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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDL DEPARTMENT

CONFDL — G.O.

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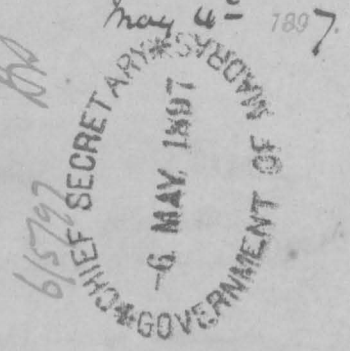
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OOTACAMUND,

May 5th 1897.



My dear Bliss.

The accompanying petition with notes attached is no doubt that referred to in yours of the 28th ult.

Yours very sincerely

Redmichelhice

Chittoor 26/4/97
rec'd 3/5/97

GOVERNMENT OF MADRAS
CHIEF SECRETARIAT
26 APR. 1897
GOVERNMENT OF MADRAS

April 25 1897

My dear Price

Vijiaraghava Chari
printed
came to me & read a petition
which he says was dispos-
of by Govt about the time
Hutchins went up to Calcutta.
What he is driving at I don't
know - but will you
kindly get & send me the
petition if still in existence.

Yours very truly

H. W. Bliss

3/2431

2431

3/1931
4/2431

CURRENT No 4745

To

HIS EXCELLENCY THE RIGHT HON'BLE

ROBERT BOURKE, BARON CONNEMARA, G. C. I. E.,

GOVERNOR IN COUNCIL,

FORT ST. GEORGE.

The humble Petition of C. VIJIARAGHAVA CHARRY, Vakil, Salem.

MAY IT PLEASE YOUR LORDSHIP,—Six years ago I was prosecuted by Government for the most heinous offences under the Indian Penal Code before the Additional Sessions Judge of Salem, who convicted me. I was acquitted by the High Court. In connection therewith and in connection with a service I had the honor to render the Government, I crave permission to approach your Excellency in Council with this humble application, in the full hope that it will be favorably considered. I believe I am entitled to some reparation and recognition at your Lordship's hands for the injury done me, and for the service rendered by me, under the circumstances related below.

2. In July and August 1882 there were riots in the town of Salem between Hindus and Mahomedans in connection with processions passing the mosque at Shevvapet, as the western portion of Salem is called. They are now events in the history of Southern India, having acquired a sad significance under circumstances as unnatural as unparalleled. Special officers were, naturally enough, appointed,—judicial, quasi-judicial and detective. The presiding genius of these officers was Mr. Lewis McIver, a dashing young officer,—vain, original, a 'radical of the advanced type,' and, rumour has it, ambitious of occupying the gubernatorial throne of Southern India some day. A love of truth for truth's sake, a readiness to give up cherished errors and accept unwelcome facts are not the infirmities of his mind, otherwise so wonderfully elastic. He came. And his one grand object was to glorify his selection and his work. He did not investigate. He theorised, theory first, victims next, evidence last. The basis of his theory were no vulgar facts. His victims were no mean men. They were sought from the elite of the Salem citizens and even the list of its rulers, save Mr. Macleane. He succeeded. The real truth was not disclosed. The real scoundrels escaped, despised and unhurt, and innocence and loyalty suffered instead. Salem was crushed.

3. The story told by Mr. McIver was, as well as I could understand him, and gather it from his able and eloquent Reasons for Committal, as follows:—There had been an old feud between the Hindus and Mussalmans in connection with the mosque at Shevvapet and temple processions along the road passing by that mosque; religious fanaticism, race feelings and litigation had kept and fanned it up into rancorous hatred; conflicting orders had created a confusion as to dearly cherished and hard-won religious rights, and had necessarily exasperated the

people; they in consequence had hit upon the plan of attaining their object by terrorising the Mussalmans and overawing authority; a deep laid, widespread conspiracy was the result; the designs of the conspiracy were discussed in meetings held in various quarters of the town, in broad daylight, on successive days, attended by hundreds of men and with no precautions to keep the proceedings secret, but that the Mussalmans and the authorities were as a matter of fact profoundly ignorant of all this both before and until long after the riots; a campaign was conceived and matured in these meetings to be carried out on the Kuthba day, the 16th of August 1882; the headmen of turbulent villages several miles away were summoned and commanded to bring in men, roughs and armed followers; these obeyed; the ringleaders of the town and up-country met at the rendezvous on the memorable 16th August with their armed contingents determined to fight and win or die; the whole town rose; the leaders urged and cheered their devoted followers on openly to the holy work of destruction and dacoity; Mahomedans were killed, their shops looted, their houses burned, and finally the grand work of the day was achieved,—the Shevvapet mosque was destroyed. On the 16th August 1882, day and night Salem did not belong to England.

4. Was this possible? Was all this possible in the settled district of Salem in 1882, among a quiet and law-abiding people? Or was this theory of a military campaign so ingenious, so perfect, so openly yet so secretly conceived, matured and carried out, the figment of a wild poetical mind? Yes, answers Mr. McIver, behold the charred remains of the mosque, the ruined homesteads and the bodies of the murdered victims, and remember that the authorities had for a considerable time lost touch with the people!!

5. In pursuance of this theory hundreds of people were arrested and tried for offences ranging from Unlawful Assembly to Dacoities and Murder, of whom about a hundred and sixty were convicted and severely sentenced. In November 1884 an order from the Government released them all.

6. I was one of those whose lives and honor were demanded by Mr. McIver. Mr. Wigram, the Additional Sessions Judge, tried me, acquitted me of murder on the authority of a speech by Arabi Pacha of Egypt, convicted me of dacoity and arson, and sentenced me to ten years' transportation. I was acquitted by the High Court. I applied for sanction to prosecute the witness that gave evidence against me. The Government opposed this application, and this opposition more than anything else saved the four Mahomedan witnesses from a prosecution. The High Court were pleased to accord me sanction to prosecute the Hindu witnesses for perjury. They were tried in the Coimbatore Sessions Court and convicted with one exception, who was acquitted on the plea of mistaken identity. Their conviction and sentences were confirmed by the High Court. This was in August or September of 1884. I resumed my practice about the same time.

7. In January 1884 I filed suits for malicious prosecution against two of the four Mahomedans as against whom sanction to prosecute was refused. In the information I then had I believed in good faith that Mahomedans started and practically conducted my prosecution. These two men were co-operating with the special officer, Kader Batcha Sahib, who was "collecting the Mahomedan evidence" in the words of Mr. McIver. One of those suits was dismissed by the two Lower

Courts, on the ground that the defendants should have been sued in one suit and not in separate suits on the same cause of action. I did not appeal to the High Court. But both the Courts gave me a decree in the other suit, but in special appeal the High Court reversed the decree and dismissed my suit on the only ground that my prosecution was not begun or carried on by the Mahomedans of Salem, but by the Government. The said Kader Batcha's evidence in these suits and the High Court judgment (copy enclosed herein) show that the Government was my prosecutor, not only in the sense in which the Government is in every criminal case, but also in the sense a private person can be prosecutor. There can be now little doubt that my prosecution originated with Mr. McIver. All that know the man through his thick mask will easily believe me if I say that he started the case against me fully aware of my innocence, and in the teeth of Mr. Macleane's hesitation to prosecute me, and Mr. Macleane was not the best of my friends. But it is not necessary for me to aver that he put up the false charges against me fully aware they were false. They were recklessly and not in good faith preferred, and all the evidence against me has been proved to be false and concocted, by no private person but by Mr. McIver and his creatures. But for me his eloquent Reasons for the Committal, and the blazoning forth his wild and grand theories about charred remains of the mosque and the lost touch of the people, had never been complete. And he had no more compunction about this than the constable who puts a wrong man in the dock, and thereby at once saves his bribe and black mark.

The judgment of the High Court that the Government was my real prosecutor was pronounced two years ago.

8. I trust that the Government and society have accepted my innocence as declared judicially. It is true that the Special Sessions Judge convicted me. I hope no weight will be given to this fact in considering this application.

A full Bench consisting of their Lordships Sir Charles Turner, C.J., the Hon. Mr. Innes and the Hon. Mr. Kindersley, J.J., heard my appeal and unanimously acquitted me in unqualified terms. The Chief Justice observed that it was to be regretted I was prosecuted at all, and condemned the zeal and prejudice of Mr. McIver. Then I placed my character voluntarily into the hands of Courts of Justice. I obtained sanction to prosecute the chief witness for perjury.

The perjury cases were tried by Mr. Justice Parker, then Sessions Judge of Coimbatore, and all the prisoners, except one, were convicted. And that one was acquitted because he was a drunkard and had mistaken a shopkeeper for me. In his oral address to the chief prisoner, Thandavaroya Goundan, the head man of Mecheri, whose evidence traversed the whole case against me, in fact, the entire theory of Mr. McIver (the Chief Justice says his evidence arrests attention by its completeness), Mr. Justice Parker said, "It certainly is a matter of considerable surprise to me how the statement for the falseness of which you have been convicted could ever have been believed at all. It is on the face of it so extremely improbable that I *wonder you found any one to listen to it.*" Two of the prisoners confessed that they had been induced to give false evidence against me by the authorities and pleaded guilty. All the prisoners appealed to the High Court, and their Lordships the Hon. Mr. Justice Hutchins and the Hon. Mr. Justice Brandt upheld the judgments of Mr. Parker. In the two suits I filed against the Mahomedans, my

connection with the riots was at issue and discussed. In none of these cases was even shadow of doubt cast upon my character.

Mr. McIver admitted that the District Magistrate, Mr. Macleane, with all his prejudices against me as the Vakil for Sudras and the Commissioner that had opposed him in the Municipal Council, declined to issue his warrant against me. All the prisoners in the Salem riots cases were arrested by the warrants of the District Magistrate, and I was the only one that was arrested by Mr. McIver's warrant. In issuing the warrant he recorded no information, no proceeding, no reasons for differing from the District Magistrate. The warrant against me was issued six weeks after the riots, and if there *was* information or evidence it must have been ready and complete by that time. If there *was* evidence, yet the District Magistrate's refusal to implicate me shows how worthless it must have been. In either case Mr. McIver's action was extraordinary and betrays the nature of his good faith. Sir Charles Turner, C.J., concludes his judgment by observing, "It is, I think, to be regretted that the discretion of the District Magistrate, who hesitated to issue a warrant for the arrest of Vijiaraghava Charry, did not prevail over the zeal of the officer who having been employed in the detection of the crime could hardly divest himself altogether of prejudice."

