparently in the Dejo Ct list please find out about him. and explain.

I return the list you forwarded for comparison.

Please return the papers as soon as possible

Yours

45

45

Serial No.	Number of Sessions Case	Number of Appeal in the High Court	Names of the persons convicted	Sentence passed by the Sessions Court	How disposed of in Appeal		
1	1 of 1882	331 of 1882	Sundaram chetti	Life transportation	Confirmed	(1)	
2	do	do	Venkatachela Mudali	7 years' transportation	do	(2)	
3	do	do	Manikka Mudali	do	do	(3)	
4	do	do	Kumarasami Iyen	do	do	(5)	
5	do	do	Gurunadha Iyen	do	do	(6)	
6	do	do	Shanmuga achari	3 years' Rig Impt	do	(8)	
7	do	332 "	M. Ramasawmi chetti	5 years' do + 2000 Rs fine or in default one years' addl. R. Impt	do	(7)	
8	do	335 "	Gopalasami Mudali	5 years' Rig Impt.	do	(4)	
9	5 "	340 "	Easwara chetti	7 years' transportation	do	(15)	
10	do	do	Sundu Nagiah chetti	3 years' Rig impt.	do		Died [illegible]
11	do	do	Guruva Maistri	7 years' transportation	do		
12	do	do	Kasturi Rangayya chetti	5 years' Rig Impt	do.	(30)	
13	do	do	Pappayya chetti	do	Reduced to 3 years	(29)	
14	do	341 "	Alagamannar Kistna chetti	do	do	(32)	
15	do	do "	Adi Ranganaikulu	do	do	(14)	
16	do	376 "	Marimuttu	3 years' Rig Impt	Confirmed	(28)	
17	do	do	Subbarayan	do	do	(10)	
18	do	do	Mari	5 years' Rig Impt	do	(13)	
19	do	do	Mariappasari	7 years' transportation	Reduced to 5 years	(1[illegible]) (2[illegible])	
0	do	do	Velumyla Pillai	3 years' Rig Impt.	Confirmed	(25)	
21	do	do	Marimuttu Mudali	do	do	(26)	
22	do	do	Munusami	do	do	(27)	
23	do	do	Gangadhara chetti	do	do	(31)	
24	do	do	Kuppanna chetti	do	do	(33)	different from 38
25	do	423 "	Subraya Pillai	7 years' transportation	do	(16)	
26	do	Did not appeal	Virappa chetti	5 Years' Rig Impt.	Did not appeal	(9)	
27	do		Perianna chari	do		(11)	
28	do		Yellappan	3 Years' Rig Impt		12	12 on dist magts list
29	do		Krishna chetti	do		(17)	
30	do		Kaveri	do		(18)	
31	do		Desappa chari	do		(20)	
32	do		Subba charri	do		(22)	
33	do		Ravanappa chari	do		(23)	
34	do		Gurusawmi Achari	do		(24)	
35	6 "	408 "	Govindan	4 Years' Rig Impt	Confirmed	34	
36	do	388 "	Ramachendra chetti	do	do	35	
37	do	do	Sherwan	do	Reduced to 3 years	36	
38	7 & 9 "	381 & 385 "	Kuppanna chetti	4 Years + 2 years = 6 Years' Rig: Impt.	Confirmed	37	This is a different man from 24. 2 years omitted in dist magts list
39	7 "	381 "	Appavu Goundan	4 Years' Rig Impt.	do	38	
40	do	do	Kuppuraman	do	do	39	
41	8 "	388A	Sabhapati	do	do	40	
42	do	do	Devarayan	do	do	41	
43	do	do	Virasami Naiken	do	do	42	
44	do	do	Mottayan	do	do	43	
45	9 "	388 B	Bodi Naiken	do	do	44	
46	do	do	Muttu	do	do	45	
47	do	do	Arumugam	do	do	46	
48	10 "	382 "	Periyandi	do	do	47	
49	do	do	Chinnandi	do	do	48	
50	do	do	Nachi	do	do	49.	

Note Myleruma Pillai No. 50 on dist magts list is omitted in this list. He was tried by Mr Wilkinson this makes the total 50 as Sundu Nagiah Chetty is dead [illegible]

[illegible] number	Name of the accused in full	Court by which tried	Found guilty (abstract of offence) under section	Sentence Confirmed in appeal	as finally modified	Concerned in Conspiracy or in mere rioting-
1	2	3	4	5		6.
1	Sundaram Chetty Merchant & Dharmakarta of Mariamman Covil, Shevapett.	Additional Sessions Judge	Abetting Mischief by fire under sections 436 and 109, Indian Penal Code:- Transportation for life 21st Oct: 1882.	Confirmed by the High Court 9th January 1883		Conspiracy do
2	Venkatachella Mudali District works Overseer	do	do Transportation for 7 years, 21st Oct. 1882.	do	do	do
3	Manica Mudali Native Surgeon, I. M. Department Shevapett	do	do	do	do.	do
4	Gopalasami Mudali Village Munsiff of Shevapett	do	do Transportation for 5 years 21st October 1883	do	do	do
5	Komarasami Iyer, Accountant Collector's Office	do	do Transportation for 7 years.	do	do	do
6	Gopal Gurunadha Iyer, Clerk in the Central Jail Office Shevapett	do	do	do	do	do
7.	Morary Ramasami, Chetti Patnul, Merchant, Salem	do	do 5 years Rigorous Imprisonment & 2000 Rs fine 21st October 1882	do	do	do
8	Shunmugamachari, asari, arrack shop keeper Shevapett	do	do 3 years Rigorous Rigorous Imprisonment and 1000 Rs: fine, 21st October 1882	do	do	do
9	Veeraya Chetti, Sholia, Weaver, Shevapet	do	~~Being a member of an unlawful Ano assembly, a member or members of~~			Rioting

		of which Committed murder or ~~culpable homicide within~~ 302 or 304 I. P. Code 2. Being member of an unlawful Assembly, members of which Committed Mischief by fire Section 436 Indian Penal Code	Confirmed by the High Court 9th January 1883	
10 Mari Muttu, Vellala, Shop Clerk, Shevapett.	Additional Sessions Judge	7 years Rigorous Imprisonment. do. 3 years Rigorous Impt. 27th Oct. 82	Confirmed by the High Court 30th December 1882	Rioting
11 Periyannasari, Kammala Carpenter, Gogai	do	do 5 years Rigorous Imprisonment do	—	do
12 Yellappan, Vanni, Cooli, Gogai	do	48 do 3 years Rigorous Impt.	—	do
13 Subbarayan, Kannar, Merchant, Shevapett	do	do	Confirmed by the High Court 30th December 1882	do
14 Mari, Vellala, Cart driver, Shevapett	do	do 5 years Rigorous Imprisonment	do	do
15 Eswara Chetti, Silk weaver, Merchant, Shevapett.	do	Twto ~~do and sec 302 & 304 IPC~~ ~~7 years transportation~~ (1) Being member of an unlawful assembly members of which committed murder or culpable homicide sec 302 or 304 IPC (2) Being member of an unlawful assembly members of which committed mischief by fire sec 436 IPC 7 years transportation	do	do
16 Subbaraya Pillai, Karakatta Vellala, Cultivator Tharamangalam	do	do	do 15th February 1883	do

17 Kistna Chetti, Patnul Weaver Shevapett	do	do 3 years Rigorous Imprisonment		Rioting
18 Koneeri Koravan, Potmaker Chinnavanjai V 31	do	do do		do
19 Alagammannar – Kistna Chetti, – Patnul Merchant, Shevapett,	do	5 years Rigorous Imprisonment	Reduced to 3 years by the High Court	do
20 Desappasari, Kannar Cooli, Shevapett.	do	do 3 years Rigorous Imprisonment		do
21 Mariappa Achari, Kannar, Brass-smith, Shevapett.	do	do. 7 years transportation	Reduced to 5 years by the High Court	do
22 Subbasari, Kannar Brass Smith, Shevapett No 22	do	3 years Rigorous Imprisonment do —	—	do
23 Ravanappasari, Kannar, Cooli, Shevapett.	do	do	—	do
24 Gurunami Asari Kammala, Goldsmith, Shevapett		do 3 years Rigorous Imprisonment.	—	do
25 Valumyhe Pillai Vellala Merchant, Shevapett. —	do	— do —	Confirmed by the High Court 30 December 1868	do
26 Marimuthu Imbali Kykala Weaver Salem.	do	do	do	
27 Munusami Kavarai Shop servant Shevapett		do	do	do
28 Adirangamarjacala Chetti, Patnul Merchant, Shevapett	do:	do 5 years Rigorous imprisonment	Reduced to 3 years by the High Court do	do

49

79

29. Kusturi Rangiah Chetti, Patnul Merchant, Shevvpett	do.	do. 5 years Rigorous Imprisonment	Confirmed by the High Court. do	do
30. Gurusawmy Mistry Palli Shevvpett	do.	do 7 years trans:portation	do	do
31 Gengadaru Chetti Vellala Merchant Shevvpett	do.	do 3 years Rigorous Imprisonment	do	do
32 Pappiah Chetti Patnul, Weaver Shevvpett	do.	do 5 years Rigorous Imprisonment	Reduced to 3 years by the High Court do	do
33 Kuppanna Chetti Vallam Chetti Cobie Shevvpett	do	3 years Rigorous Imprisonment do	Confirmed by the High Court	do
34. Govendun Vermin Merchant Kichpolayam	do	1 Housebreaking in order to commit theft Section 457 I. P. Code 2. Dacoity Section 395 Indian Penal Code. 4 years Rigorous Im:prisonment. do	Confirmed by the High Court 15 February 1883.	do
35. Ramachandra Chetti, Patnul Weaver Sholavandan	do	do	do	do
36. Shervan Mabukar, Matmaker, Kichpolayam	do	do	Reduced to 3 years by the High Court	do
37 Kuppanna Chetti Weaver Cloth Merchant Kichpalayam	do	do	Confirmed by the High Court 15 Feby 1883	do
38 Apparu Goundan, Padayachi goat Seller, Kichipolayam	do	do	Confirmed by the High Court 15 February 1883	do

39. Kupparaman Kavandan, Snuff dealer, Salem	do	do	Confirmed by the High Court 15th February 1863	do
40. Sabapathi Vellala, Shop keeper &c Kichipolayam	do	do	do —	do
41 Dévaraya Vellala, Cultivar, Kichipolayam —	do	do	do.	do
42 Veerasami Naiken, Kavarai Tailor, Salem	do	do	do	do
43. Muttayan Vania, Oilmonger, Salem	do	do	do —	do
44. Bodi Naiken Kavarai Employee, Kichipolayam —	do	do	do —	do
45 Muthu Paniah dealer in Jungle Charcoal, Kichipolayam —	do.	do.	do —	do
46. Arumugam Kikala, Bricklayer, Salem.	do.	do.	do.	do
47. Pareyandi Chuckler, Chuckler, Kichipolayam.	do.	do	do.	do
48. Chinnandi chuckler chuckler, Kichipolayam	do	do	do.	do
49. Nachi Chuckler, Chuckler, Kichipolayam	do.	do	do.	do
50. Mylerum Pillai Vellala, pupil in school, Shevapett	Sessions Court.	Rioting, Causing disturbance to an Assembly engaged in religious worship and mischief by		do

by five Sections
147, 296, and 436
Indian Penal Code
5 years Rigorous
Imprisonment
9th January 1883

Confirmed by
the High Court
24th April 1883.

George Watters
Dist: Magistrate

NB a Shendunagaza chetty –
43 in Macleanes list
having died is omitted
He was sentenced to 3 yrs impt
under secs 302, 304, 436 IPC as above
[illegible]

52

56

List of Convicts undergoing sentence in connection with the Salem Riots

Ser. No.	Number of Sessions Case	Number of Appeal in the High Court	Names of the persons convicted	Sentence passed by the Sessions Court	How disposed of in Appeal	Remarks	
1	1 of 1882	331 of 1882	Sundaram Chetti	Life transpn.	Confirmed	This person the Dharmakarta of the principal Temple in Shevapet is alleged to have been the ringleader. I cannot recommend that the sentence passed on him be reduced below seven years.	
2	do	do	Venkatachela Mudali	7 years' transpn.	do	This person was an Overseer of the Local Fund Works. I cannot recommend that the sentence be reduced below 5 years as he is represented to have taken a part in the riots second only to that taken by Sundaram	
3	do	do	Manika Mudali	do	do	This person is a Native Christian Surgeon. It is said and I believe the correct [illegible] this person would not have joined the [illegible] but that he was intoxicated. I think the sentence might be reduced to 3 years.	
4	do	do	Kumarasami Iyen	do	do	Clerk in the Collector's Office. Is said to have led the Gosai rioters } The sentences in their case I think be reduced to 4 years.	
5	do	do	Gurunadha Iyen	do	do	Brother of No 4 Jail writer do release	
6	do	do	Shanmuga Achari	3 years' Rig. Impt.	do	Arrack Shop Keeper in whose house tools were stored. I cannot recommend any reduction in the	
7	do	332	M. Ramasami Chetti	3 years' Rig. Impt. & 2000 Rs. fine or in default one year's additional Rig. Impt.	do	Silk Weaver was convicted of conspiracy to attack the Mosque. I think the sentence be reduced to 3 years release	
8	do	335	Gopalasami Mudali	5 years' Rig. Impt.	do	Village Munsiff of Shevapet. I cannot recommend reduction of sentence 4 years	
9	5	342	Easwara Chetti	7 years' transpn.	do	Is said to have taken a prominent part in the riots & to have carried a [illegible] sentence might be reduced to 4 years.	
10	do	do	Sundu Nagiah Chetti	3 years' Rig. Impt.	do	I think this man should be released on the expiry of 2 years from the date of sen	
11	do	do	Guruva Maistri	7 years' transpn.	do	This man brought pigs (mistaken for children) which were cut up to defile the Mosque. 4 years recommended	
12	do	do	Kasturi Rangayya Chetti	5 years' Rig. Impt.	do	This man waved a flag. 3 years recommended release	
13	do	do	Pappayya Chetti	do	Reduced to 3 years	I think this man shd be released on the expiry of two years from the date of sentence	
14	do	341	Nagamamar Kistna Chetti	do	do	Do Do	
15	do	do	Adi Ranganaikulu	do	do	Do. Do	
16	do	376	Marimuttu	3 years' Rig. Impt.	Confirmed	Do Do	
17	do	do	Subbarayan	do	do	Do Do	
18	do	do	Mari	5 years' Rig. Impt.	do	Brought bamboos before the mosque - 3 years. release	
19	do	do	Mariappasari	7 years' transpn.	Reduced to 5 years	Is said to have been a leading man in his caste. - 3 years release	
20	do	do	Velamyla Pillai	3 years' Rig. Impt.	Confirmed	2 years	
21	do	do	Marimuttu Mudali	do	do	Do	
22	do	do	Munusami	do	do	Do	
23	do	do	Gangathara Chetti	do	do	Do	
24	do	do	Kuppanna Chetti	do	do	Do	
25	do	423	Subraya Pillai	7 years' transpn.	do	Formerly a Village Munsiff. I think the sentence was [illegible] 3 years	
26	do	Did not appeal	Virayya Chetti	5 years' Rig. Impt.	Did not appeal	Is said to have been the first to apply fire to the Pandal	3 years
27	do		Perianna Chari	do		I cannot find any ~~[illegible]~~ overt act imputed to this accused	2 years
28	do		Yellappan	3 years' Rig. Impt.		2 years	
29	do		Krishna Chetti	do		do	
30	do		Kaveri	do		[illegible]	
31	do		Desappa Chari	do		do	
32	do		Subba Chari	do		do	
33	do		Ravanappa Chari	do		do	
34	do		Gurusami Achari	do			
35	6	408	Govindan	4 years' Rig. Impt.	Confirmed	Breaking into & plundering a shop	2 years
36	do	388	Ramachendra Chetti	do	do	Do	2 years
37	do	do.	Shervan	do	Reduced to 3 years	Do	2 years
38	7 & 9	381 & 385	Kuppanna Chetti	4 yrs + 2 yrs = 6 yrs. Rig. Impt.	Confirmed	This man was convicted in 2 cases	4 years
39	7	381	Appavu Goundan	4 years' Rig. Impt.	do	Breaking into & plundering a shop	2 years
40	do	do	Kuppuraman	do	do	Do	2 years
41	8	388 A	Sabhapati	do	do	Do	2 years
42	do	do	Devarayen	do	do	Do	2 years
43	do	do	Virasami Naiken	do	do	Do	2 years
44	do	do	Mottayan	do	do	Do	2 years
45	9	388 B	Bodi Naiken	do	do	Do	2 years
46	do	do	Muttu	do	do	Do	2 years
47	do	do	Arumugam	do	do	Do	2 years
48	10	382	Periyandi	do	do	Do	2 years
49	do	do.	Chinnandi	do	do.	Do	2 years
50	do	do.	Nachi	do		Do	2 years.

8

Mylerum Pillai 4th R. I.

5

98

No. 313 55

Madras
29th August 1884

From

The Government Pleader
Madras

To,

The Honoble E. F. Webster
Chief Secretary to Govt.

[illegible]

Sir,

In continuation of my letter No. 290 dated 12th August 1884, I have the honor to forward two Copies of Judgments in Criminal Appeals Nos. 266, 267, 268 & 269 of 1884, on the file of the High Court.

[illegible] from file [illegible] are already Copies of the judgments are at [illegible] 11/9

I have the honor to be
Sir
Your Most Obedient St.

H B Shephard

Government Pleader

M E/16

For orders

The appellate judgements so far go to show that the judges support the lower court in holding that the 'Komati' Brahmin meeting never took place & (2) that Vijiaraghava Chari was not present at the destruction of the mosque.

M
2/9/84

The next step I think is to obtain from the High Court an official opinion as to the bearings of the evidence in these cases on the cases of the men now under sentences of transportation or imprisonment

ECM
4/9

Yes
MED

1/d

1884

CURRENT No. 3429

From

The Government Pleader
Madras.

To The Chief Secretary to Government

Dated 29th August 84

Received. 30

4 Enclos
([illegible] of each case)

No. 313

Subject.

Forwarding Judgments in Criminal Appeal Nos. 266, 267, 268 & 269 of 84 (Salem Perjury cases)

57

104

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the twelfth day of August,
One thousand eight hundred and eighty-four.

PRESENT :—

THE HONOURABLE MR. JUSTICE HUTCHINS.
THE HONOURABLE MR. JUSTICE BRANDT.

CRIMINAL APPEAL No. 265 OF 1884.

Sabapathy... ... ... *Appellant (Prisoner).*

Appeal against the sentence of the Court of Session of Coimbatore in Case No. 34 of the Calendar for 1884.

Mr. H. G. Wedderburn, Counsel, appeared for the Appellant.

Mr. J. H. S. Branson, Counsel, appeared for the Prosecution 2nd witness, Vijayaraghavachari.

This Appeal coming on for hearing on Monday, the 11th Instant, and having stood over for consideration till this day, the Court delivered the following

JUDGMENTS.

Mr. Justice Brandt.—The Appellant Sabapathy as 2nd witness for the prosecution in Calendar Case No. 11 of 1882 on the file of the Additional Sessions Judge, Salem, deposed that in the morning of a day "7 or 8 days previous to the riots of the 16th August" (1882) on arrival in Salem about 8-30 A. M. he went to the house of Kartikêsa Pillai, then Head Quarter Inspector of Police, and in the office-room in that house found assembled "10, 13 or 14 persons." The Appellant named 11 persons, including Vijayaraghavachari the 2nd accused in Calendar Case 11 of 1882, as then present in that room, and deposed that "they were talking about the Mari-"amma car in Shivapett and the mosque." He said that "they said" "that subscriptions must "be raised for the purpose of litigation": that "the 2nd Prisoner (meaning Vijayaraghavachari) said "that no suit was necessary: that if the mosque was destroyed some four people would be "punished on either side": that Subbaraya Mudali on the other hand said "they must adopt the "legal course": that "some agreed with the 2nd Prisoner" (Vijayaraghavachari) "and some with "Subbaraya Mudali."

The case for the prosecution is that there was no meeting at the place and time described and stated by the Appellant: that Vijayaraghavachari was not present at any such meeting and did not speak to the effect or suggest the course stated by the Appellant.

Of the eleven persons named by the Appellant (making twelve in all with Kartikêsa Pillai who the Appellant said was also then present) seven, besides Vijayaraghavachari who gave evidence as the 2nd witness for the prosecution, deposed in this case that they were not at any meeting in Kartikêsa Pillai's house at or about the time alleged, and that no such conversation as the Appellant described took place at any meeting at which they were present. The Sessions Judge has given in his judgment a sufficient account of the character and position in life of these witnesses, and of the effect of the evidence given by them in this case.

The Appellant was the only witness who in the former trial gave evidence as to the alleged meeting and what was, as he states, said and done thereat.

The Sessions Judge was of opinion that the gathering together of several persons in the house of a well known person to discuss the matters said to have been then discussed was not intrinsically improbable, but that it was unlikely that a man in the position of Vijayaraghavachari would have proposed the violent measures said to have been advocated by him in the house of the Head Quarter Inspector of Police and in the presence of a stranger, the Appellant.

After giving the case careful consideration the Sessions Judge came to the conclusion that the witnesses for the prosecution in this case were speaking the truth, that is, that it was proved that no such meeting as was deposed to by the Appellant took place at the time and place stated, and therefore the words said to have been uttered by Vijayaraghavachari were not spoken by him, and concurring with the Assessors he found the Appellant guilty and sentenced him to two years' rigorous imprisonment.

It is contended for the Appellant in appeal that it is not proved beyond reasonable doubt that no such meeting took place as is alleged, and it was argued that the improbability of such a meeting having been held in the house of an Inspector of Police is in itself so great that the Appellant would not have invented such a story. Some regard must be had to the probability of the Appellant's story, and I concur with the Sessions Judge in thinking that it is improbable that such a meeting would have been held in such a place, when it is not shown that Kartikêsa Pillai was interested or mixed up in the controversy between the Chetties and the Mahomedans concerning the mosque: that it is further improbable that the Appellant would have been allowed to witness and hear what was being said and done when he was a stranger, and before inquiries had been made as to what his views or interests were, and whether he could be trusted. The Appellant's story must stand or fall by itself.

The Appellant was in the Department of Public Works: he says he was not dismissed, but he does not explain why he left that service: he was after that a pial schoolmaster: he says he knew Sundaram Chetty as a friend and seeing him pass followed him into the Inspector's house: the explanation given as to his coming into Salem from the village where he was living, 13 miles off, cannot be said to be altogether satisfactory.

It is hardly necessary to say that the Appellant's story as to the place and manner of the meeting cannot be believed on account of, or by reason of its improbability.