Another circumstance is that had I been tried by the Sessions Judge, Mr. Justice Wilkinson, I should surely have been acquitted. But he was easily got rid of. He shrewdly began to suspect that things were not all right in the camp of the Special Magistrate. Mr. McIver, and Mr. Macleane, who was led by the nose in these matters by Mr. McIver, soon found out what stuff the Judge was made of and easily threw him overboard. On the 1st September 1882, Mr. Macleane wrote a most remarkable letter to the Hon. Mr. Master which I shall quote further on, in which he says he was afraid of a *wholesale acquittal* by Mr. Wilkinson. Salem owes a deep debt of gratitude to Mr. Justice Wilkinson, but had his noble indignation not urged him to reveal his suspicions, he had saved Salem from ruin and misery, and the Government from a position in which none but traitors could delight to see it placed. There are occasions on which right reverend men practise pious frauds to the infinite benefit of humanity. Possessed of virtues that remind one of Dr. Johnson, he was incapable of suspecting Mr. McIver more deeply than he did, and thought only that the effect of his warning would be to induce him to place before him nothing but reliable evidence. But a small man with none of his virtues outwitted him, and Salem and the Government lost his service to the cause of justice and innocence at an important crisis. It may be mentioned that Mr. Justice Wilkinson never said he would acquit all, and if the letter says so, it betrays the nature of the evidence procured and the consciousness on the part of the writer and his inspirer of the worthlessness of their cause.

The next circumstance is that Mr. Wigram was prejudiced against me from the beginning by stories told him in private by Mr. McIver and others. He had condemned me before he tried me. It was too well known at the time that Mr. Wigram was a Court outside the Courthouse as well, but only that one side was represented, the side opposite to that of the prisoners. I knew of all this then and there from reliable sources, and instructed my counsel to take and examine the evidence fully, but to reserve some arguments specially for the High

Court. I also took the precaution of asking that the first month of my imprisonment might be simple. Nor did Mr. Wigram quite conceal his bias against me. I will quote the observation of the Chief Justice on this point: "I am compelled to notice a passage in the judgment of the Judge, which has been brought to our notice by the learned counsel for this appellant. The Judge observed 'I have never from the first entertained a doubt that if there was a conspiracy the second prisoner was one of the foremost men in it. The case must be regarded as a whole, and must stand or fall together. If there was a Sundrum to conceive the plan, there was a Venkatachellum and Manickam to co-operate, there was a Thandavaraya Goundan in a distant village to assist, there was a friendly band of Patnuls to create a diversion there, *above all* there was a Vijiaraghava Charry to advise!'..... .....I, the passage which has been brought to our notice expresses correctly the opinion the Judge entertained, I am bound to say he ought to have declined to try the charge against Vijiaraghava Charry." For all these reasons I humbly contend that my conviction by Mr. Wigram does not affect my innocence and character.

9. Not only was I negatively innocent of any dishonorable and criminal connection with the riots, but I was also actively at great personal risk engaged in suppressing them when the European Magistrates were absent and unfortunately the native behaved ill. On the 28th July 1882 a washerwoman died at Shevvapet, not very far away from the mosque, and as usual a party accompanied by music and tom-tom neared the mosque on their way to the river to fetch water for ceremonial purposes in connection with her funeral. The Mahomedans near the mosque obstructed their passage, and the party persisting, the Mussalmans attacked them. The news spread fast, both parties were reinforced, the whole crowd in a few hours numbering over two thousand. The Deputy Magistrate, the Town Sub-Magistrate, and three Police Inspectors were all soon on the spot. Unable to disperse the mob, the Deputy Magistrate gave orders to the Police to fire volleys in the air—an indiscreet and useless act,—for instead of dispersing the mob it added to their number. I was in the Literary Society when I heard shots fired. Accompanied by a friend of mine, Mr. Venkatrao, a Jaghirdar for his ancestor's service to the British Government, I hastened to the mosque and there found the Deputy Magistrate almost weeping. He cursed the day of his transfer from Chittore. Everything was in confusion. It was getting dark. Add to this the confusion was taken advantage of by the Mahomedans to shoot a Hindu. He lingered some half or one hour and lay on the ground with not a soul willing or courageous enough to stop the bleeding. The Magistrates and the Police, partly because they were hemmed in by the mob, and partly, I suspect, through fear, took no notice of the wounded man. The Assistant Surgeon lived but a few doors off, but had not been sent for, nor was the wounded man asked by whom or under what circumstances he was shot. When I saw the man, he was unconscious, possibly dead. I then sent word to the medical man. He arrived, but pronounced that life was extinct. The Hindu mob were eager for revenge. They loudly declared that the Mussalman Police Inspector encouraged the Mahomedans and they would have revenge. I suggested he might be ordered out of sight, and then again addressed myself to the crowd, Hindu and Mussalman. I need not mention here the details of what I did. I was at work for some hours. The crowd gradually dispersed. I returned home about midnight. Both

the Magistrates had disappeared as soon as the shades of night fell, the Deputy Magistrate to his own house, while the Sub-Magistrate hid himself in the house of a friend of his in Shevvapet, and did not go home that night to the dismay of his wife and children. One Police Inspector, Mr. Ashton—a native of Cornwall, I think—was the only officer who worked fearlessly. He refused to co-operate with the Special Agency, was ill-treated and transferred. He died not long after of fever and broken-hearted. It is worth while to mention here that this action of mine was after the Municipal meetings of the 4th and 5th July, when I advocated the widening of the culvert near the mosque in favor of the Hindu petitioners, and against the opposition of the Mahomedans, of which the prosecution made capital. With the feelings of the Mahomedans thus provoked, and in the confusion and darkness, the Magistrates having made themselves scarce, I might have been easily killed with impunity as the young man was long before darkness had set in. I hope I shall not be found guilty of egotism if I say that had I not succeeded in pacifying and dispersing the mob that night, there would have been terrible carnage. The next day the mob throughout the town rose probably to avenge the attack and murder of the previous day: a Mahomedan was killed, and after considerable efforts had been made by Mr. Hammick, who had arrived in the morning, peace was in a manner restored. I was throughout working that day and night, and was seen at about ten o'clock in the night in the Patnul street by the Hon. Mr. Stokes, who arrived that night on his way from Ootacamund to Tanjore, if I remember aright. The troops arriving the next day, the town was soon quiet.

During the second riots I was in Agraharam, and dispersed an armed mob. All these facts were more or less brought out in the evidence and admitted by the prosecution. Sir Charles Turner, C.J., finds that the dispersion of the rioters on the 28th July was due to my exertions. Says his Lordship: "Proof has been given in this case of an incident at the riot of July 28th, to which the Judge has not, I think, accorded the weight it deserves in favor of the appellant, Vijiaraghava Charry..... It is clear from the evidence of the Deputy Collector and the Police that the dispersion of the rioters was due to the exertions of Vijiaraghava Charry, and the Deputy Collector has admitted he thanked him for his assistance and promised to mention him honorably to Government. The Judge has alluded to this incident merely as an illustration of the influence Vijiaraghava Charry possessed among the Hindus. The readiness displayed by Vijiaraghava Charry to lend assistance to the authorities to put down tumult indicated his loyalty as a citizen, and suggested the improbability that he would propose and participate in the commission of the offence with which he was charged." He elsewhere says, "Whether it is probable that a man who on the 28th July voluntarily came to the assistance of authority to put down serious riot, who on the 9th August showed himself studious to retain the good opinion of the Government, who on 15th August suggested to the Deputy Collector it was his duty to remain at Salem, *who on the 16th in the absence of any official onlooker exerted himself to repress tumult*, would on the 9th August, &c." The unkindest cut of the special prosecution was, as pointed out gently by the Chief Justice, that they made the very worst use of those incidents, namely as evidence for the prosecution to prove I possessed influence with the people and that I abused it, and destroyed the mosque and murdered Mahomedans. Thus

what I considered my duties to Government, my active and successful exertions on behalf of order and peace and against tumult and bloodshed not only did not save me from a humiliating prosecution, but in a manner led to it and formed the chief link in the chain of the evidence against me !! As often as I think of this use of my character and conduct, my blood boils and fires rage in my head. Mr. McIver says I am nothing if not imprudent. If one's service to Government and to the cause of peace is to be punished with one's loss of life and everything dear to one here below, there can be no question I was in the highest degree imprudent. I doubt much whether such a treatment would have been accorded to me under the worst oriental despotism.

10. A gentleman high in the service, for whose abilities and character I have the highest regard, told me, on my representing to him, I should have been rewarded with a jaghire in a Native State under similar circumstances, that as in a Native State I would have been so rewarded for my service in the July riots if the August riots had not followed. He thinks me innocent of any connection with the latter riots, but he doubts whether I was not before the 16th August, the day of the second riots, possessed of information about the conspiracy and withheld it from the authorities. I thank him sincerely for his candid opinion, which thus gives me an opportunity to answer this phase of the question. I answer that whatever information I had I gave to the authorities, and I believe to this day that none had more information to give; in other words there was no conspiracy of any kind. I have already set out the conspiracy theory as well as I can gather it from the highly graphic diction of Mr. McIver in his Preliminary Registers Nos. 24 and 25 of 1882, Special Magistrate's file. The following circumstances will show that the theory of conspiracy was a "figment of the imaginative mind" of Mr. McIver. It is true the High Court originally accepted the theory of a sort of conspiracy. Owing to the vast amount of the false evidence, and the one-sided version placed before them by the Special Magistrate, together with the absence through flight of respectable citizens, and the consequent comparative weakness of the defence in this point, and owing to several other causes, it was no wonder they accepted the finding of Mr. Wigram. But the High Court even then allowed that differences of opinion were justifiable, and was angry with the Judge for his attack of the assessors' opinions, who found against the conspiracy theory, as perverse.

The Chief Justice: "The character of much of the evidence being such as I have described it to be, it will be understood that I am sensible the case is one on which differences of opinion may find very sufficient justification."

Mr. Justice Innes: "The case was one of great complexity and difficulty, and one as to which the opinions even of those who are accustomed to deal with evidence may fairly differ. They (the assessors) gave great attention to the case and assigned very good reasons for their verdict, though I regret that I cannot adopt the conclusions....."

Mr. Justice Kindersley: ....." the description of the meetings as given by witnesses are in a great degree *fictitious*. The case was one of great difficulty upon which a consensus of opinion could not be expected. The opinions of the assessors appear to me to show a careful and intelligent consideration of the evidence....."

A petition signed by over ten thousand inhabitants of Salem and presented to the Marquess of Ripon on his visit to Madras early in 1884 emphatically denied the existence of a conspiracy. Almost all the Brahmin inhabitants signed it, and the Brahmins were declared by Mr. McIver as having no sympathy for the Sudras, the foe of the Mahomedans.