As to the intention with which the evidence was given and the effect it would have had—indeed had—if and when believed, there can be no doubt: it went directly to prove that Vijayaragavachari counselled extreme and unlawful measures for the destruction of the mosque in opposition to advice given by another member of the meeting that resort should be had to legal measures; that he instigated the doing of that which afterwards actually occurred.

I see no reason to differ from the Assessors and the Sessions Judge in the conclusion arrived at by them. I consider the evidence given by the 2nd to the 9th witnesses for the prosecution sufficient to prove that there was no meeting at the house of Kartikêsa Pillai at or about the time alleged, at which the words said to have been used by Vijayaraghavachari were uttered, and the sentence passed being by no means excessive I would confirm the finding and sentence and dismiss this appeal

Mr. Justice Hutchins.—I have come to the same opinion though I at first thought it doubtful if a conviction could safely be based on the bare denial of parties accused and the intrinsic improbabilities of the story. The Sessions Judge has stated the case with perfect fairness. The Appellant's story is one which I could never have believed, and though Vijayaraghava's contradiction of it is not directly corroborated so far as he himself is concerned, the story is generally disproved by the fact that 7 out of the 11 others have disproved their participation in the meeting, while at least two of the four remaining have been accounted for. I see no reason to doubt that the contradiction given on oath by each one of these persons, as well as that given by Vijayaraghava himself, is perfectly true. One of them proves that he had no acquaintance whatever with Kartikêsa Pillai and did not even know his house. If the story told by the Appellant was false as regards any one man, it is likely to have been false altogether. If it was false as regards seven, the likelihood of its being false as to Vijayaraghava becomes overwhelming.

Ordered accordingly.

Exd. by S. A. Gopalachary.

Dy. Registrar,
Appellate Side.

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENTS
IN
CRIMINAL APPEAL 265 *of* 1884.

(*Session Case* 34 *of* 1884, *Coimbatore.*)

Dated 12*th August* 1884.

Sent

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the twelfth day of August,
One thousand eight hundred and eighty-four.

Present :—

The Honourable Mr. Justice HUTCHINS.
The Honourable Mr. Justice BRANDT.

Criminal Appeal No. 266 of 1884.

Tandaraya Kounden ... ... *Appellant (Prisoner.)*

Appeal against the sentence of the Court of Session of Coimbatore in Case No. 35 of the Calendar for 1884.

Mr. Wedderburn, Counsel, appeared for the Appellant.

Mr. Branson, Counsel, appeared for the Prosecution 2nd witness, Vijayaraghavachary.

This Appeal coming on for hearing on Monday, the 11th day of August 1884, and having stood over for consideration till this day, the Court delivered the following

JUDGMENT.

The Appellant, Tandaraya Goundan, deposed before the Additional Sessions Judge of Salem that he saw Vijayaraghavachary bringing people down a particular street. It has been found that this statement was one which he knew to be false or did not believe to be true, and, if so, there can be no doubt that the sentence of 4 years' rigorous imprisonment has been well deserved. It has been urged, however, that it has not been proved to be a false statement, or at all events that the Appellant may have believed it to be true.

The first difficulty is to settle the time at which the Appellant alleged this to have happened. While fully admitting that allowance must be made for rustic ignorance and inaccuracy as regards time, we think that the deposition made by the Appellant shows that he was speaking of a time very near half past 12, and the other evidence as to when the work of destruction began and the firing by the Police confirms this conclusion. There is a misprint here in the printed deposition. What the Appellant really said was that he joined his men about 12 or perhaps 11—not 1—o'clock. Half past 12 then is the time to be chiefly borne in mind with reference to the alibi of Vijayaraghavachary.

As the 2nd witness, Vijayaraghavachary swears that he was in the Agraharam all day. He was at Rangachary's house from about 9-45 for half an hour: he then went to his house, next door but one, to breakfast and he returned immediately after to Rangachary's, where he remained till 4 P. M. These houses are proved to be 1½ miles from the place where the Appellant asserted he saw him, and if what the Appellant said is true, the witness must have been absent from the Agraharam very nearly an hour at the least.

Now, no less than sixteen respectable witnesses have been called to prove that at various times between 10 and 4 they saw Vijayaraghavachary at the place where he swears he remained all day. Some of them mention that he was there at the time Mr. Mullaly's horse was caught, and it is clear from the other evidence that the horse must have run away about noon. The 21st witness proves that he reached the Cutcherry, ½ mile off, about or a little after one o'clock and that on his way he saw Vijayaraghava at Rangachary's, apparently quite cool and collected. The 18th witness saw him at the same place as he returned from Court and this fixes the time to have been shortly after 12. The 24th witness speaks to the same effect and has a similar reason for remembering the time. The 29th saw him both on his way to and his return from the District Court, *i. e.* about 11-15 and shortly before 1. Other neighbours saw him constantly about the same time and the 23rd witness was with him almost the whole day. We are satisfied that Vijayaraghavachary did not leave the Agraharam at any time to which the Appellant's evidence could possibly apply. As far as probabilities go, they are all one way. It is extremely probable that Vijayaraghava would have spent the day as he says he did: it is grossly improbable that he would have acted as the Appellant asserted.

The Sessions Judge has placed no reliance on the Police who were drawn up across the street down which Vijayaraghava is said to have led his contingent, but, so far as their evidence goes, it contradicts the Appellant's statement, and we think the fact that none of them saw Vijayaraghava is entitled to some weight, though not perhaps to much.

As for the suggestion that the Appellant may have mistaken Vijayaraghava for some one else, or have heard that he was there so often that he had begun to persuade himself that he really saw him, this cannot be entertained for a moment. The Appellant is not a mere rustic but has been a Village Munsif for 30 years. He knew very well that the identification of Vijayaraghava was a matter of crucial importance and he swore that he saw him.

We dismiss the Appeal.

Ordered accordingly.

Exd. G. Varadarajulu.

Deputy Registrar,
Appellate Side.

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENT

IN

CRIMINAL APPEAL 266 *of* 1884.

(*Session Case* 35 *of* 1884, *Coimbatore.*)

Dated 12th August 1884.

Sent

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the twelfth day of August,
One thousand eight hundred and eighty-four.

PRESENT :—

THE HONOURABLE MR. JUSTICE HUTCHINS.
THE HONOURABLE MR. JUSTICE BRANDT.

CRIMINAL APPEAL No. 267 OF 1884.

Ráyappa Chetti ... ... *Appellant (Prisoner.)*

Appeal against the sentence of the Court of Session of Coimbatore in Case No. 36 of the Calendar for 1884.

Mr. H. G. Wedderburn, Counsel, appeared for the Appellant.

Mr. J. H. S. Branson, Counsel, appeared for the Prosecution 2nd witness, Vijayaraghavachari.

This Appeal coming on for hearing on Monday, the 11th Instant, and having stood over for consideration till this day, the Court delivered the following

JUDGMENT.

The appellant Ráyappa Chetti is a Christian, a carpenter by trade. As 16th witness for the prosecution in Calendar Case No. 11 of 1882 on the file of the Additional Sessions Judge, Salem, in which case Vijayaraghavachari, the 2nd witness for the prosecution in this case, was 2nd accused, the appellant deposed that on a day, which it is admitted may be identified as Friday, the 11th August 1882, at 10 A. M. he went to the Komati Mattam, a building in Shivapett, a part of Salem Town, and there found about 75 people assembled, among whom he saw and identified the said Vijayaraghavachari: and that he heard him speak to the following effect "You need not be afraid. I will be for you in any Court."

It is the case for the prosecution that no such meeting took place at the time and place alleged: that Vijayaraghavachari was not present at any such meeting, and did not speak the words imputed to him or any words to that effect.

The appellant stated that, in consequence of his workmen refusing to work under him for a Mussalman for whom appellant was building a house, he was advised to go to the headmen of the Komatis or Chetties and directed to the Mattam of that caste—a place where it seems meetings of the caste-men are held: that he heard one Sundaram Chetti say that for reasons stated the Mosque should be destroyed and Mahomedan houses looted and burnt: that he spoke to Sundaram Chetti, and to Ponnusami Chetti (the 1st accused in the case in which he gave evidence, and 5th witness for prosecution in this case) about his business, and that they said that his workmen must not work for a Mahomedan: that he then stayed there for some time listening to what was going on, and was asked to subscribe to the fund, but declined, being a Christian.

The purport and effect of the evidence for the prosecution in this case is briefly stated in the judgment of the Sessions Court, and for the reasons therein stated the Judge, concurring with the Assessors in holding it proved that no such meeting took place as was deposed to by the appellant, convicted the appellant whom he sentenced to two years' rigorous imprisonment.

The appellant did not produce any evidence before the Sessions Court in support of his allegations, and the defence then suggested appears to have been that such a meeting as appellant speaks of may have taken place and that appellant may have gone to the "Mattam" at the time but, not being allowed to go inside, may have mistakenly, but in good faith, supposed some one else to be Vijayaraghavachari.

In appeal the arguments on behalf of the appellant were mainly directed to attempts to show that the evidence of the witnesses for the prosecution is not trustworthy : that the fact of the 3rd witness Kuppusami Chetti, who was a Municipal Commissioner, having left Salem on the day of the riots, and of Ponnusami Chetti, another Municipal Commissioner, having left the Town some three days before the riots and not returned till 4 or 5 days later, leads to the inference that they had been really conspiring to destroy the Mosque, and that it is very probable that such a meeting would be held in the building described by the appellant. On the other hand it is in evidence that there is a wall all round the building and only one entrance to it : it is not explained how the workmen who are said to have directed the appellant to the place where a meeting of this sort was being held should have known of such meeting, when it might naturally be expected that it would be kept as secret as possible and only those admitted who were known to and trusted by the conspirators.

It is a fact beyond dispute that the Police obtained no information as to this alleged meeting, while there certainly were Mussalman Constables in the force who would not have failed to report the fact had they known of it.

Then, having heard what the determination of the Komatis was, the appellant according to his own account gave no intimation to his employer, the Mussalman butler, nor to any one else, except, as he says, to his servants, for ten days at least, when he first mentioned it to "the Chittúr Inspector."

Adverting to the argument used on behalf of the accused in the Lower Court we observe that the manner in which the statements implicating Vijayaraghavachari were made by the appellant excludes the possibility of their having been made in consequence of mistake as to the identity of the person named.

The 10th witness Balakistnaiyar swears that he was in the company of Vijayaraghavachari at the Agraharam at the time when the appellant asserted the latter was at the Mattam, and he fixes the date with reference to a meeting at the Town Hall, which undoubtedly took place the following day.

The appellant gave very distinct evidence which, if believed, must have had great weight against Vijayaraghavachari, and we concur with the Sessions Judge and the Assessors in this case in considering that, having regard to the evidence for the prosecution, to the probabilities of the case and to the absence of any evidence on the side of the appellant to corroborate his accusation against Vijayaraghavachari, it is established beyond reasonable doubt that that accusation was absolutely false, and known to the appellant to be so, and that it was intentionally made with a view to assist towards obtaining a conviction against Vijayaraghava.

We confirm the finding and sentence and dismiss the Appeal.

Ordered accordingly.

Exd. by S. A. Gopalachary.

Dy. Registrar,
Appellate Side.

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENT
IN
CRIMINAL APPEAL 267 of 1884.
(Session Case 36 of 1884, Coimbatore.)

Dated 12th August 1884.

Sent

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the twelfth day of August,
One thousand eight hundred and eighty-four.