In July 1884 the prisoners for perjury against me were tried in the Coimbatore Sessions Court before Mr. Justice Parker. More proof was adduced in these cases than in the original cases, and the Judge found the conspiracy story a fiction, and was of opinion that the destruction of the mosque was the effect of a sudden resolve on the part of the mob. All the witnesses that had deposed to the existence of a conspiracy were convicted and their conviction affirmed by the High Court. In Cal. case No. 37 of 1884, the Judge says, "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.....It is not by such means as these that conspiracies are hatched, and I believe *the whole story to be absolute fiction.*"

A telegram and a letter, not placed before any of the Courts that had to discuss the question of conspiracy, throw considerable light on this subject, and show when and how the idea was started and improved. On the 18th August Mr. Macleane telegraphed to Government in these words, "Riots *suddenly* renewed on Wednesday. Brutal attack on all Mahomedans by *weavers, pariahs*, and other *roughs*."

Not the remotest hint at a conspiracy, much less of conspiracy meetings; and the outrages were then rightly ascribed to weavers, parahas, and roughs; and no suspicion was entertained against men "hitherto without reproach of character," men admitted to be useless as fighting men. On the 18th the special officers had not arrived, and Mr. McIver was in the North Arcot District. The telegram was sent after a careful inquiry about the circumstances by the District Magistrate, the Head Assistant Magistrate, the Superintendent of Police, and even the District Judge on the 16th, 17th and 18th. The Mahomedans of Shevvapet, who afterwards swore to having seen me and a host of others as leading roughs to the destruction of the mosque, had no information to give them. Mr. Justice Wilkinson was examined as a witness in the perjury cases in Coimbatore, both before the District Magistrate and the Sessions Judge. I regret I have no copy of his evidence, but I find from my notes that he said before Mr. Stokes as follows: "The next day (17th) I went to Shevvapet with Major Whitlock. We asked the Mahomedans at the burnt mosque and the burnt houses if they could give us any clue as to the perpetrators of the outrages, or if they had identified any of the people present. No names were mentioned to us. *They did not say they*

suspected any person." Mr. Macleane before he sent the telegram culled his information from a variety of sources. Whatever the causes, he did not on the 18th August suspect there had been any conspiracy, and that higher orders took part in it. Soon Mr. McIver arrived, the successful detector of the political conspiracies in Rangoon, for which he had been thanked by the Government. The conspiracy idea was a sprout of his brains. In the letters to the Government we then find the words 'conspiracy' and 'abetment' introduced but no conspiracy meetings, no actual participation of the higher orders; these were later developments; certainly after the 1st September; but I cannot tell how long after. I beg leave to quote from the letter of Mr. Macleane to the Hon. Mr. Master, dated the 1st September 1882:—

"My dear Master,

"The day before yesterday, on careful scrutiny of the information given by Mr. McIver and others, I issued twelve warrants for principal offenders in the late *conspiracy*.....We shall be met by a strong legal combination. What we have to prove is *abetment, for almost every principal offender kept out of the way.* The only thing *we* are afraid of is *a wholesale acquittal* by the Court which tries of those *whom we put up for abetment*....."

The italics are mine. What effect this letter would have produced on the High Court and the Sessions Courts if they had to examine the evidence in the light thrown on it by the communication it is now hard to say. It would have thrown innumerable witnesses overboard, including Mr. McIver, whose evidence is contradicted by this letter, and would have created an awkward suspicion as to the truth of the whole story put forward by Mr. McIver.

This letter was certainly an improvement upon the telegram of 18th August, but as yet the conspiracy theory was crude and imperfect when compared with Mr. McIver's romantic account of it as disclosed by his Preliminary Registers Nos. 24 and 25 of 1882. To examine the letter a little. On the 1st September then there was no idea of conspiracy *meetings*, absolutely no idea of introducing Sundram, the Nana Sahib of the drama, and others actually at the head of armed contingents to the destruction of the mosque. The word *abetment* cannot be for one moment construed into presence and instigation without actual participation (if one can understand this), but Mr. Macleane means instigation from behind the screen and instigation alone without actual presence, for says he "for almost every principal offender *kept out of the way.*" There can be thus no reasonable doubt that originally Mr. McIver's victims were to have been prosecuted as wirepullers from behind, and not as having held conspiracy meetings and led armed contingents on. The special officers soon found out with their dread of a wholesale acquittal that a conviction for this secret intangible conspiracy was next to impossible, and improved the idea a step further, and then and not till then the celebrated conspiracy meetings sprang into existence. The latest improvement was that with the single exception of a cripple, all the conspirators were made to actually participate in the destruction of the mosque and the other outrages in pursuance of their own conspiracy.

Thus the history of the conspiracy theory at the hands of Mr. McIver and Mr. Macleane, who had been innocuous had there been no McIver, the

motives, the dates, the utter absence of record or evidence as to how, when and by whom the conspiracy was disclosed, shewed at once the utter falsity of it and the character of the author of the idea.

But for Mr. McIver there had been no conspiracy in Salem, and "the weavers, pariahs and roughs" alone would have been tried and punished for offences actually committed by them. It is remarkable, too, that Sundrum Chetty, afterwards dubbed the Nana Sahib of the drama, was not even alluded to in the telegram of the 18th, as most naturally he would have been if the theory had then existed.

11. Nextly, Mr. McIver admits that such a conspiracy would have been impossible in 1882 in a settled district of Madras, but for two circumstances,—the remains of the outrages and the bad administration of the district for some considerable time, and the consequent loss of official touch with the people!!

I fail to see the force of the argument that the charred remains of the mosque and the bodies of the murdered Mussalman victims betray a conspiracy. These are even to a superficial observer as consistent with the outrages being due to a sudden impulse on the part of the mob infuriated and conscious of their strength if temporary and morbid. But a closer observation will show that these vestiges of crime were incompatible with intelligent and premeditated conspiracy. They disclosed nothing but irregularity, utter want of plan and demoralization, not to speak of the vast numbers at once unnecessary and dangerous and the time therein, when large numbers of them might have been destroyed by a handful of determined policemen. To relate all the details of the crime in support of this view would enormously swell this petition. The mass of Mr. McIver's literature does not tell us how the mosque was demolished. It would not have tallied with his wild theory if he had told the real truth. Positively he took no evidence on this point. The mob finding the coast clear of the enemy and the authorities unexpectedly powerless—for powder and shot failed them—took to destroying the mosque. It is now well known that the idea was started on the spot by an ex-policeman, who was indeed opposed by a few, but who carried the mob with him. The unreflecting mob at once burned the pandal in front of the mosque, and the flames and fire closed the only entrance into it. Then picks, rice-pounders, bamboos, &c., were procured, and the crowd began to ply the walls from without. Not succeeding, water from the stream was poured over the fire-lit at the entrance, way was made, inflammable stuff of every kind moistened with kerosine oil from the Mahomedan shops hard by were stored beneath the roof and fire was set; the firewood depôts in the neighbourhood probably started this idea. Then the roof fell. The walls were not much injured. Thus was the mosque destroyed in the presence of all the police, and yet no evidence was taken on the point. One might as well say that the angry scratchings of provoked cats are due to deliberations and discussions.

I will mention a few more admitted facts. A great many more Hindus than Mahomedans were killed and wounded, as can be ascertained from Mr. Macleane's reports to Government and the dispensary registers, not to mention those who were not taken to the hospital for treatment. Over two hundred Hindus were killed and wounded. Who injured them? The police whose ammunition failed them, but whom Mr. McIver characterised as limp and demoralized? No. The police shot but a very small number. There is no doubt that the rest were wounded and killed by the Mahomedans. Hours before the mosque was burned the Mahomedans rose in various quarters of the town, drums beat, and Hindus were attacked and their houses burnt. Mr. Mullaly admits that the first wounded man he saw was a Hindu near the Salem market, about two miles off from the mosque; he had been shot with a pistol, and the crowd told Mr. Mullaly they were there for mutual protection. There was another with a knife-cut also found in the morning. Mr. Mullaly, as 28th witness in Cal. case 1 of 1882 on the file of the Additional Sessions Judge, says in cross-examination, "I saw a wounded Hindu man at Kichipalliem that *morning* who had apparently been shot. That was the first wounded man I saw. The crowd drew my attention to him. This was about 9 A.M. They said they were afraid of the Mahomedans, and pointed to this as an instance."

That Hindu houses were burnt was admitted by Mr. Wigram, who in his judgment in the first ringleaders' case awarded compensation not only to the Mahomedans whose mosque and property had been destroyed, but also to those Hindus whose property was destroyed. This has always struck me as the most curious part of his judgment, a judgment "that will hold." For it was not the case for the prosecution that the Hindus anywhere destroyed property belonging to the Hindus. Mr. McIver nowhere says so. The truth is Mr. Wigram drove about into the town with a view to examine the places of the alleged meetings and saw Hindu houses burnt as well. The truth is thus clear. There was a fight between the Mahomedans and the Hindus, who rose in large numbers after some Hindus had been wounded and some houses burnt. They rose as they said so early as 9 A.M. to Mr. Mullaly through fear and for mutual protection. Having succeeded in beating and driving away the Mahomedans, the mob consisting of weavers, pariahs and other roughs, in the words of the telegram of the 18th August, and of Mr. Justice Wilkinson as witness before Mr. Stokes of Coimbatore, destroyed the mosque, having caught the idea, as I said above, from the dismissed policeman. That religious fanaticism frequently destroys the objects and places of worship belonging to other religionists is too notorious a fact. In 1880 the Namakal Hindus, whose car procession was suddenly stopped by the Mahomedans near a mosque, after defeating their enemy, set fire to the mosque and burnt it down. The Gudiatham Moslems burned the Hindu car about the same time as the Salem riots. And in Tinnevelly I am told the Roman Catholics occasionally destroy the Protestant Churches, and these return the compliment. Nothing catches the fancy of low religious zeal more than bonfires of the objects and places of worship of hated sectarians. It required an original McIver to account for such things by a conspiracy and semi-military campaign.

The real truth of all this, and the fact of the ex-policeman starting the idea of destroying the mosque, turned up during the investigation and the wretch fled. But to Mr. McIver the idea of making a low, vulgar, dismissed constable the hero of his grand mission was too revolting. He ridiculed the idea and affected to laugh at it. The fact was not welcome. And Arapali Naick was safe and sound and mocked at the special officers and pitied their victims. I believe Mr. Justice Wilkinson knew it all and why the scoundrel was safe too.