PRESENT :—

THE HONOURABLE MR. JUSTICE HUTCHINS.
THE HONOURABLE MR. JUSTICE BRANDT.

CRIMINAL APPEAL No. 268 OF 1884.

Govinda Chetty ... ... *Appellant (Prisoner.)*

Appeal against the sentence of the Court of Session of Coimbatore in Case No. 37 of the Calendar for 1834.

Mr. Wedderburn, Counsel, appeared for the Appellant.

Mr. Branson, Counsel, appeared for the prosecution 2nd witness, Vijayaraghavachari.

This Appeal coming on for hearing on Monday, the 11th day of August 1884, and having stood over for consideration till this day, the Court delivered the following

JUDGMENT.

The Appellant, Govinda Chetti, gave evidence in Calendar Case 11 of 1882 in which Vijayaragavachari was charged as 2nd accused with having been concerned in a conspiracy to destroy the Mosque at Salem and with actual participation in the attack on the Mosque.

The Appellant stated, as 17th witness for the prosecution in that case, (1) that he was at a meeting held in the Komati Mattam, 4 or 5 days before the riots of the 16th August 1882, at which meeting 400 or 500 people of all castes except Mussalmans were present, and discussed the destruction of the Mosque, and that Vijayaraghavachari was present, encouraged the people present to destroy the Mosque, promised to defend those concerned, and actually advised that Mahomedans should be killed and the Collector murdered if he came; (2) that he saw Vijayaragavachari at or near the Mosque on the 16th August 1882, encouraging the rioters to destroy the Mosque.

Evidence was adduced by the prosecution in this case to prove that no such meeting, as was alleged by Appellant to have been held at the Komati Mattam, was held; and that Vijayaragavachari passed the whole of the 16th August in a certain house in the Agraharam, a mile and a half from the Mosque.

The Session Judge concurring with the Assessors held it proved by the evidence for the prosecution, and having regard to the probabilities of the case, that no such meeting was held, and that Vijayaraghavachari was not at the destruction of the Mosque.

No evidence was adduced on behalf of the Appellant.

It is contended in appeal that such a meeting may have been held, but that the building is dark and that Appellant, not being able to see well, may in the crowd and confusion have taken some other person to be Vijayaraghavachari, and that he may have made a similar mistake as to having seen Vijayaraghavachari at the destruction of the Mosque.

We concur with the Session Judge in thinking that the Appellant's evidence must be looked at as a whole, and that it is impossible to suppose that Appellant could have been mistaken as suggested. There are the most distinct allegations as to the time (2 P. M.) at which the meeting is said to have been held, and the attendant circumstances are given in great detail not is the slightest doubt is implied by the Appellant as to his recognition of Vijayaraghavachari at either place. It is hardly possible that such a meeting as the Appellant deposed to; could have taken place without its being known to the Police, not to say to the whole town, and yet it is proved that the Police had no intimation of it and not a single witness is brought forward in support of the Appellant's story. As to Vijayaraghavachari's presence at the destruction of the Mosque, the evidence adduced to prove that he was not there has been fully considered and discussed in Criminal Appeal 266 of 1884, and we need not do more than say that we are satisfied that, in this case, there are no grounds for thinking that Appellant was otherwise than rightly convicted. We confirm the finding and sentence, and dismiss this Appeal.

Ordered accordingly.

Exd. by R. Vencata Row.

Dy. Registrar,
Appellate Side.

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENT
IN
CRIMINAL APPEAL 268 *of* 1884.
(*Session Case* 37 *of* 1884, *Coimbatore.*)

Dated 12th August 1884.
Sent

66

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tues day, the Twelfth —— day of August,
One thousand eight hundred and eighty- four.

PRESENT :—

The Honourable Mr. justice Hutchins.

The Honourable Mr. Justice Brandt.

CRIMINAL APPEAL No. 278 + 279 OF 1884.

Chinna Krishnan —— Appellant in No 278 (Prisoner)
Vencatachellapathy —— Appellant. in No 279 (Prisoner).

Appeal against the Sentence of the Court of Session of Coimbatore in Case No 38 + 40 of the Calendar for 1884.

The~~se~~ case appeal coming on for hearing, and Counsel not appearing on behalf of the Appellants Upon perusing the Petition of Appeal and the record of the evidence and proceedings before the Court of Session, the Court delivered the following

Judgment:- The Appellants, Chinna-Krishnan and Venkatachellapathy, pleaded guilty in the Court of Sessions, Coimbatore, to charges of having given false evidence in Calendar Case No 11 of 1882 on the file of the Additional Sessions Judge of Salem against Vijiaraghavachari, the 2d accused in that Case.

Chinna

Chinnakrishnan deposed both to having seen Viziaraghavachari at a meeting at the Kaliamman Koil at which the destruction of the mosque was agreed upon, and also to having seen Viziaraghavachari leading men to attack the mosque on the 16th August 1882 - Venkatachellapatty deposed only to the latter incident.

They appeal on the grounds that they were induced by the Police and others to make untrue statements implicating Viziaraghavachari; that though they were unwilling to repeat their statements before the Additional Sessions Judge, they were deterred by fear from their stating the truth; that they did, in the Coimbatore Court, state the truth and admit that their previous statements were untrue and that they ought therefore to have been, or ought now to be, acquitted or at least pardoned.

It may be assumed that the Sessions Judge did in fact take into consideration the Appellants' admission of guilt and the possibility of their having committed the offence under pressure.

There is no reason for interference. The Appeals are rejected.

Ordered Accordingly.

(signed) W. Morgan,
Dy: Registrar,
Appellate Side.

(A true copy)

Ja. Davies
Ag Registrar,
Appellate Side.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Tuesday, the twelfth day of August,
One thousand eight hundred and eighty-four.

PRESENT :—

THE HONOURABLE MR. JUSTICE HUTCHINS.
THE HONOURABLE MR. JUSTICE BRANDT.

CRIMINAL APPEAL No. 269 OF 1884.

Rasa Gounden ... ... *Appellant* (*Prisoner.*)

Appeal against the sentence of the Court of Session of Coimbatore in Case No. 41 of the Calendar for 1884.

Mr. Wedderburn, Counsel, appeared for the Appellant.

Mr. Branson, Counsel, appeared for the Prosecution 2nd witness, Vijayaraghavachari.

This Appeal coming on for hearing on Monday, the 11th day of August 1884, and having stood over for consideration till this day, the Court delivered the following

JUDGMENT.

In this case Rasa Gounden, convicted by the Sessions Judge of Coimbatore in Calendar Case 41 of 1884 of intentionally giving false evidence in Calendar Case 11 of 1882 on the file of the Additional Sessions Judge of Salem, appeals against the finding against him.

In the course of the trial in 1882, in which Vijayaraghavachari was 2nd accused, the Appellant, who is a cultivator residing in a village about a mile from Salem Town, deposed that on the 16th August 1882 he saw the 2nd prisoner (meaning Vijayaraghavachari) bringing up a crowd of people from a certain street named, while Appellant was, as he admits, himself engaged in destroying or making preparations to destroy the Mosque. The Appellant deposed that he saw Vijayaraghava at the Mosque and that he knew him by sight.

Eight witnesses were examined for the prosecution in this case to prove that Vijayaraghavachari was all day in the house called Renga Chari's house, in the Agraharam, a mile and a half from the Mosque : these witnesses were not cross-examined, and no evidence was adduced on behalf of the Appellant in support of his accusation against Vijayaraghavachari.

The defence set up in the Lower Court was that the Appellant in the confusion may have mistaken some other person for Vijayaraghavachari, and that it is not proved that he intentionally gave false evidence.

But, as the Sessions Judge points out, not even at the trial did the Appellant make such a case for himself. His allegations were made in a very positive manner : he said in Calendar Case 11 of 1882 that he knew Vijayaraghavachari by sight, had seen him 2 or 3 times going to the Court and knew him by name, and that he had been practising as a Vakil and that people knew his name ; and when charged in this trial he reiterated that "he saw" Vijayaraghavachari "with his own eyes."

The Sessions Judge concurring with the assessors had no hesitation in convicting the Appellant.

It is unnecessary to state again in detail our reasons for holding that it is established by the evidence for the prosecution that Vijayaraghavachari was not present at the attack on the Mosque and did not lead a body of men for that purpose, as this evidence has been considered at length in Criminal Appeal No. 266 of 1884. There has not been in this case, as there was in the other, any attempt to shake that evidence by cross-examination or to adduce other evidence in support of the statements made by the accused.

Nor has any other argument been brought forward in this appeal save that it is possible that the Appellant may have honestly but mistakenly thought that he identified Vijayaraghavachari at the place and time mentioned.

The manner in which the Appellant's statements against that person were made and persisted in render it impossible for us to accept this argument.

We see no reason for thinking that the Appellant was otherwise than properly convicted, and we confirm the finding and sentence and dismiss this Appeal.

Ordered accordingly.

Exd. G. Varadarajulu.

Dy. Registrar,
Appellate Side.

HIGH COURT OF JUDICATURE
AT
MADRAS.

JUDGMENT

IN

CRIMINAL APPEAL 269 *of* 1884.
(Session Case 41 *of* 1884, *Coimbatore.)*

Dated 12th August 1884.
Sent

High Court
2nd September 1884

My dear Webster,

The Chief Justice has directed me to forward you the enclosed copies of the High Court Judgment in the late appeals from Parker's decisions in the Salem riot [illegible] cases – together with copies of Parker's decisions in these cases. Will you please x return the latter when

x Returned 24/11/84

done with, as they are the original copies forming part of our records. The copies of the High Court Judgments are spare ones that are not required back. I understood the Chief Justice say that he was himself going to write ~~himself~~ to you in the matter of these Judgments.

Yours sincerely

Ja. Davies

I have heard
nothing more
F.W.
4/91

21

Judl. DEPARTMENT.

No.

D.O. From Registrar High Court
with judgts. on appeal from Mr Parker's decisions
Dated 2-9-84.

FOR ORDERS.

More than two years having elapsed since the conviction of the Salem rioters the Government may perhaps be disposed to consider whether the time has not come when they may safely remit the whole or part of the punishment still to be undergone by the offenders — Should this suggestion meet with approval nothing can be done, I think, till the Govt. have before them the views of the judges on these appeals from Mr Parker's judgments and I submit that a letter sh^d go asking if the evidence they have now been considering has in any degree shaken their belief in the justice of the findings in the remaining Salem cases E.F.W.

4/9/84

A Memorial from the Inhabitants of Salem has just been received and is put up. E.F.W.

4/9

I noted to that effect on a paper circulated yesterday: certainly this is the first step to take.

[illegible] 5/9

We might add in one of these replies or in the separate reply that whether they think that independently of any such evidence ~~they think~~ two years having elapsed effect might be given to the ~~[illegible]~~ wishes held out by M^r Wigram or it may form the subject of a letter to the Council [illegible]

Salem Riots

FOR ORDERS.

Hon: Mr Master
Hon Mr Sullivan
Rt Hon: the Governor
H.E. the Comdr in Chief

E.F.W.
4/9/84

C 4/9

Circulate
along with
the telegram
from the Viceroy

We can speak about the whole subject at next Council
M.E.G.D.
Sept 5/84

Madras
Sept. 3rd 1884

Dear Mr. Forster Webster –

The Registrar will forward to you copies of the judgements of the Sessions Court of Coimbatore and of the High Court on appeal in the cases arising out of the trials of Mr. Vijayaraghava Chari

I have at the request of H.E. the Viceroy gone through all the records of these trials in order to ascertain whether anything which transpired in the course of them, which suggests reasonable doubt as to the propriety of the convictions of any of the persons now undergoing sentences for offences connected with the Salem riots.