12. Was there a conspiracy because of the previous bad administration

of the district and the consequent demoralization of the people? Mr. McIver's passages in reference to this point have been the admiration of his friends and foes. There are the last four paras. of his reasons for committal in my case, Preliminary Register No. 25 of 1882 on his file. As an ignorant foreigner I have no taste for the claims of polite literature on magistrates and investigators of the most serious offences. I will not therefore pretend to admire where I do not understand. But this I beg leave to say, that the whole is an audacious and flippant falsehood. To show this was a libel, I need refer to no other authority than the list of the rulers of this district for one century, whose names adorn the manual for a quiet and prosperous district. A great part of this attack was directed against the Hon. Mr. Stokes. I am not here to defend these gentlemen, and they are little likely to thank so sorry an advocate. But I am compelled in the collateral defence of myself and in the prosecution of my object to enter into this subject somewhat. And I trust I shall not be charged with bad taste, now that Mr. Stokes is in the Council. I trust, too, that this will not prevent him from sitting in judgment over me and deciding the fate of my application. I cannot omit this fact and yet dispose of Mr. McIver's wild theory. But in doing so I have this advantage, namely, I disclose no new facts but such as are notorious and the common property of the public. The much admired attack is not only a falsehood, but also to my thinking an inconsistency. Mr. McIver adduces no other fact to show that the district had been ill-governed than the riots conspiracy. It was because that such a conspiracy as he was describing to the world as having convulsed Salem on the 16th August 1882 was organized and carried out, he comes to the conclusion that the previous administration had been bad. And he says that such a conspiracy was conceived and carried out because of the bad government of the district. This is reasoning in a circle, and yet such is the effect of a careful study of the eloquent passages in question. "No people would go to pieces in this sudden fashion, and it seems to me an *irresistible conclusion* that the district has been out of hand for a considerable time, that the magisterial and police hold has been almost wholly lost." Further on he says, "*Given* also a district in which those authorities appeared to have lost touch with the people . . . . we have all the necessary elements, the time, the scene, the popular temper, &c." Before inferring the conspiracy from the state of administration, one would look for some facts and evidence that the administration had been bad. Absolutely no evidence was adduced to show this or to show the barest possibility of such a state of things. None but Mr. McIver found it out, none else had even suspected of its existence.

The chief object in inventing this episode was to protect Mr. Macleane. He had been Collector only a few months, and it was therefore necessary and convenient to spread the causes that had led to the riots *over a long period of time*. Besides Mr. McIver could not very well get on with his conspiracy and military campaign without some such basis. But he did not succeed. He found no listener. Mr. Stokes was appointed Collector of Salem towards the close of 1879, and left it about the middle of 1882. It was impossible for McIver to have been more unhappy in his selection of a victim with a view to shield his friend. During the two years and a half he ruled over the district, he achieved a name—without caring for it as every one who knows him might expect—such as falls to the lot of few. His administration was an unparalleled instance of great ability, indefatiga-

ble energy and stern justice. The success was in short phenomenal. He was at once feared and esteemed, a hard thing for one to achieve. All those who had the happiness of coming in contact with him as Magistrate, Collector, or President of the Local Boards remember him with the liveliest feelings of gratitude. Stokes Dorai is more known and respected and esteemed in the obscurest part of the district than that of any other European officer or ancient chief. The subordinate officials worked harder and became purer. He treated them all always with kindness and respect, but they all knew that nothing but rigorous justice would be meted out to them if they went wrong. That this officer did not possess the confidence of the subordinate officials was a baseless lie. The rising educated class in Salem and out of it who watched him, and watch all the rulers of the land with an honesty of purpose and accuracy of observation, little dreamed of by the watched, began to regard him with feelings of reverence bordering on worship, as is well known to readers of newspapers. And such of them as had the good fortune to know him personally and studied him, learned more than books and college professors ever taught. In March 1882 His Excellency the Governor paid a visit to Salem, and the address from the inhabitants went out of the way and expressed their sincere gratitude to him for all the benefits he had conferred and was conferring on them. This address was adopted after a full discussion in a large meeting. It was presented to His Excellency in the Town Hall by a deputation, at the head of which stood Sheik Mohideen Sahib, the Mahomedan Proprietor of the *Salem Patriot*, the king of the Mahomedan mob, the President of the Salem Anjumani-Islam, and also Kistna Dass Sait, a Guzeratti banker, both of whom gave evidence against Sundrum Chetti. This shows how ill-founded the assertion is that the carrying the Hindu procession past the mosque in December 1881 just a few months before had irritated the Mahomedans. That this was not true is also borne out by the fact that the Rev. Foulkes, in his paper to Government, prepared *after* the riots, says therein, as well as I can remember it, that the Mahomedans accepted the judgments of the High Court in obedience to which Mr. Stokes allowed the procession to pass. Mr. Foulkes is a great authority in such matters, and he is the acknowledged friend and patron of the Mahomedans of Salem. I am sorry I have not got a copy of the paper.

That this scandalous attack was chiefly a sorry endeavour on the part of Mr. McIver to protect the Macleanes was too patent to all. It was intended to serve his own purpose, to please a lady and serve her husband, and where he hoped to gain so many objects he scrupled not to attack. Not only had the Macleanes their interests to protect, but they were also jealous of Mr. Stokes's popularity. Thus the story about the loss of touch with the people, not supported by the faintest attempt at facts or evidence, but contradicted by them and by the sound public opinion and prompted by base motives, is too absurd to be listened to. I suspect no honest man ever believed it, and the Counsel for the Crown nowhere made the remotest allusion to the grotesque, if well told, story in support of their arguments.

13. For all these reason the conspiracy theory falls to the ground, and must now be remembered only as the ruthless eloquence of a vain officer, little disturbed by qualms of conscience. It is impossible for me to expose the conspiracy story better than I have done. I believe the facts I brought together above, the telegram, the letter of the 1st September 1882, the judgments of

Mr. Justice Parker, the history of the story, the motives of the inventors, and all the other circumstances to which I have humbly invited your Lordship's attention conclusively make out my contention that there was no such thing as conspiracy, except that Arapali Naick caught the idea on the 16th August in accordance with the instincts of vulgar religious fanaticism educated from time to time by instances of making bonfires of their enemies' places of worship. If in spite of all this overwhelming evidence it is still contended there *was* a conspiracy, all I can say is I never was aware of any such thing, have never had the faintest suspicion about it. Thus I had no information to give to the authorities, no more than what was patent to all. Owing to a variety of causes, such as the unsettled state of the town after the July riots, the indiscreet withdrawal of the troops, the absence of the Collector, the closing of the shops chiefly as against the Mahomedans, their sending away their women as deposed to by Mr. Ashton (eighteenth defence witness in my case), the general fear so much so even the European and Eurasian population of Suramungalam armed themselves (*vide* evidence of Mr. Riely, the Assistant Station Master, who as the 71st defence witness in my case says, "A representation was made by us to the Traffic Manager that we had no arms to defend ourselves. We were anxious between the July and August riots"), and the approach of the Kuthba feast, sensible men apprehended another outbreak which the wisdom of the authorities might have arrested. My fears I communicated to the authorities and warned on the 15th the Deputy Magistrate not to fly to Erkaud to conduct a revenue sale on the 16th, as pointed out by the Chief Justice in the passage quoted in para. 9. The Deputy Collector no doubt does not recollect my communication with him on the morning, and admits only my evening warning because of witnesses I presume. Mr. Justice Kindersley, commenting on his partial recollection, says, "He (your humble petitioner) says he also warned the Deputy Collector and the Town Sub-Magistrate, and advised the Deputy Collector not to leave the town. This is to some extent corroborated by the Huzur Sheristadar, but the Deputy Collector does not recollect anything so damaging to himself.' I need hardly say that I was by natural impulses, education and even with an "eye to agitation" earnestly desirous of securing and preserving tranquillity of the town. I was anxious to retain the troops, and was party to the telegram of Mr. Chinner Basavachetti, Municipal Commissioner, to the Government praying that the troops and Collector might be ordered to remain in the town.

Thus then if I had no more information to give, I am entitled to the benefit of the alternative that I should have been rewarded with a jaghire for my service in the July riots if the second riots had not followed, and if I had not kept away valuable information from the authorities.

14. My case, therefore, is briefly this:—A native of Madras, and educated in the Pacheappa's High School and Presidency College, I came to Salem some four years before the riots. I took part in all matters that affected the public weal; and a conscientious discharge of my duties as citizen, Municipal Commissioner and Vakil gradually gained for me the esteem of my fellow-countrymen. I owed my influence to neither titles nor extensive landed possessions, and I always used my influence for the purest and most unselfish of purposes. Those that admit that I possessed influence with the people did not enquire into the

source of it. It is something that my enemies admit that the dispersing the rioters of 28th July was due to me. I have shown that this conduct of mine, which might have cost me my life, not only did not save me from an ignominious prosecution, but was made the basis and evidence of it. Thus my very virtues which I thought would ever be a source of happiness to me were used as weapons against me. For three months and more I was confined in the very jail from whence I had rescued large numbers, and men who had begged of me presents became my masters. My humiliation and anguish of mind were increased by the treatment accorded to me. I was refused my own food except once a week. My position and failing health were not sufficient to entitle me to the sorry comfort of an one-bullock cart, and I had to walk two miles every day of the inquiry, from the Central Jail to the Collector's office and back again. Mr. Macleane visited the jail one day, and remarked on looking into my cell, "This man has any amount of clothing." But the jail servants, who perhaps did not forget I had seen better days, took no notice of it.

The amount of money I had to spend for defending myself, for prosecuting the witnesses that had given evidence against me, for the conduct of the suits for damages against the Mussulmans, for the ceremony of purification or penance, and the pilgrimage to Ramesweram, which my castemen insisted on before taking me into the caste again on my release, not to speak of a host of other items which can be easily imagined, has been crushing. Ever since I resumed my practice towards the latter part of 1884, immediately after the termination of the perjury cases, I began to pay up my debts. I denied myself every comfort save the absolute necessaries. The debts have been nearly wholly paid up. I beg to append a memo. of the expense actually incurred by me, and the amount of money I would have acquired if I had been left alone. I have little doubt that if I had not interfered in the July riots, but remained apathetic, like my brother vakils and others, and if Mr. McIver had not been Special Magistrate, I should have been left alone. At the time of the great storm in Madras fifteen years ago, when I was a student in the Presidency College, Professor Gordon reproached us natives for rendering no assistance whatever for the shipwrecked crew, some on the deck expecting to perish every second, and others desperately swimming towards the shore. A soldier that rendered brave assistance died in the act, and a liberal subscription was at once set on foot. I have never forgotten the good-natured rebuke of Mr. Gordon, and the occasion on which it was administered. But if I had been killed in the July riots, it had been small matter when compared with what followed, which might have ruined me, crushed my home, and held up the fragments of my family to everlasting infamy:—Mr. Wigram's acquittal of murder was neither law nor common sense. But the merciful Providence saved me from so dreadful a fate.

Under these circumstances, it is for your Lordship to consider whether I am not entitled to the reparation I pray for, not only in regard to the actual expense incurred and the loss of my practice for two years, but also on account of the shame and pain of mind caused to me and to my family, and loss of my health, in consequence of my incarceration, and also on account of the humble service I had the honor to render during the riots as related above.

If your Lordship cannot find your way to granting my application, it is impossible for me ever to recover from the shock caused by my arrest and prosecution and all that followed.

MEMO. OF COSTS, &c.

A.—Fee, travelling expense, batta, &c., to my counsel in the three Courts of the Special Magistrate, the Additional Sessions Judge, and the High Court about Rs. 3,000.

[My counsel were the Hon. Mr. Branson, Barrister-at-law; Mr. Grant, Barrister-at-law, and Mr. Sadagopacharriar, Vakil of the High Court; Mr. Branson appearing in the High Court alone.]

B.—Fee, travelling expense, batta, &c., to Mr. Branson for the prosecution of the perjury cases in the three Courts of the District Magistrate, the Sessions Judge of Coimbatore, and the High Court, where I retained him to oppose the appeals, and for his appearance in the Sanction Proceedings about Rs. 2,000

Mr. Sadagopacharriar, who was assisting Mr. Branson throughout, has not yet been fully paid. His total fee say .... Rs. 1,000

Total ... Rs. 3,000

[As prosecutor for the Crown, Mr. Branson's fee must naturally come from the Government, even independent of the merits of this my application.]

C.—The costs of the two suits (I brought against two of the Mussulmans that took prominent part in the prosecution, and who when I filed the suits I *bonâ fide* believed were my real prosecutors), together with the fees to Mr. Sadagopacharriar, Mr. Pritchard, and Mr. Branson—Mr. Branson appeared in the High Court, Mr. Pritchard in the District Court, Mr. Sadagopacharriar before the District Munsiff's Court as well about Rs. 2,300

[My stamps Rs. 450, costs to the defendants Rs. 1,000, fee to my counsel, batta and process fees to my witnesses about Rs. 850]

D.—The expenses of the penance ceremonies and the trip to Rameswaram, &c., which were all the more necessary as I had to give up my father's sradh in December when I was in jail ... ... Rs. 500

E.—The loss of my income as Vakil during the two years I was necessarily out of practice ... ... Rs. 20,000

Before the riots my income a month was about Rs. 700, but since I resumed my practice after the riots my income has been fluctuating, and on the average little over Rs. 400 a month. But if I had been left alone during the prosecutions that followed the riots, I should have got not less than Rs. 10,000. The confidence which the prisoners and their relatives who assisted them reposed in me then was admitted. I was throughout designated by Mr. McIver, Mr. Macleane, and even the witnesses as the Pelapatrai Vakil, or the Sudra Vakil. It was I that retained Mr. Grant and others for them. Mr. Grant got over Rs. 8,000, Mr. Pritchard

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about Rs. 10,000. They did not appear for all the prisoners, nor in all the Courts. Rs. 10,000, therefore, would have been easily mine; I was the "specially retained counsel of the abettors."

F. } As to what I am entitled to in consequence of the pain of mind, loss of
G. } health and shame, &c., as also if the Government will be pleased to recognize my humble service in the riots under the circumstances fully related above, I leave it to your Lordship in Council to determine. These are very delicate items, and had been better pleaded for me by a counsel than by myself.

I conclude, humbly and firmly trusting that the renowned justice and generosity of the Government will help me and put me in the position I would be in if I had not been prosecuted.

SALEM,
31 *October* 1884.

C. Vijiaraghavachary

Vakil.

To

HIS EXCELLENCY THE RIGHT HON'BLE

ROBERT BOURKE, BARON CONNEMARA, G. C. I. E.,

GOVERNOR IN COUNCIL,

FORT ST. GEORGE.

The humble Petition of C. VIJIARAGHAVA CHARRY, Vakil, Salem.

MAY IT PLEASE YOUR LORDSHIP,—Six years ago I was prosecuted by Government for the most heinous offences under the Indian Penal Code before the Additional Sessions Judge of Salem, who convicted me. I was acquitted by the High Court. In connection therewith, and in connection with a service I had the honor to render the Government, I crave permission to approach your Excellency in Council with this humble application, in the full hope that it will be favorably considered. I believe I am entitled to some reparation and recognition at your Lordship's hands for the injury done me, and for the service rendered by me, under the circumstances related below.

2. In July and August 1882 there were riots in the town of Salem between Hindus and Mahomedans in connection with processions passing the mosque at Shevvapet, as the western portion of Salem is called. They are now events in the history of Southern India, having acquired a sad significance under circumstances as unnatural as unparalleled. Special officers were, naturally enough, appointed,—judicial, quasi-judicial and detective. The presiding genius of these officers was Mr. Lewis McIver, a dashing young officer,—vain, original, a 'radical of the advanced type,' and, rumour has it, ambitious of occupying the gubernatorial throne of Southern India some day. A love of truth for truth's sake, a readiness to give up cherished errors and accept unwelcome facts are not the infirmities of his mind, otherwise so wonderfully elastic. He came. And his one grand object was to glorify his selection and his work. He did not investigate. He theorised, theory first, victims next, evidence last. The bases of his theory were no vulgar facts. His victims were no mean men. They were sought from the elite of the Salem citizens and even the list of its rulers, save Mr. Macleane. He succeeded. The real truth was not disclosed. The real scoundrels escaped, despised and unhurt, and innocence and loyalty suffered instead. Salem was crushed.

3. The story told by Mr. McIver was, as well as I could understand him, and gather it from his able and eloquent Reasons for Committal, as follows:—There had been an old feud between the Hindus and Mussalmans in connection with the mosque at Shevvapet and temple processions along the road passing by that mosque; religious fanaticism, race feelings and litigation had kept and fanned it up into rancorous hatred; conflicting orders had created a confusion as to dearly cherished and hard-won religious rights, and had necessarily exasperated the

people; they in consequence had hit upon the plan of attaining their object by terrorising the Mussalmans and overawing authority; a deep laid, widespread conspiracy was the result; the designs of the conspiracy were discussed in meetings held in various quarters of the town, in broad daylight, on successive days, attended by hundreds of men and with no precautions to keep the proceedings secret, but that the Mussalmans and the authorities were as a matter of fact profoundly ignorant of all this both before and until long after the riots; a campaign was conceived and matured in these meetings to be carried out on the Kuthba day, the 16th of August 1882; the headmen of turbulent villages several miles away were summoned and commanded to bring in men, roughs and armed followers; these obeyed; the ringleaders of the town and up-country met at the rendezvous on the memorable 16th August with their armed contingents determined to fight and win or die; the whole town rose; the leaders urged and cheered their devoted followers on openly to the holy work of destruction and dacoity; Mahomedans were killed, their shops looted, their houses burned, and finally the grand work of the day was achieved,—the Shevvapet mosque was destroyed. On the 16th August 1882, day and night Salem did not belong to England.

4. Was this possible? Was all this possible in the settled district of Salem in 1882, among a quiet and law-abiding people? Or was this theory of a military campaign so ingenious, so perfect, so openly yet so secretly conceived, matured and carried out, the figment of a wild poetical mind? Yes, answers Mr. McIver, behold the charred remains of the [illegible] the ruined homesteads and the bodies of the murdered victims, and remember that the authorities had for a considerable time lost touch with the people!!

5. In pursuance of this theory hundreds of people were arrested and tried for offences ranging from Unlawful Assembly to Dacoities and Murder, of whom about a hundred and sixty were convicted and severely sentenced. In November 1884 an order from the Government released them all.

6. I was one of those whose lives and honor were demanded by Mr. McIver. Mr. Wigram, the Additional Sessions Judge, tried me, acquitted me of murder on the authority of a speech by Arabi Pacha of Egypt, convicted me of dacoity and arson, and sentenced me to ten years' transportation. I was acquitted by the High Court. I applied for sanction to prosecute the witness that gave evidence against me. The Government opposed this application, and this opposition more than anything else saved the four Mahomedan witnesses from a prosecution. The High Court were pleased to accord me sanction to prosecute the Hindu witnesses for perjury. They were tried in the Coimbatore Sessions Court and convicted with one exception, who was acquitted on the plea of mistaken identity. Their conviction and sentences were confirmed by the High Court. This was in August or September of 1884. I resumed my practice about the same time.

7. In January 1884 I filed suits for malicious prosecution against two of the four Mahomedans as against whom sanction to prosecute was refused. In the information I then had I believed in good faith that Mahomedans started and practically conducted my prosecution. These two men were co-operating with the special officer, Kader Batcha Sahib, who was "collecting the Mahomedan evidence" in the words of Mr. McIver. One of those suits was dismissed by the two Lower

Courts, on the ground that the defendants should have been sued in one suit and not in separate suits on the same cause of action. I did not appeal to the High Court. But both the Courts gave me a decree in the other suit, but in special appeal the High Court reversed the decree and dismissed my suit on the only ground that my prosecution was not begun or carried on by the Mahomedans of Salem, but by the Government. The said Kader Batcha's evidence in these suits and the High Court judgment (copy enclosed herein) show that the Government was my prosecutor, not only in the sense in which the Government is in every criminal case, but also in the sense a private person can be prosecutor. There can be now little doubt that my prosecution originated with Mr. McIver. All that know the man through his thick mask will easily believe me if I say that he started the case against me fully aware of my innocence, and in the teeth of Mr. Macleane's hesitation to prosecute me, and Mr. Macleane was not the best of my friends. But it is not necessary for me to aver that he put up the false charges against me fully aware they were false. They were recklessly and not in good faith preferred, and all the evidence against me has been proved to be false and concocted, by no private person but by Mr. McIver and his creatures. But for me his eloquent Reasons for the Committal, and the blazoning forth his wild and grand theories about charred remains of the mosque and the lost touch of the people, had never been complete. And he had no more compunction about this than the constable who puts a wrong man in the dock, and thereby at once saves his bribe and black mark.

The judgment of the High Court that the Government was my real prosecutor was pronounced two years ago.

8. I trust that the Government and society have accepted my innocence as declared judicially. It is true that the Special Sessions Judge convicted me. I hope no weight will be given to this fact in considering this application.