The prosecutions for perjury were instituted as you are aware at the instance of Mr Vijiaraghava Chari and the evidence was properly confined to the proof or disproof of the ~~charges~~ statements implicating him in the alleged conspiracy or in the riots -

The convictions in which these cases have resulted suggests to those who are not acquainted with the particulars of the cases of the persons convicted of riot that these convictions, for riot may also have been procured by perjured evidence: and if the High Court had accepted and acted upon the uncorroborated evidence of any of the persons now convicted of perjury, or if it

had overlooked the circumstance that a considerable amount of the evidence tendered at the trials of the rioters was unworthy of credit, if not deliberately false; I should have advised the Govt. to hold a further inquiry as to the guilt of the persons now undergoing sentence -

But the circumstance that a great deal of the evidence was false or unreliable was present to the minds of the Judges by whom the convictions were upheld -

It will be remembered that the Magistrate of the District refused to issue a warrant for the arrest of Mr. Vijiaraghava Chari and that the warrant was issued against the opinion of the District Magistrate by the Special Magistrate -

Judgment was delivered in Mr. Vyzeeraghava Chari's case at the same time that it was delivered in the ~~[illegible]~~ cases of the other alleged ringleaders; and the judge who affirmed the convictions of the other alleged ringleaders acquitted Mr. Vyzeeraghava Chari, because they were not satisfied of the truth of the statements made by the persons who have since been convicted –

Some of these witnesses had also given evidence against the other alleged ringleaders – These witnesses with two exceptions the Court judges considered in whole or in part unworthy of credit – They ~~considered~~ deemed it probable that meetings might have been held at that on three occasions to which these witnesses spoke, but they refused to accept the

evidence of the witnesses as to the character of the meetings, as the presence of the accused at those meetings, and to the expressions used by the accused at these meetings – Mr. Justice Innes accepted the evidence of one witness Sabapathi as to the fact of a meeting at ~~[illegible]~~ the Kontakesa Pillai's house. The two other judges did not – and Mr. Justice Innes accepted the evidence of Rayappa a carpenter as to the fact that a meeting was held at Kalavaiva house. At the recent trials the Sessions Court & High Court have come to the conclusion that no

meeting was held at Kartikesa
Pillai - this accords with the
opinions of the majority of the
judges in the riot cases that
the fact was not proved -
On the recent trials the Sessions
Judge and the High Court
have arrived at the conclusion
that no meeting was held at
the Kaliamman Kovil - The
majority of the judges in the
riot cases held otherwise, and
having perused the evidence
produced at the recent trials,
which is substantially the same
as that ~~proved~~ adduced at the former
trials, I am not prepared to
surrender the opinion I
formerly held - I did not

believe that the meeting was held for
the purpose of conspiring to destroy the
mosque, nor did I think it had been
attended so numerously as the witnesses
stated, nor did I consider it proved
that the accused were present - much
less that they used the expressions
imputed to them - but it was not
disputed that at the time when this
meeting was held, a league had
been formed at Theiapet to "boycott"
the Mahomedans and I thought
Rayapp's explanation probable that he had
been deprived of the services of his
workmen engaged in building a
Mahomedan's house and had gone
to this Kovil as a place where those
who directed the league were
to be found, in order that he might
induce them to allow his men
to return to their work -

The alleged ringleaders were not however convicted in consequence of any evidence given against them in connection with this meeting or any other meeting except a meeting at Varadiah's on the Monday preceding the riot; and the principal grounds on which all of them with one exception were convicted was the proof of their presence at the destruction of the mosque.

The evidence on which the Court principally relied as to the meeting at Varadiah's was that given by a Mahratta butcher, by a weaver whose son was arrested as a rioter & who complained that faith had not been kept with him, and (if I remember rightly) by a Taluq peon who had

sympathised with the rioters.

The evidence as to the presence of the alleged ringleaders (with one exception) at the destruction of the mosque was given by two Mahomedans whose houses had been plundered and burnt & by several Hindus - of the Hindu witnesses three gave false evidence against Vijiaraghavachari - One of them was disbelieved by a majority of the Judges of the High Court. It does not follow that the evidence of the other two was false ~~against~~ so far as it referred to persons other than Vijiaraghavachari. It was admitted that these men had been actually engaged in the destruction of the mosque

and that Vyeeraghava Chari
had come up afterwards
and from the manner in which
their evidence was given the
Court was satisfied that it was
unreliable against Vyeeraghava
Chari - It must throw the
equally unreliable against the
other persons whom it affected.
But apart from the testimony to
these persons there were other
Hindoo witnesses who supported
these statements & who have
not been convicted of perjury
[illegible] on which for
the first named Sundram
Venkatachella & Manikam
as the ringleaders and they
subsequently added the name
of the leaders of the Gopi band

who appeared to have been
unknown to them by name previously
They admitted they had only seen
the person they supposed to be
Vyeeraghava Chari at a distance
and when the disturbance was
at its height.
Their evidence was, I believed, untrue
so far as it concerned Vyeeraghava Chari
It was I still believe true in the
cases of Sundram Manikam Venkatachella
[illegible] Manikam & the Govt men.
None of the persons convicted
of perjury were to the best of my
recollection examined in the
cases of any other of the persons
now undergoing sentence -
I have therefore informed the
[illegible] that there is nothing
in the recent proceedings which
justifies me in recommending
the exercise of the prerogative
on the ground that the public of the

were instituted as you are

persons convicted is open to reasonable doubt - but I have recommended and I venture to urge on the Government of Madras the propriety of giving effect to the expectation held out by Mr. Logan that the sentences should be revised -

I believe that the Government was misled as to the duration and extent of the conspiracy, and that the action of the District Magistrate & Special Magistrate in suspending so many of the Police & Civil officers deprived them of the opportunity of ascertaining with any certainty the circumstances that preceded the outbreak - I think it most probable that the majority of the persons now undergoing sentence had not until the day of the

riot any concern in a plot for the destruction of the mosque - I think it probable that several were carried away by the excitement which attends such popular tumults -

Of the alleged ringleaders it is generally reported that Manikkam was on the day of the riot drunk, & that had he not been intoxicated, he could not have joined in the crime with which as a Christian he could have no sympathy -

The general impression in the public mind is that the rioters proceeded to acts of illegality only when they found that they were deprived of their civil rights (after they had vindicated them in the civil courts) by the threatened violence of their opponents

There is also an impression that the Order of Govt. of the 6th June was understood by the Hindus to warrant Magistrates in refusing them almost universally permission to ~~[illegible]~~ conduct unjust proceedings. It will be seen from the Supreme judgments that the thought this impression was really entertained by the writer – I should think the order had not necessarily that effect but I must confess I strongly urge that its final paragraph should be reconsidered – If the sentences could ~~It would~~ I think be regarded as a friendly concession to the sentiments of many who are thoroughly loyal to the Government and might safely be accorded without weakening the conviction that the Courts will repress with due severity any future outrages of the same nature & that the Government will support them in doing so – I shall be happy to advise the Govt. as to the reductions to be made in [illegible] [illegible] have been stated [illegible] [illegible] desires

yours very truly

Charles W. Turner

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59 15

Madras
Sept 3rd, 1884

Dear Mr Forster Webster,

The Registrar will forward to you copies of the judgments of the Sessions Court of Coimbatore and of the High Court on appeal in the cases arising out of the trial of Mr Vijiaraghavachari.

I have at the request of H.E. the Viceroy gone through all the records of these trials in order to ascertain whether anything transpired in the course of them, which suggests reasonable doubts as to the propriety of the convictions of any of the persons now undergoing sentences for offences connected with the Salem riots.

42

The prosecutions for perjury were instituted as you are aware at the instance of Mr. Vijiaraghava Chari and the evidence was properly confined to the proof or disproof of the statements implicating him in the alleged conspiracy in the riots.

The convictions in which these cases have resulted suggests to those who are not acquainted with the particulars of the cases of the persons convicted of riot that these convictions for riots may also have been procured by perjured evidence: and if the High Court had accepted and acted upon the uncorroborated evidence of any of the persons now convicted of perjury, or if it had overlooked the circumstance that a considerable amount of the evidence adduced at the trials of the rioters was unworthy of credit, if not deliberately

false

false; I should have advised the Government to hold a further inquiry as to the guilt of the persons now undergoing sentence.

But the circumstance that a great deal of the evidence was false or unreliable was present to the minds of the judges by whom the convictions were upheld.

It will be remembered that the Magistrate of the District refused to issue a warrant for the arrest of Mr. Vijiaraghavachari and that the warrant was issued against the opinion of the District Magistrate by the Special Magistrate.

Judgment was delivered in Mr. Vijiaraghavachari's case at the same time that it was delivered in the cases of the other alleged ringleaders: and the Judges who affirmed the convictions of the other alleged ringleaders acquitted Mr Vijiaraghavachari, because they were not satisfied of the truth of the statements made by the persons who have since been convicted. Some of these witnesses had also given evidence against the other alleged ringleaders. These witnesses with two exceptions, the Judges considered in whole or in part unworthy of credit. They deemed it probable that meetings might have been held on three occasions to which these witnesses spoke, but they refused to accept the evidence of the witnesses as to the character of the meetings, the presence of the accused at those meetings, & the expressions used by the accused at those meetings. Mr Justice Innes

accepted

accepted the evidence of one witness Sabapathi as to the *fact* of a meeting at the Kartikesa Pillai's house the two other Judges did not. I and Mr Justice Innes have accepted the evidence of Royappa a carpenter as to the *fact* that a meeting was held at Kaliamma Kovil. At the recent trials the Sessions Court & High Court have come to the conclusion that no meeting was held at Kartikesa Pillai's. This accords with the opinion of the majority of the Judges in the riot cases that the fact was not proved. At the recent trials the Sessions Judge and the High Court have arrived at the conclusion that no meeting was held at the Kaliamma Kovil. The majority

of the judges in the riot cases held otherwise & having perused the evidence produced at the recent trials which is substantially the same as that adduced at the former trials, I am not prepared to surrender the opinion I formerly held. I did not believe that the meeting was held for the purpose of conspiring to destroy the mosque, nor did I think it had been attended so numerously as the witnesses stated, nor did I consider it proved that the accused were present much less that they used the expressions imputed to them — but it was not disputed that at the time when this meeting was held, a league had been formed at Shevapet
to

to "boycot" the Mahomedans and I thought Royappa's explanation probable that he had been deprived of the services of his workmen engaged in building a Mahomedan's house, and had gone to this Kovil as a place where those who directed the league were to be found, in order that he might induce them to allow his men to return to their work. The alleged ringleaders were not however convicted 42 in consequence of any evidence given against them in connection with this meeting, or any other meeting except a meeting at Varadiah's on the Monday preceding the riots and the principal ground on which all of them with one exception were convicted was the
proof

proof of their presence at the destruction of the mosque

The evidence on which the Court principally relied as to the meeting at Varadiah's was that given by a Mahratta butcher, by a weaver whose son was arrested as a rioter, and who complained that faith had not been kept with him, and (if I remember rightly) by a taluk peon who had sympathised with the rioters.

The evidence as to the presence of the alleged ringleaders with one exception at the destruction of the mosque was given by the Mahomedans whose houses had been plundered and burnt and by several Hindus. Of the Hindu witnesses three

three gave false evidence against Vijiaraghava Chari - one of them was disbelieved by a majority of the judges of the High Court. It does not follow that the evidence of the other two was false so far as it referred to persons other than Vijiaraghava Chari. It was admitted that these men had been actually engaged in the destruction of the mosque & that Vijiaraghava Chari had come up afterwards & from the manner in which their evidence 42
was given the Court was satisfied that it was unreliable against Vijiaraghava Chari. It was not shown to be equally unreliable against the other persons whom it affected. But apart from the testimony of these persons there were other Hindu witnesses who supported their statements & who have not been

been convicted of perjury. The Mahomedan witnesses from the first named Sundram, Vencatachella & Manickum as the ringleaders & they subsequently added the names of the leaders pojei band who appeared to have been unknown to them by name previously.

They admitted they had only seen the person they supposed to be Vijiaraghavachari at a distance and when the disturbance was at its height.

Their evidence was, I believed, untrue, so far as it concerned Vijiaraghavachari. It was I still believe true in the cases of Sundram, Manickum and Vencatachella, the village Munsiff and the pojei men. None of the persons convicted of perjury were to

the

the best of my recollection examined in the case of any other of the persons now undergoing sentence.

I have therefore informed the Viceroy that there is nothing in the recent proceedings which justifies me in recommending the exercise of the prerogative on the ground that the guilt of the persons convicted is open to reasonable doubt. but I have recommended and I venture to urge on the Govt. of Madras the propriety of giving effect to the expectation held out by Mr. Wigram that the sentences should be revised.

I believe that the Govt. was misled as to the direction and extent of the conspiracy, and that the action of the Dt. Magistrate and Special Magistrate in suspending so many of the Police and Civil officers deprived them of the opportunity of ascertaining with any certainty the circumstances that preceded the outbreak. I think it most probable that the majority of the persons now undergoing sentence had not until the day of the riot any concern in a plot for the destruction of the mosque. I think it probable that several were carried away by the excitement which attends such popular tumults.

Of the alleged ringleaders, it is generally asserted that Manickam was on the day of the riot drunk, and that had he not been intoxicated he would

not

not have joined in the crime with which as a christian he could have no sympathy.

The general impression in the public mind is that the rioters proceeded to acts of illegality only when they found that they were deprived of their civil rights (after they had vindicated them in the Civil Courts) by the threatened violence of their opponents.

There is also an impression that the order of Govt. of the 6th June was understood by the Hindus to warrant Magistrates in refusing them almost universally permission to conduct religious processions. It will be seen from Mr. Wigram's judgment that he thought this impression was

greatly

really entertained by the rioters -
I observed that the order had
not necessarily that effect, but
I must confess I strongly urge
that its final paragraph should
be reconsidered.

A reduction of the sentences
would I think be regarded as
a prudent concession to the
sentiments of many who are
thoroughly loyal to the Govt.
and might safely be accorded
without weakening the conviction
that the Courts will repress with
due severity any future outrages
of the same nature and that
the Govt. will support them
in ~~doing so~~ doing so.

I shall be happy to advise
the Govt. as to the reductions
to be made in each case

8/

should my advice be desired -

yours very truly
Sd/ Charles A. Turner

Madras
September 1

Draft

Dear Sir Charles Turner.

H.E. the G. in C. has attentively considered your demi official note to me of 3rd Inst. respecting the appeal cases arising out of the trial of Mr V.R.C.

His Excy observes that the result of the trials before Mr Parker has not led you to doubt the justice of the sentences pronounced in other Salem Cases & that, in your opinion there is nothing in the recent proceedings which justifies you in recommending the exercise of the prerogative of mercy on the ground that the guilt of the persons convicted is open to reasonable doubt. At the same time you urge the propriety of giving effect to the expectation held out by Mr Wigram that the sentences should be revised & offer to advise the Government as to the reductions to be made in each case.

In reply I am to convey to you the thanks of H.E. in C. for your offer of advice and to say that the Govt. gladly accept it.

I am to add that a very numerously signed letter praying for the release of the prisoners is now before the Government & that no orders will be passed on it till ~~the Govt.~~ H.E. in C. ~~have~~ has had the advantage of considering your advice in the matter

Believe me
&c
E. F. Webster

11/9/84

Despatched
12/9/84
FW

~~91~~ 172

Madras
Sept. 16th

CHIEF SECRETARY
17 SEP 84
GOVERNMENT OF MADRAS

Dear Mr. Foster Webster

Salem Riots

In my last letter to you I inadvertently ~~and~~ termed the Kurnalo Mattam the Kaliamma Kovil in two or three places – I had not the papers at hand to refer to. It was the meetings alleged to have been held at the former and not that alleged to have been held at the latter which the Judge of Coimbatore and the High Court in the recent appeals considered had not been held.

Mr. Wedderburn informs me that when one of the two men were ~~also~~ pleaded guilty he believes Chinna Krishnan was called up for judgment and admitted his statements was untrue the Judge put him the question Do you say there was no meeting. He replied there was a meeting at the Kaliamma Kovil I was at [illegible] [illegible] Chari was not there — This does not appear in Mr Parker's notes which appeared in some of the reports of the trials and Mr [illegible] believes that Mr Parker will confirm his statements if reference is made to him.

I have seen in the Athenaeum to day what purports to be and I presume is the petition presented to the Govt by the inhabitants of Salem — The petition somewhat misrepresents the facts. Mr [illegible] deposed at the first trial ~~that there~~ in the day following the riot ~~[illegible]~~ that ~~[illegible]~~ names, that [illegible] & [illegible] were concerned in it — It is to be regretted he was not more fully examined on the point on that occasion

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92 174

at the second conspiracy trial he ~~mentioned~~ stated distinctly that the names of [illegible] [illegible] & [illegible] were mentioned to him by the Mahomedans on the day following the riot and this statement he has repeated at the recent trials. I see the Petitioners carefully abstain from referring to the evidence as to the meeting at the Sambier Covil which was adjourned to [illegible] house on the following day — It was I believe only a meeting to advocate boycotting in Salem and it was not according to the evidence till a late period of the meeting ~~day~~ that the project of the destruction of the mosque was broached at [illegible]

May I venture to urge that if the Govt intends to listen any

relating to respecting the Salem
Convictions as it would do to
promptly the publication of the
petition will keep alive an
unhealthy excitement and
the sooner that excitement is
set at rest the better

Yours very faithfully
Charles A. Turner

A letter has been
despatched to Sir Charles
Turner thanking him
for his offer of advice
in the matter of the Salem
Convictions & stating that
the Govt. will [illegible]
after [illegible] unless in
the petition [illegible] before
them E. F. W.
12/9/84

the points on that occasion

Madras
September 11th, 1884.

Dear Mr. Forster Webster,

Salem Riots

In my last letter to you I inadvertently termed the Komati Muttam the Kaliamma Kovil in two or three places. I had not the papers at hand to refer to. It was the meeting alleged to have been held at the former and not that alleged to have been held at the latter which the Judge of Coimbatore and the High Court in the recent appeals considered had not been held.

Mr. Wedderburn informs me that when one of the two men who pleaded guilty, he believes China Krishnan ~~who~~ was called up for judgment and admitted his statement was untrue. The Judge put him the question. Do you say there was no meeting? He replied there was a meeting at the Kaliamma Kovil. I was at it, but Vijiaraghava Chari was not there. This does not appear in Mr. Parker's notes, but it appeared in some of the reports of the trials, and Mr. Wedderburn believes that Mr. Parker will confirm his statements if reference is made to him.

I have seen in the Athenaeum today what purports to be and I presume is the petition presented to the Govt. by the inhabitants of Salem. The petition is somewhat misrepresents the facts. Mr. Mullaly deposed at the first trial that on the day following the riots there were rumours that Venkatachella

and Manickum were concerned in it. It is to be regretted he was not more fully examined on the point on that occasion.

At the Second conspiracy trial he stated distinctly that the names of Sundram, Vencatachella & Manickum were mentioned to him by the Mahomedans on the day following the riots and this statement he has repeated at the recent trials. I see the petitioners carefully abstain from referring to the evidence as to the meeting at the Sambier covil which was adjourned to Varadiah's house on the following day. It was I believe only a meeting to advocate boycotting in Salem and it was not according to the evidence till a late period of the meeting that the project of the destruction of the mosque was broached at Varadiah.

May I venture to urge that if the Govt intends to take any action respecting the Salem convictions it should do so promptly. The publication of the petition will keep alive an unhealthy excitement and the sooner ~~that~~ this excitement is set at rest the better.

Yours very faithfully

Chas A. Turner

Madras
Sept 22nd 1884

CHIEF SECRETARY
23 SEP 84
GOVERNMENT OF MADRAS

Dear Mr Forster Webster

I have the pleasure to forward a list compiled from Dr Maclean's collection of papers and the records of the High Court showing the persons now undergoing sentence in connection with the riots of August 1882.

I believe the list is complete but this may be ascertained from the District Magistrate.

In reference to the Petition presented by the inhabitants of Salem I may observe that the persons convicted of perjury at Coimbatore were so convicted for evidence given at the trial of the Sessions case No 11 of 1882 all the persons convicted at that trial were acquitted on appeal to the High Court. The High Court had these appeals under consideration at the

his deposition from the proofs of

had

same time as the appeals preserved against the convictions obtained at the first trial S C 1 of 1882. and the Judges who supported the convictions were aware that the evidence of these ~~persons~~ witnesses was to be viewed with considerable suspicion It will be seen that they either did not act on their evidence or did not accept it as proving the connection of the accused with the offences charged or accepted it only when it was strongly corroborated by other witnesses-

It should also be noticed that the Judge Mr Wilkinson did not consider it his duty to make any inquiry as ? to the authors of the riots which may account for the circumstance that no names were mentioned to him on the day following the riots. I think this appears from his examination in the Coimbatore Court but you will be able to satisfy yourself on the point if you call for a copy of his deposition from the Judge of

A

A

Coimbatore. It would be as well also to call for a copy of Mr. Mullaly's deposition in which he repeats the statement he had made before that the names of Sundaram Chetti Venkatachella & Marutha were given to him as the ringleaders by the Mahomedans on the day following the riots & therefore some days before the arrival of Khader Batcha in the Station.

The Sessions Case No 5 in which it will be seen that the majority of the persons now undergoing sentence were convicted embraced the cases of a large number of persons accused of having taken part in the destruction of the mosque. The names of several of the convicts were noted at the time by the Police. Several were arrested on the day following the riots. Two of the Hindoo informers were examined at this trial of whom one Venkata Chetti was committed for trial for perjury committed in Vijayaraghava Chari's case but the prosecution was abandoned. None of the persons convicted were affected by the evidence of either of these informers, so far as I can discover.

The Sessions ~~trials~~ 6. 7. 8. 9 & 10 were held concerning dacoities or housebreaking committed in Salem during the riots. None of the witnesses convicted of perjury gave evidence against the persons convicted at these trials.

I have noted in the margin of the accompanying list the utmost reductions which I think can properly be made in the sentences. It is of course understood that with the exception of one or two of these sentences which did not come before me in appeal I do not think that the sentences imposed were excessive or more severe than the Courts should impose as the Government support should the offences be at any time repeated.

I have revised the sentences & based my recommendations on the understanding that the Government is prepared to exercise clemency (a) because the Hindus have generally refrained from allowing their sectarian feelings to commit them to acts of violence and (b) because in the present instance irritation had been produced by the necessity imposed on the Magistrate to interfere with a long established usage largely vindicated in the Civil Courts owing to the turbulence apprehended from the Mahomedans.