A full Bench consisting of their Lordships Sir Charles Turner, C.J., the Hon. Mr. Innes and the Hon. Mr. Kindersley, J.J., heard my appeal and unanimously acquitted me in unqualified terms. The Chief Justice observed that it was to be regretted I was prosecuted at all, and condemned the zeal and prejudice of Mr. McIver. Then I placed my character voluntarily into the hands of Courts of Justice. I obtained sanction to prosecute the chief witness for perjury.

The perjury cases were tried by Mr. Justice Parker, then Sessions Judge of Coimbatore, and all the prisoners, except one, were convicted. And that one was acquitted because he was a drunkard and had mistaken a shopkeeper for me. In his oral address to the chief prisoner, Thandavaroya Goundan, the head man of Mecheri, whose evidence traversed the whole case against me, in fact, the entire theory of Mr. McIver (the Chief Justice says his evidence arrests attention by its completeness), Mr. Justice Parker said, "It certainly is a matter of considerable surprise to me how the statement for the falseness of which you have been convicted could ever have been believed at all. It is on the face of it so extremely improbable that I *wonder you found any one to listen to it.*" Two of the prisoners confessed that they had been induced to give false evidence against me by the authorities and pleaded guilty. All the prisoners appealed to the High Court, and their Lordships the Hon. Mr. Justice Hutchins and the Hon. Mr. Justice Brandt upheld the judgments of Mr. Parker. In the two suits I filed against the Mahomedans, my

connection with the riots was at issue and discussed. In none of these cases was even shadow of doubt cast upon my character.

Mr. McIver admitted that the District Magistrate, Mr. Macleane, with all his prejudices against me as the Vakil for Sudras and the Commissioner that had opposed him in the Municipal Council, declined to issue his warrant against me. All the prisoners in the Salem riots cases were arrested by the warrants of the District Magistrate, and I was the only one that was arrested by Mr. McIver's warrant. In issuing the warrant he recorded no information, no proceeding, no reasons for differing from the District Magistrate. The warrant against me was issued six weeks after the riots, and if there *was* information or evidence it must have been ready and complete by that time. If there *was* evidence, yet the District Magistrate's refusal to implicate me shows how worthless it must have been. In either case Mr. McIver's action was extraordinary and betrays the nature of his good faith. Sir Charles Turner, C.J., concludes his judgment by observing, "It is, I think, to be regretted that the discretion of the District Magistrate, who hesitated to issue a warrant for the arrest of Vijiaraghava Charry, did not prevail over the zeal of the officer who having been employed in the detection of the crime could hardly divest himself altogether of prejudice."

Another circumstance is that had I been tried by the Sessions Judge, Mr. Justice Wilkinson, I should surely have been acquitted. But he was easily got rid of. He shrewdly began to suspect that things were not all right in the camp of the Special Magistrate. Mr. McIver, and Mr. Macleane, who was led by the nose in these matters by Mr. McIver, soon found out what stuff the Judge was made of and easily threw him overboard. On the 1st September 1882, Mr. Macleane wrote a most remarkable letter to the Hon. Mr. Master which I shall quote further on, in which he says he was afraid of a *wholesale acquittal* by Mr. Wilkinson. Salem owes a deep debt of gratitude to Mr. Justice Wilkinson, but had his noble indignation not urged him to reveal his suspicions, he had saved Salem from ruin and misery, and the Government from a position in which none but traitors could delight to see it placed. There are occasions on which right reverend men practise pious frands to the infinite benefit of humanity. Possessed of virtues that remind one of Dr. Johnson, he was incapable of suspecting Mr. McIver more deeply than he did, and thought only that the effect of his warning would be to induce him to place before him nothing but reliable evidence. But a small man with none of his virtues outwitted him, and Salem and the Government lost his service to the cause of justice and innocence at an important crisis. It may be mentioned that Mr. Justice Wilkinson never said he would acquit all, and if the letter says so, it betrays the nature of the evidence procured and the consciousness on the part of the writer and his inspirer of the worthlessness of their cause.

The next circumstance is that Mr. Wigram was prejudiced against me from the beginning by stories told him in private by Mr. McIver and others. He had condemned me before he tried me. It was too well known at the time that Mr. Wigram was a Court outside the Courthouse as well, but only that one side was represented, the side opposite to that of the prisoners. I knew of all this then and there from reliable sources, and instructed my counsel to take and examine the evidence fully, but to reserve some arguments specially for the High

Court. I also took the precaution of asking that the first month of my imprisonment might be simple. Nor did Mr. Wigram quite conceal his bias against me. I will quote the observation of the Chief Justice on this point: "I am compelled to notice a passage in the judgment of the Judge, which has been brought to our notice by the learned counsel for this appellant. The Judge observed 'I have never from the first entertained a doubt that if there was a conspiracy the second prisoner was one of the foremost men in it. The case must be regarded as a whole, and must stand or fall together. If there was a Sundrum to conceive the plan, there was a Venkatachellum and Manickam to co-operate, there was a Thandavaraya Goundan in a distant village to assist, there was a friendly band of Patnuls to create a diversion there, *above all* there was a Vijiaraghava Charry to advise!'..... .....If the passage which has been brought to our notice expresses correctly the opinion the Judge entertained, I am bound to say he ought to have declined to try the charge against Vijiaraghava Charry." For all these reasons I humbly contend that my conviction by Mr. Wigram does not affect my innocence and character.

9. Not only was I negatively innocent of any dishonorable and criminal connection with the riots, but I was also actively at great personal risk engaged in suppressing them when the European Magistrates were absent and unfortunately the native behaved ill. On the 28th July 1882 a washerwoman died at Shevvapet, not very far away from the mosque, and as usual a party accompanied by music and tom-tom neared the mosque on their way to the river to fetch water for ceremonial purposes in connection with her funeral. The Mahomedans near the mosque obstructed their passage, and the party persisting, the Mussalmans attacked them. The news spread fast, both parties were reinforced, the whole crowd in a few hours numbering over two thousand. The Deputy Magistrate, the Town Sub-Magistrate, and three Police Inspectors were all soon on the spot. Unable to disperse the mob, the Deputy Magistrate gave orders to the Police to fire volleys in the air—an indiscreet and useless act,—for instead of dispersing the mob it added to their number. I was in the Literary Society when I heard shots fired. Accompanied by a friend of mine, Mr. Venkatrao, a Jaghirdar for his ancestor's service to the British Government, I hastened to the mosque and there found the Deputy Magistrate almost weeping. He cursed the day of his transfer from Chittore. Everything was in confusion. It was getting dark. Add to this the confusion was taken advantage of by the Mahomedans to shoot a Hindu. He lingered some half or one hour and lay on the ground with not a soul willing or courageous enough to stop the bleeding. The Magistrates and the Police, partly because they were hemmed in by the mob, and partly, I suspect, through fear, took no notice of the wounded man. The Assistant Surgeon lived but a few doors off, but had not been sent for, nor was the wounded man asked by whom or under what circumstances he was shot. When I saw the man, he was unconscious, possibly dead. I then sent word to the medical man. He arrived, but pronounced that life was extinct. The Hindu mob were eager for revenge. They loudly declared that the Mussalman Police Inspector encouraged the Mahomedans and they would have revenge. I suggested he might be ordered out of sight, and then again addressed myself to the crowd, Hindu and Mussalman. I need not mention here the details of what I did. I was at work for some hours. The crowd gradually dispersed. I returned home about midnight. Both

the Magistrates had disappeared as soon as the shades of night fell, the Deputy Magistrate to his own house, while the Sub-Magistrate hid himself in the house of a friend of his in Shevvapet, and did not go home that night to the dismay of his wife and children. One Police Inspector, Mr. Ashton—a native of Cornwall, I think—was the only officer who worked fearlessly. He refused to co-operate with the Special Agency, was ill-treated and transferred. He died not long after of fever and broken-hearted. It is worth while to mention here that this action of mine was after the Municipal meetings of the 4th and 5th July, when I advocated the widening of the culvert near the mosque in favor of the Hindu petitioners, and against the opposition of the Mahomedans, of which the prosecution made capital. With the feelings of the Mahomedans thus provoked, and in the confusion and darkness, the Magistrates having made themselves scarce, I might have been easily killed with impunity as the young man was long before darkness had set in. I hope I shall not be found guilty of egotism if I say that had I not succeeded in pacifying and dispersing the mob that night, there would have been terrible carnage. The next day the mob throughout the town rose probably to avenge the attack and murder of the previous day: a Mahomedan was killed, and after considerable efforts had been made by Mr. Hammick, who had arrived in the morning, peace was in a manner restored. I was throughout working that day and night, and was seen at about ten o'clock in the night in the Patnul street by the Hon. Mr. Stokes, who arrived that night on his way from Ootacamund to Tanjore, if I remember aright. The troops arriving the next day, the town was soon quiet.

During the second riots I was in Agraharam, and dispersed an armed mob. All these facts were more or less brought out in the evidence and admitted by the prosecution. Sir Charles Turner, C.J., finds that the dispersion of the rioters on the 28th July was due to my exertions. Says his Lordship: "Proof has been given in this case of an incident at the riot of July 28th, to which the Judge has not, I think, accorded the weight it deserves in favor of the appellant, Vijiaraghava Charry..... It is clear from the evidence of the Deputy Collector and the Police that the dispersion of the rioters was due to the exertions of Vijiaraghava Charry, and the Deputy Collector has admitted he thanked him for his assistance and promised to mention him honorably to Government. The Judge has alluded to this incident merely as an illustration of the influence Vijiaraghava Charry possessed among the Hindus. The readiness displayed by Vijiaraghava Charry to lend assistance to the authorities to put down tumult indicated his loyalty as a citizen, and suggested the improbability that he would propose and participate in the commission of the offence with which he was charged." He elsewhere says, "Whether it is probable that a man who on the 28th July voluntarily came to the assistance of authority to put down serious riot, who on the 9th August showed himself studious to retain the good opinion of the Government, who on 15th August suggested to the Deputy Collector it was his duty to remain at Salem, *who on the 16th in the absence of any official onlooker exerted himself to repress tumult*, would on the 9th August, &c." The unkindest cut of the special prosecution was, as pointed out gently by the Chief Justice, that they made the very ~~most~~ use of these incidents, namely as evidence for the prosecution to prove I possessed influence with the people and that I abused it, and destroyed the mosque and murdered Mahomedans. Thus

what I considered my duties to Government, my active and successful exertions on behalf of order and peace and against tumult and bloodshed not only did not save me from a humiliating prosecution, but in a manner led to it and formed the chief link in the chain of the evidence against me !! As often as I think of this use of my character and conduct, my blood boils and fires rage in my head. Mr. McIver says I am nothing if not imprudent. If one's service to Government and to the cause of peace is to be punished with one's loss of life and everything dear to one here below, there can be no question I was in the highest degree imprudent. I doubt much whether such a treatment would have been accorded to me under the worst oriental despotism.

10. A gentleman high in the service, for whose abilities and character I have the highest regard, told me, on my representing to him, I should have been rewarded with a jaghire in a Native State under similar circumstances, that as in a Native State I would have been so rewarded for my service in the July riots if the August riots had not followed. He thinks me innocent of any connection with the latter riots, but he doubts whether I was not before the 16th August, the day of the second riots, possessed of information about the conspiracy and withheld it from the authorities. I thank him sincerely for his candid opinion, which thus gives me an opportunity to answer this phase of the question. I answer that whatever information I had I gave to the authorities, and I believe to this day that none had more information to give; in other words there was no conspiracy of any kind. I have already set out the conspiracy theory as well as I can gather it from the highly graphic diction of Mr. McIver in his Preliminary Registers Nos. 24 and 25 of 1882, Special Magistrate's file. The following circumstances will show that the theory of conspiracy was a "figment of the imaginative mind" of Mr. McIver. It is true the High Court originally accepted the theory of a sort of conspiracy. Owing to the vast amount of the false evidence, and the one-sided version placed before them by the Special Magistrate, together with the absence through flight of respectable citizens, and the consequent comparative weakness of the defence in this point, and owing to several other causes, it was no wonder they accepted the finding of Mr. Wigram. But the High Court even then allowed that differences of opinion were justifiable, and was angry with the Judge for his attack of the assessors' opinions, who found against the conspiracy theory, as perverse.

originally means the judges who heard the principal cases — a distinction from subsequent hearing cases

The Chief Justice: "The character of much of the evidence being such as I have described it to be, it will be understood that I am sensible the case is one on which differences of opinion may find very sufficient justification."

Mr. Justice Innes: "The case was one of great complexity and difficulty, and one as to which the opinions even of those who are accustomed to deal with evidence may fairly differ. They (the assessors) gave great attention to the case and assigned very good reasons for their verdict, though I regret that I cannot adopt the conclusions....."

Mr. Justice Kindersley: ....." the description of the meetings as given by witnesses are in a great degree *fictitious*. The case was one of great difficulty upon which a consensus of opinion could not be expected. The opinions of the assessors appear to me to show a careful and intelligent consideration of the evidence....."

A petition signed by over ten thousand inhabitants of Salem and presented to the Marquess of Ripon on his visit to Madras early in 1884 emphatically denied the existence of a conspiracy. Almost all the Brahmin inhabitants signed it, and the Brahmins were declared by Mr. McIver as having no sympathy for the Sudras, the foe of the Mahomedans.

In July 1884 the prisoners for perjury against me were tried in the Coimbatore Sessions Court before Mr. Justice Parker. More proof was adduced in these cases than in the original cases, and the Judge found the conspiracy story a fiction, and was of opinion that the destruction of the mosque was the effect of a sudden resolve on the part of the mob. All the witnesses that had deposed to the existence of a conspiracy were convicted and their conviction affirmed by the High Court. In Cal. case No: 37 of 1884, the Judge says, "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.....It is not by such means as these that conspiracies are hatched, and I believe *the whole story to be absolute fiction*."

A telegram and a letter, not placed before any of the Courts that had to discuss the question of conspiracy, throw considerable light on this subject, and show when and how the idea was started and improved. On the 18th August Mr. Macleane telegraphed to Government in these words, "Riots *suddenly* renewed on Wednesday. Brutal attack on all Mahomedans by *weavers, pariahs*, and other *roughs*."

Not the remotest hint at a conspiracy, much less of conspiracy meetings; and the outrages were then rightly ascribed to weavers, parahas, and roughs; and no suspicion was entertained against men "hitherto without reproach of character," men admitted to be useless as fighting men. On the 18th the special officers had not arrived, and Mr. McIver was in the North Arcot District. The telegram was sent after a careful inquiry about the circumstances by the District Magistrate, the Head Assistant Magistrate, the Superintendent of Police, and even the District Judge on the 16th, 17th and 18th. The Mahomedans of Shevvapet, who afterwards swore to having seen me and a host of others as leading roughs to the destruction of the mosque, had no information to give them. Mr. Justice Wilkinson was examined as a witness in the perjury cases in Coimbatore, both before the District Magistrate and the Sessions Judge. I regret I have no copy of his evidence, but I find from my notes that he said before Mr. Stokes as follows: "The next day (17th) I went to Shevvapet with Major Whitlock. We asked the Mahomedans at the burnt mosque and the burnt houses if they could give us any clue as to the perpetrators of the outrages, or if they had identified any of the people present. No names were mentioned to us. *They did not say they*

suspected any person." Mr. Macleane before he sent the telegram culled his information from a variety of sources. Whatever the causes, he did not on the 18th August suspect there had been any conspiracy, and that higher orders took part in it. Soon Mr. McIver arrived, the successful detector of the political conspiracies in Rangoon, for which he had been thanked by the Government. The conspiracy idea was a sprout of his brains. In the letters to the Government we then find the words 'conspiracy' and 'abetment' introduced but no conspiracy meetings, no actual participation of the higher orders; these were later developments; certainly after the 1st September; but I cannot tell how long after. I beg leave to quote from the letter of Mr. Macleane to the Hon. Mr. Master, dated the 1st September 1882:—

"My dear Master,

"The day before yesterday, on careful scrutiny of the information given by Mr. McIver and others, I issued twelve warrants for principal offenders in the late *conspiracy*.....We shall be met by a strong legal combination. What we have to prove is *abetment, for almost every principal offender kept out of the way.* The only thing *we* are afraid of is *a wholesale acquittal* by the Court which tries of those *whom we put up for abetment*....."

The italics are mine. What effect this letter would have produced on the High Court and the Sessions Courts if they had to examine the evidence in the light thrown on it by the communication it is now hard to say. It would have thrown innumerable witnesses overboard, including Mr. McIver, whose evidence is contradicted by this letter, and would have created an awkward suspicion as to the truth of the whole story put forward by Mr. McIver.

This letter was certainly an improvement upon the telegram of 18th August, but as yet the conspiracy theory was crude and imperfect when compared with Mr. McIver's romantic account of it as disclosed by his Preliminary Registers Nos. 24 and 25 of 1882. To examine the letter a little. On the 1st September then there was no idea of conspiracy *meetings*, absolutely no idea of introducing Sundram, the Nana Sahib of the drama, and others actually at the head of armed contingents to the destruction of the mosque. The word *abetment* cannot be for one moment construed into presence and instigation without actual participation (if one can understand this), but Mr. Macleane means instigation from behind the screen and instigation alone without actual presence, for says he "for almost every principal offender *kept out of the way.*" There can be thus no reasonable doubt that originally Mr. McIver's victims were to have been prosecuted as wirepullers from behind, and not as having held conspiracy meetings and led armed contingents on. The special officers soon found out with their dread of a wholesale acquittal that a conviction for this secret intangible conspiracy was next to impossible, and improved the idea a step further, and then and not till then the celebrated conspiracy meetings sprang into existence. The latest improvement was that with the single exception of a cripple, all the conspirators were made to actually participate in the destruction of the mosque and the other outrages in pursuance of their own conspiracy.

Thus the history of the conspiracy theory at the hands of Mr. McIver and Mr. Macleane, who had been innocuous had there been no McIver, the

motives, the dates, the utter absence of record or evidence as to how, when and by whom the conspiracy was disclosed, shewn at once the utter falsity of it and the character of the author of the idea.

But for Mr. McIver there had been no conspiracy in Salem, and "the weavers, pariahs and roughs" alone would have been tried and punished for offences actually committed by them. It is remarkable, too, that Sundrum Chetty, afterwards dubbed the Nana Sahib of the drama, was not even alluded to in the telegram of the 18th, as most naturally he would have been if the theory had then existed.

11. Nextly, Mr. McIver admits that such a conspiracy would have been impossible in 1882 in a settled district of Madras, but for two circumstances,—the remains of the outrages and the bad administration of the district for some considerable time, and the consequent loss of official touch with the people!!

I fail to see the force of the argument that the charred remains of the mosque and the bodies of the murdered Mussalman victims betray a conspiracy. These are even to a superficial observer as consistent with the outrages being due to a sudden impulse on the part of the mob infuriated and conscious of their strength if temporary and morbid. But a closer observation will show that these vestiges of crime were incompatible with intelligent and premeditated conspiracy. They disclosed nothing but irregularity, utter want of plan and demoralization, not to speak of the vast numbers at once unnecessary and dangerous and the time therein when large numbers of them might have been destroyed by a handful of determined policemen. To relate all the details of the crime in support of this view would enormously swell this petition. The mass of Mr. McIver's literature does not tell us how the mosque was demolished. It would not have tallied with his wild theory if he had told the real truth. Positively he took no evidence on this point. The mob finding the coast clear of the enemy and the authorities unexpectedly powerless—for powder and shot failed them—took to destroying the mosque. It is now well known that the idea was started on the spot by an ex-policeman, who was indeed opposed by a few, but who carried the mob with him. The unreflecting mob at once burned the pandal in front of the mosque, and the flames and fire closed the only entrance into it. Then picks, rice-pounders, bamboos, &c., were procured, and the crowd began to ply the walls from without. Not succeeding, water from the stream was poured over the fire lit at the entrance, way was made, inflammable stuff of every kind moistened with kerosine oil from the Mahomedan shops hard by were stored beneath the roof and fire was set; the firewood depôts in the neighbourhood probably started this idea. Then the roof fell. The walls were not much injured. Thus was the mosque destroyed in the presence of all the police, and yet no evidence was taken on the point. One might as well say that the angry scratchings of provoked cats are due to deliberations and discussions.

I will mention a few more admitted facts. A great many more Hindus than Mahomedans were killed and wounded, as can be ascertained from Mr. Macleane's reports to Government and the dispensary registers, not to mention those who were not taken to the hospital for treatment. Over two hundred Hindus were killed and wounded. Who injured them? The police whose ammunition failed them, but whom Mr. McIver characterised as limp and demoralized? No. The police shot but a very small number. There is no doubt that the rest were wounded and killed by the Mahomedans. Hours before the mosque was burned the Mahomedans rose in various quarters of the town, drums beat, and Hindus were attacked and their houses burnt. Mr. Mullaly admits that the first wounded man he saw was a Hindu near the Salem market, about two miles off from the mosque; he had been shot with a pistol, and the crowd told Mr. Mullaly they were there for mutual protection. There was another with a knife-cut also found in the morning. Mr. Mullaly, as 28th witness in Cal. case 1 of 1882 on the file of the Additional Sessions Judge, says in cross-examination, "I saw a wounded Hindu man at Kichipalliem that *morning* who had apparently been shot. That was the first wounded man I saw. The crowd drew my attention to him. This was about 9 A.M. They said they were afraid of the Mahomedans, and pointed to this as an instance."