I have felt some hesitation whether so considerable a reduction as two years should be made in the sentences of the persons convicted of housebreaking.

Although the prosecution suggested that the riots in which these offences were committed were excited by persons who wished to retain the Mahomedans of Salem in their own quarters & prevent them from taking part in the defence of the Mosque at Shevapet; the connection of these offences with the destruction of the Mosque was not established by direct evidence nor was it shown that the persons convicted of their commission were aware of the intention to attack the Mosque.

It was not proved that any of these persons had been convicted previously of any offence and it may be assumed in their

favour that they were led to
commit the offences of which
they have been convicted
by the prevailing excitement.

I hope the roughness of my
notes may be excused as I
thought it undesirable that
my recommendation should
be divulged & hesitated to entrust
~~[illegible]~~ them to the office
for fair copying

Believe me

Yours truly

Charles A. Turner

papers to be printed with the G.O. about to issue shd be selected. I thought we shd have received such a letter from the C.J. as might have been published but we cd not let the present d.o. go to the public — look at the 'reasons' at foot of page 5 — the only way will be to make a careful summary of this & his previous notes.

25/9

I presume a draft might be prepared recounting the circumstances & generally accepting the views of the High Court — It is unnecessary, I think, to send the papers to the Prest while on tour (he is to return in nine days) & no doubt he wd prefer to deal with this important subject after his return to Hd Quarters

FW
24/9/84.

I think so — Copy of the Nominal list omitting remarks might at once be sent to the District Magte Salem, for verification.
At the same time the

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10 2/

Madras
Sept. 22d, 1884.

Dear Mr. Forster Webster,

I have the pleasure to forward a list compiled from Dr. Macleane's collection of papers and the records of the High Court showing the persons now undergoing sentence in connection with the riots of August 1882.

I believe the list is complete, but this may be ascertained from the District Magistrate.

In reference to the Petition presented by the inhabitants of Salem, I may observe that the persons convicted of perjury at Coimbatore were so convicted for evidence given at the trial of the Sessions Case No. 17 of 1882. all the persons convicted at that trial were acquitted on appeal to the High Court. The High Court had these appeals under consideration at the same time as the appeals presented against the convictions obtained at the first trial S.C. 1 of 1882 and the Judges who supported the convictions were aware that the evidence of these witnesses was to be viewed with considerable suspicion. It will be seen that they either did not act on their evidence or did not accept it as proving the connection of the accused with the offences charged, or accepted it only when it was strongly corroborated by other witnesses.

It should also be noticed that the Judge, Mr Wilkinson, did not consider it his duty to make any inquiry as to the authors of the riots which may account for the circumstance that no names were mentioned

mentioned to him on the day following the riots. I think this appears from his examination in the Coimbatore Court, but you will be able to satisfy yourself on the point if you call for a copy of his deposition from the Judge of Coimbatore. It would be as well also to call for a copy of Mr Mullaly's deposition in which he repeats the statement he had made before that the names of Sundaram Chetti, Venkatachella & Manika were given to him as the ringleaders by the Mahomedans on the day following the riots and therefore some days before the arrival of Iskander Badsha in the station.

The Sessions Case No. 5 in which it will be seen that the majority of the persons now undergoing sentence were convicted embraced the case of a large number of persons accused of having taken part in the destruction of the mosque. The names of several of the convicts were noted at the time by the Police. Several were arrested on the day following the riots. Two of the Hindu informers were examined at this trial of whom one Kristna Chetti was committed for trial for perjury committed in Vijiaraghava Chari's case, but the prosecution was abandoned. None of the persons convicted were affected by the evidence of either of these informers, so far as I can discover.

The Sessions trials 6, 7, 8, 9 & 10 were held concerning dacoities or house-breaking committed in Salem

during

during the riots. None of the witnesses convicted of perjury gave evidence against the persons convicted at these trials.

I have noted in the margin of the accompanying list the utmost reductions which I think can properly be made in the sentences. It is of course understood that with the exception of one or two of these sentences which did not come before me on appeal, I do not think that the sentences imposed were excessive or more severe than the Courts should impose or the Government support should the offences be at any time repeated.

I have revised the sentences and based my recommendations on the understanding that the Government is prepared to exercise clemency (a) because the Hindus have generally refrained from allowing their sectarian feelings to commit them to acts of violence and (b) because in the present instance irritation had been produced by the necessity imposed on the Magistrate to interfere with a long established usage and a right vindicated in the Civil Courts owing to the turbulence apprehended from the Mahomedans.

I have felt some hesitation whether so considerable a reduction as two years should be made in the sentences of the persons convicted of housebreaking although the prosecution suggested that

that the riots in which these offences were committed were excited by persons who wished to retain the Mahomedans of Salem in their own quarters and prevent them from taking part in the defence of the mosque at Shimpet the connection of these offences with the destruction of the mosque was not established by direct evidence nor was it shown that the persons convicted of their commission were aware of the intention to attack the mosque.

It was not proved that any of these persons had been convicted previously of any offence and it may be assumed in their favor that they were led to commit the offences of which they have been convicted by the prevailing excitement

I hope the roughness of my notes may be excused as I thought it undesirable that my recommendations should be divulged and hesitated to entrust them to the office for fair copying.

Believe me
Yours truly
Sd/ Charles A. Turner

167
204

Judicial Department.

No. 2191.

CHIEF SECRETARIAT MADRAS.

Official Memorandum.

Dated the Sept ~~17~~ 26th. 1884.

Fair this for the
C S signature
~~Despatched~~ 26/9/84
1/84
26/84

The Sessions Judge Coimbatore is directed to forward as soon as possible copies of the depositions given by Mr Mullaly & Mr Wilkinson, at the trials of the Prisoners ~~sentenced~~ ~~bound for~~ convicted of perjury in Sessions Cases Nos. 34, 35, 36, 37, 38, 40, 41, 42 by Mr Parker late Sessions Judge Coimbatore

27/9/84

Memo
No 2191
26 Sept/84

COURT OF SESSIONS COIMBATORE.

Session Case No. 35 of 1884.

13° Witness for Prosecution.

Name . Francis Henry Wilkinson.
Father's name
Caste
Village
Taluq
Profession . District Judge Calicut.
Age

Solemnly affirmed deposes.

I am now District and Sessions Judge at Calicut. In August 1882 I was acting as District Judge at Salem. I had then known Vijaraghavachari for some time. I remember the Salem riots on August 16th. I went down to the Mosque with Mr Pritchard at 12-45. I went to Court at 11 O'clock and got to the Mosque about 1/4 to one. I found

Mr. Mullaly and Col. Whitlock on horseback. From where I was I could see the lamp post near the Mosque. It is close to where the temporary guard was. I saw no crowd of men near the lamp post. I did not identify any body. I did not see Vijiaraghavachary there. I did not see any one with a pistol. I sent off a telegram for troops. Next day I went down to see the mosque with Col. Whitlock. I made no enquiries on the next day, but I talked to the Mahomedans about the destruction of the Mosque and houses round. They did not mention any names to me. I did not ask if they recognized any one. We talked about what had happened. The name of Vijiaraghavachari was not mentioned.

XX. We got out of the carriage and walked over the Mosque and burnt houses. I drove down with Mr. Pritchard from Court on the 16th. We stopped in front of the Police. We left the carriage behind. The crowd was about - 20 to 30 yards off - Two or three men were dancing about. I did not see them draw a line across the road. Mr. Pritchard walked towards the crowd and Mr. Mullaly ordered him back. He came back. I was then 1/4 hour talking to

Major Whitlock and Mr. Mullaly. They were destroying the mosque actively then with pick axes &c. The mosque was on fire. The smoke was not very dense. I saw the lamp post from where I was. The crowd ~~was dense~~ was densest from the corner of Appuchetty street across to the mosque. They were carrying bamboos across. There may have been some 800 people in the square. Some were armed with swords; others carrying bamboos &c. I suggested the Police should charge. There were about six Europeans. I believe the firing had taken place before I came. I took the people to be weavers and pariahs. No attempt was made to identify people when I was there.

By the Court.

I have generally seen Vijiaraghavachari in Court or when visiting me at my house. He would then be dressed in white coat and turband. I don't think from my experience I should be able to pick him out in a crowd if without coat and turband.

10-7-84. (Signed) G. A. Parker
Ag. Sessions Judge.

True copy

Wigram
Sessions Judge.

COURT OF SESSIONS COIMBATORE.

Session Case No. 35 of 1884

31st Witness for Prosecution

Name Charles M. Mullaly
Father's name
Caste
Village
Taluq
Profession Ag: Head Assistant Collector at Salem
Age

Solemnly affirmed deposes.

In August 1882 I was Head Assistant Collector at Salem. I remember the riots on August 16th. One of my horses a Chestnut ran away in the course of the day. I was asked to go into the house of a native boy who was said to be wounded. I left the horse in charge of some native and went into the hut, and had the wounded boy brought out. When the Charpoy was brought out, there was a great uproar, and the horse got frightened and broke away and gallopped off. To the best of my belief this was about 11 P.M. I went on foot till I got an Inspector's horse and afterwards one of my own was brought me. I think it was about 2 P.M. when I got to the mosque. I saw Colonel Whitlock. He was there a minute or two before me. He was mounted. The Police were drawn up at the point marked A in the plan. I gave orders to the Police to take down the names of the rioters. My orders were carried out. I knew Vijia Raghuvacharry at that time well. He was never named to me during that day as one of those present at the mosque. I made enquiries next day at the mosque and some complaints were made to me but his name was not mentioned. I went down again on the 18th with Mr. Macleane. Some complaints were made verbally then, but

I

I don't recollect that Vijaya Raghuva chary's name was mentioned.

X. X.

The complaints related to the houses burnt down, and to the idiot boy who was cut to pieces and looting the bazaars. They complained about the burning of the mosque and showed burnt pieces of the Koran. Complaints were made against Sundram, the Overseer Vencatachellam, and the Native Doctor Monikam. I searched the Overseer's house. I did not take the names down then. I only remember these three names. My action was more to prevent further rioting both on 17th and 18th than to take complaints. I looked at my watch when the Tahsildar came up about 4 P.M. I make a guess when I lost the horse about 1 P.M. I did not look at my watch. I do not think I lost my horse so early as 11 or 12. I might possibly be an hour out in my calculation. I had a hard day and was out in the sun all day. I was brought down to the mosque in the morning by a false report of a riot there. I think that was about 11 A.M. There was no appearance of a riot there then. I got another report afterwards of an actual riot. When I got to the point A in the plan, the crowd was dense. It did not then fill the space between the bamboo godowns and the mosque. I rode nearly up to the mosque and told the rioters if they did not stop I would fire on them. I then went back and told the Police to fire. The crowd attacking the mosque was dense and appeared to come from the Cogai side. The mob were over the place. I don't think I could see the lamp post from where I was. It might be some distance off. The Police fired without effect. Then the

Inspectors fired with more effect. The crowd got into the bushes and threw stones for a short time. After that Mr Wilkinson and Mr Pritchard drove down. I can't say how long Mr Wilkinson stayed. He asked me if I had telegraphed to Government. I had only a few words with him. After the firing some names were taken by the Sub-Inspector. The crowd was gesticulating.

Re examined.

On August 17th people came forward and made complaints voluntarily. There were not very many - a group of 10 or 12 people. I cannot remember exactly.

11.7-84.

(True Copy)

(Signed) G. A. Parker
Ag: Sessions Judge

Wigram
Sessions Judge

No: 14

Sessions Court Coimbatore
27 September 1884.

From
H. Wigram Esquire
Sessions Judge of Coimbatore

To
The Honorable E. F. Webster
Chief Secretary to Govt.
Madras:

Sir,

With reference to your Official Memorandum No: 2191 dated the 26th Instant Judicial Department I have the honor to forward herewith copies of the depositions given by Mr: Mullaly and Mr: Wilkinson in Calendar case No: 35 of 1884 on the file of this Court and to state that no depositions were taken from these gentlemen in C. C. Nos: 34. 36. 37. 38. 40. 41 and 42.

I have the honor to be
Sir
Your most obdt. Servant
Wigram
Sessions Judge

CURRENT No/3877

Judicial Department

From

The Sessions Judge
Coimbatore

Dated 27th Septr: 1884.
Despd:
Recd 29

No: 14

Enclosures. 2.

Forwarding the copies of the depositions of Mr: Mullaly and Mr: Wilkinson in C.C. No: 35 of 1884 on the file of his Court

---

220

115/1

D. O.

Salem
COLLECTOR'S OFFICE.

Sankeridroog
29th Sept

Dear Webster

I return the two lists of Salem prisoners. The my list is correct. The High Court has entered a dead man & omitted a man tried by Wilkinson (No. 50 on my list) Taking the High Court list and your letter I may reply as follows

N.E.

No 10 Sunder Nagiah chetti is dead - I insert the fact at the end of my list -

No. 24 & 38 bear the same name but are different persons - I omitted to add 2 years against 38 for his second conviction - He got 6 years in all.

No 28 Yellappan appears as number 12 on my list

I dont know why No. 50 Mylerium Pillai has been omitted from the High Court list - He was convicted by Wilkins & conviction was confirmed by the High Court. Perhaps the High Court entered only the cases disposed of by Wigram.

There are 50 men in jail - I have omitted one & added one to the H Court list which makes it tally with mine.

Believe me
Yrs truly

CHIEF SECRETARY
30 SEP 84
GOVERNMENT OF MADRAS

117

9/10/4

224

Government House

CHIEF SECRETARY
9 OCT 84
GOVERNMENT OF MADRAS

Dear Mr. Webster

H. E. has sent with his letter to Lord Ripon

1. copy of draft order
2. copy of Sir Charles Turner's letter of 22nd Sept
3. The list of prisoners with Sir Charles' original notes

The other records sent are returned herewith

Yours very truly

Salem Riots

Para 34 In his judgt. dated 21st Oct 1882 Mr Wigram the addl. Sessions Judge appointed to try the Salem Riot cases recorded his opinion that the Govt. shd, after the lapse of two years, revise the sentences then passed by him if mean:while the town of Salem should remain entirely peaceful.

H.E. in C. has given to the foregoing recommendation his most careful con:sideration and now proceeds to pass the final orders of the Govt. on it—

In July last Mr Vizia Ragavachari, having previously obtained the necessary sanction of the High Court, instituted Criminal proceedings against certain persons charged with having given false evidence against him before the Salem Special Judge. H.E.

in C. deemed it essential in the interests of justice that the course of these trials should be carefully watched & reported on by the Govt. pleader in view to H.E. being in a position to judge whether the facts elicited were of such a character as to raise serious doubts of the truth of the evidence on which the judges in other Salem Riot cases had been based. Mr Shephard accordingly attended the Coimbatore Court of Session and after having heard all the evidence for the prosecution reported that the cases of Sundaram Shetty & other Salem cases" were "no more shaken by the "recent judgements than by "the acquittal of Vizia-"Ragava Chari by the High Court." The Hon'ble the Chief Justice having then been consulted expressed his opinion to the same effect but, on the request of the Government, suggested

amongst other things

which ~~had any~~ might have a bearing favourable to the persons ~~undergoing~~ who had been convicted in the Salem district & were undergoing punishment in con[illegible] never [illegible]

2²

120/1

Certain revisions of the Sentences which would in the opinion of H.E. in C. more than amply meet the hopes held out by Mr Wigram, but H.E. having regard to the State of profound peace in which the town of Salem has remained, without interruption, since the deplorable disturbances of 1882 resolves in the exercise of the powers vested in him by sec. 401. of the C.P.C. and as a matter of pure grace and favour to go some steps further & to order the immediate release of all the prisoners now ~~suffering confinement~~ undergoing punishment with the exception of Sundaram Chetty whose sentence of transportation for life H.E. in C hereby commutes into one of Rigorous imprisonment for six years.

E.F.W.
6/10/84

have a ~~judicial bearing~~ Judge could make opinion. ~~properly~~ have gone & further than to ~~contradict~~ have be justified in going of the sentences pronounced by the Sessions Court in the case of the Salem rioters had not ~~produced~~ produced effect ~~[illegible]~~ ~~stopping~~ the execution of Mr Wigram's accused

So decision [illegible]

Draft order.

E.F.W.
5/10/84

The petn. must be
Gr. disposed of separately

Copies of Sir C. Turner's
Dr. letters
and the dft order
to be printed Confidential

Class. XS INDIAN TELEGRAPH. 23 Local No 375

To (Station) Mount Road Madras 121

From (Station) Ootacamund

Words.	Day	Hour.	Minute.	Official Instructions
17.	26	19	40	Urgent.

To (Person) H.E. The Governor

From (Person) Mr. Sullivan

1 Your
2 Excellency's
3 letter
4 yes
5 if
6 master
7 agrees
8
9
10
11
12

Class. XS

INDIAN TELEGRAPH.

12/23 233 Local No. 379

To (Station) Mount Road Madras	From (Station) Ootacamund

Words.	Day	Hour.	Minute.	Official Instructions
12	27	7	38	Urgent

To (Person) H. E. The Governor	From (Person) C. G. Master

Yes

G. Cabral

Recd. from L. N. At Hrs. Mts., By	Sent to L. N. At Hrs. Mts., By

Date

S. P. No 4000—G. T. Press,—No. 209,—11-9-82,—1900000.

Telegraph Master.

MOUNT ROAD 27-10-84

Ansd 27/10

127

235

16

Jud. Depart

Pros. Madras Govt

Order Ly. 27th Oct. 1884 No. 2750

Para 34

Mlgd.

~~Put up with the p~~

In his judgment
dated 21st October 1882
Mr. Wigram, the Addi-
tional Sessions Judge
appointed to try the
Salem riot cases, re-
corded his opinion tha
the Govt. should, after
the lapse of two years
revise the sentences
passed by him, if
meanwhile the town
of Salem should re-
main entirely peaceful

His Excellency in
Council has given

to the foregoing recommendation his most ~~careful~~ anxious consideration and now proceeds to pass the final orders of the Govt. upon it.

In July last Mr. Vijaya Raghava Chari, having previously obtained the necessary sanction of the High Court, instituted criminal proceedings against certain persons charged with having given false evidence against him before the Salem Special Judge. H.E. in Council deemed it essential that the course of these trials should be carefully watched and reported on by the Govt. Pleader, in view amongst other things to His Excy. being in a position to judge whether any facts were elicited which might have a bearing favorable to any of the persons who had been compromised in the Salem disturbances and were undergoing punishment in connection therewith. Mr. Shephard accordingly attended the Coimbatore Court of Session, and after having heard all the evidence for the prosecution reported that the case of Sundaram Chetti and other Salem cases "were "no more shaken by "the recent judgments "than by the acquittal "of Vijaya Raghava "chari by the High Court." The Hon'ble the Chief Justice having then been consulted expressed his opinion to the same effect, but, on the request of the Govt, suggested

certain revisions of the sentences which would, in the opinion of H.E. in Council have more than fulfilled the hopes held out by Mr Wigram; but H.E. having regard to the state of profound peace in which the town of Salem has remained, without interruption, since the deplorable disturbances of 1882, resolves in the exercise of the powers vested in him by sec 401 of the C.P. Code, and as a matter of pure grace and favour, to go many steps further than a Judge could possibly have gone, and many steps further than even the Govt. could have been justified in going if the sentences pronounced by the Courts in the case of the Salem rioters had not produced effects so decisive in discouraging the excesses of religious animosity.

H.E. in Council accordingly is pleased to order the immediate release of all

Xerox
p9243

the prisoners now undergoing punishment on account of the Salem riots, ~~with the exception of Sundaram Chetty whose sentence of transportation for life, H.E. hereby commutes into one of rigorous imprisonment for six years.~~ –

MW

The Hon. the Judges of the H. Ct. with Cr.
I.G. Jails.
Sec. Judge. Salem.
Dt. Magte. —do—
I.G. Police.

27th October 1884, No. 2750, Judicial.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Order—dated 27th October 1884, No. 2750, Judicial.

Paragraph 34.

In his judgment dated 21st October 1882, Mr. Wigram, the additional Sessions Judge appointed to try the Salem riot cases, recorded his opinion that the Government should, after the lapse of two years, revise the sentences passed by him, if meanwhile the town of Salem should remain entirely peaceful.

2. His Excellency in Council has given to the foregoing recommendation his most anxious consideration, and now proceeds to pass the final orders of the Government upon it.

3. In July last, Mr. Vijaya Raghava Chari, having previously obtained the necessary sanction of the High Court, instituted criminal proceedings against certain persons charged with having given false evidence against him before the Salem Special Judge. His Excellency in Council deemed it essential that the course of these trials should be carefully watched and reported on by the Government Pleader, in view amongst other things to His Excellency being in a position to judge whether any facts were elicited which might have a bearing favorable to any of the persons who had been compromised in the Salem disturbances and were undergoing punishment in connection therewith. Mr. Shephard accordingly attended the Coimbatore Court of Session, and, after having heard all the evidence for the prosecution, reported that the case of Sundaram Chetti and other Salem cases "were no more shaken by the recent judgments than by the acquittal of Vijaya Raghava Chari by the High Court." The Honorable the Chief Justice having then been consulted, expressed his opinion to the same effect, but, on the request of the Government, suggested certain revisions of the sentences which would, in the opinion of His Excellency in Council, have more than fulfilled the hopes held out by Mr. Wigram. Having, however, regard to the state of profound peace in which the town of Salem has remained, without interruption, since the deplorable disturbances of 1882, His Excellency resolves, in the exercise of the powers vested in him by section 401 of the Criminal Procedure Code, and as a matter of pure grace and favour, to go many steps further than a judge could possibly have gone, and many steps further than even the Government could have been justified in going if the sentences pronounced by the courts in the case of the Salem rioters had not produced effects so decisive in discouraging the excesses of religious animosity.

4. His Excellency in Council, accordingly, is pleased to order the immediate release of all the prisoners now undergoing punishment on account of the Salem riots.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Honorable the Judges of the High Court, with C.L.
" Inspector-General of Jails.
" Sessions Judge, Salem.
" District Magistrate, Salem.
" Inspector-General of Police.

Exd. E. Fernandez.

Judl. Co. 27 Octr. 1884.
No. 2750.

28th Octr. 1884.

Dear Sir Charles Turner,

I sent you yesterday copy of an order just issued in which the Govt. have directed the immediate and unconditional release of all persons now undergoing punishment in connection with the Salem Riots of 1882. I am now to convey to you the thanks of the Governor in Council for your very valuable remarks on the several cases tried before Messrs Wigram & Parker, which have been of the greatest possible service in enabling the Govt. to deal finally with the whole subject.

Believe me
very truly yours:
Sd/ E. Forster Webster.

The Honble
Sir Charles Turner, Kt., C.I.E.
Chief Justice.