That Hindu houses were burnt was admitted by Mr. Wigram, who in his judgment in the first ringleaders' case awarded compensation not only to the Mahomedans whose mosque and property had been destroyed, but also to those Hindus whose property was destroyed. This has always struck me as the most curious part of his judgment, a judgment "that will hold." For it was not the case for the prosecution that the Hindus anywhere destroyed property belonging to the Hindus. Mr. McIver nowhere says so. The truth is Mr. Wigram drove about into the town with a view to examine the places of the alleged meetings and saw Hindu houses burnt as well. The truth is thus clear. There was a fight between the Mahomedans and the Hindus, who rose in large numbers after some Hindus had been wounded and some houses burnt. They rose as they said so early as 9 A.M. to Mr. Mullaly through fear and for mutual protection. Having succeeded in beating and driving away the Mahomedans, the mob consisting of weavers, pariahs and other roughs, in the words of the telegram of the 18th August, and of Mr. Justice Wilkinson as witness before Mr. Stokes of Coimbatore, destroyed the mosque, having caught the idea, as I said above, from the dismissed policeman. That religious fanaticism frequently destroys the objects and places of worship belonging to other religionists is too notorious a fact. In 1880 the Namakal Hindus, whose car procession was suddenly stopped by the Mahomedans near a mosque, after defeating their enemy, set fire to the mosque and burnt it down. The Gudiatham Moslems burned the Hindu car about the same time as the Salem riots. And in Tinnevelly I am told the Roman Catholics occasionally destroy the Protestant Churches, and these return the compliment. Nothing catches the fancy of low religious zeal more than bonfires of the objects and places of worship of hated sectarians. It required an original McIver to account for such things by a conspiracy and semi-military campaign.

The real truth of all this, and the fact of the ex-policeman starting the idea of destroying the mosque, turned up during the investigation and the wretch fled. But to Mr. McIver the idea of making a low, vulgar, dismissed constable the hero of his grand mission was too revolting. He ridiculed the idea and affected to laugh at it. The fact was not welcome. And Arapali Naick was safe and sound and mocked at the special officers and pitied their victims I believe Mr. Justice Wilkinson knew it all and why the scoundrel was safe too.

12. Was there a conspiracy because of the previous bad administration

of the district and the consequent demoralization of the people? Mr. McIver's passages in reference to this point have been the admiration of his friends and foes. These are the last four paras. of his reasons for committal in my case, Preliminary Register No. 25 of 1882 on his file. As an ignorant foreigner I have no taste for the claims of polite literature on magistrates and investigators of the most serious offences. I will not therefore pretend to admire where I do not understand. But this I beg leave to say, that the whole is an audacious and flippant falsehood. To show this was a libel, I need refer to no other authority than the list of the rulers of this district for one century, whose names adorn the manual for a quiet and prosperous district. A great part of this attack was directed against the Hon. Mr. Stokes. I am not here to defend these gentlemen, and they are little likely to thank so sorry an advocate. But I am compelled in the collateral defence of myself and in the prosecution of my object to enter into this subject somewhat. And I trust I shall not be charged with bad taste, now that Mr. Stokes is in the Council. I trust, too, that this will not prevent him from sitting in judgment over me and deciding the fate of my application. I cannot omit this fact and yet dispose of Mr. McIver's wild theory. But in doing so I have this advantage, namely, I disclose no new facts but such as are notorious and the common property of the public. The much admired attack is not only a falsehood, but also to my thinking an inconsistency. Mr. McIver adduces no other fact to show that the district had been ill-governed than the riots conspiracy. It was because that such a conspiracy as he was describing to the world as having convulsed Salem on the 16th August 1882 was organized and carried out, he comes to the conclusion that the previous administration had been bad. And he says that such a conspiracy was conceived and carried out because of the bad government of the district. This is reasoning in a circle, and yet such is the effect of a careful study of the eloquent passages in question. "No people would go to pieces in this sudden fashion, and it seems to me an *irresistible conclusion* that the district has been out of hand for a considerable time, that the magisterial and police hold has been almost wholly lost." Further on he says, "*Given* also a district in which those authorities appeared to have lost touch with the people . . . . we have all the necessary elements, the time, the scene, the popular temper, &c." Before inferring the conspiracy from the state of administration, one would look for some facts and evidence that the administration had been bad. Absolutely no evidence was adduced to show this or to show the barest possibility of such a state of things. None but Mr. McIver found it out, none else had even suspected of its existence.

The chief object in inventing this episode was to protect Mr. Macleane. He had been Collector only a few months, and it was therefore necessary and convenient to spread the causes that had led to the riots *over a long period of time*. Besides Mr. McIver could not very well get on with his conspiracy and military campaign without some such basis. But he did not succeed. He found no listener. Mr. Stokes was appointed Collector of Salem towards the close of 1879, and left it about the middle of 1882. It was impossible for McIver to have been more unhappy in his selection of a victim with a view to shield his friend. During the two years and a half he ruled over the district, he achieved a name—without caring for it as every one who knows him might expect—such as falls to the lot of few. His administration was an unparalleled instance of great ability, indefatigable energy and stern justice. The success was in short phenomenal. He was at once feared and esteemed, a hard thing for one to achieve. All those who had the happiness of coming in contact with him as Magistrate, Collector, or President of the Local Boards remember him with the liveliest feelings of gratitude. Stokes Dorai is more known and respected and esteemed in the obscurest part of the district than that of any other European officer or ancient chief. The subordinate officials worked harder and became purer. He treated them all always with kindness and respect, but they all knew that nothing but rigorous justice would be meted out to them if they went wrong. That this officer did not possess the confidence of the subordinate officials was a baseless lie. The rising educated class in Salem and out of it who watched him, and watch all the rulers of the land with an honesty of purpose and accuracy of observation, little dreamed of by the watched, began to regard him with feelings of reverence bordering on worship, as is well known to readers of newspapers. And such of them as had the good fortune to know him personally and studied him, learned more than books and college professors ever taught. In March 1882 His Excellency the Governor paid a visit to Salem, and the address from the inhabitants went out of the way and expressed their sincere gratitude to him for all the benefits he had conferred and was conferring on them. This address was adopted after a full discussion in a large meeting. It was presented to His Excellency in the Town Hall by a deputation, at the head of which stood Sheik Mohideen Sahib, the Mahomedan Proprietor of the *Salem Patriot*, the king of the Mahomedan mob, the President of the Salem Anjumani-Islam, and also Kistna Dass Sait, a Guzeratti banker, both of whom gave evidence against Sundrum Chetti. This shows how ill-founded the assertion is that the carrying the Hindu procession past the mosque in December 1881 just a few months before had irritated the Mahomedans. That this was not true is also borne out by the fact that the Rev. Foulkes, in his paper to Government, prepared *after* the riots, says therein, as well as I can remember it, that the Mahomedans accepted the judgments of the High Court in obedience to which Mr. Stokes allowed the procession to pass. Mr. Foulkes is a great authority in such matters, and he is the acknowledged friend and patron of the Mahomedans of Salem. I am sorry I have not got a copy of the paper.

That this scandalous attack was chiefly a sorry endeavour on the part of Mr. McIver to protect the Macleanes was too patent to all. It was intended to serve his own purpose, to please a lady and serve her husband, and where he hoped to gain so many objects he scrupled not to attack. Not only had the Macleanes their interests to protect, but they were also jealous of Mr. Stokes's popularity. Thus the story about the loss of touch with the people, not supported by the faintest attempt at facts or evidence, but contradicted by them and by the sound public opinion and prompted by base motives, is too absurd to be listened to. I suspect no honest man ever believed it, and the Counsel for the Crown nowhere made the remotest allusion to the grotesque, if well told, story in support of their arguments.

13. For all these reasons the conspiracy theory falls to the ground, and must now be remembered only as the ruthless eloquence of a vain officer, little disturbed by qualms of conscience. It is impossible for me to expose the conspiracy story better than I have done. I believe the facts I brought together above, the telegram, the letter of the 1st September 1882, the judgments of

Mr. Justice Parker, the history of the story, the motives of the inventors, and all the other circumstances to which I have humbly invited your Lordship's attention conclusively make out my contention that there was no such thing as conspiracy, except that Arapali Naick caught the idea on the 16th August in accordance with the instincts of vulgar religious fanaticism educated from time to time by instances of making bonfires of their enemies' places of worship. If in spite of all this overwhelming evidence it is still contended there *was* a conspiracy, all I can say is I never was aware of any such thing, have never had the faintest suspicion about it. Thus I had no information to give to the authorities, no more than what was patent to all. Owing to a variety of causes, such as the unsettled state of the town after the July riots, the indiscreet withdrawal of the troops, the absence of the Collector, the closing of the shops chiefly as against the Mahomedans, their sending away their women as deposed to by Mr. Ashton (eighteenth defence witness in my case), the general fear so much so even the European and Eurasian population of Suramungalam armed themselves (*vide* evidence of Mr. Riely, the Assistant Station Master, who as the 71st defence witness in my case says, " A representation was made by us to the Traffic Manager that we had no arms to defend ourselves. We were anxious between the July and August riots"), and the approach of the Kuthba feast, sensible men apprehended another outbreak which the wisdom of the authorities might have arrested. My fears I communicated to the authorities and warned on the 15th the Deputy Magistrate not to fly to Erkaud to conduct a revenue sale on the 16th, as pointed out by the Chief Justice in the passage quoted in para. 9. The Deputy Collector no doubt does not recollect my communication with him on the morning, and admits only my evening warning because of witnesses I presume. Mr. Justice Kindersley, commenting on his partial recollection, says, " He (your humble petitioner) says he also warned the Deputy Collector and the Town Sub-Magistrate, and advised the Deputy Collector not to leave the town. This is to some extent corroborated by the Huzur Sheristadar, but the Deputy Collector does not recollect anything so damaging to himself.' I need hardly say that I was by natural impulses, education and even with an " eye to agitation" earnestly desirous of securing and preserving tranquillity of the town. I was anxious to retain the troops, and was party to the telegram of Mr. Chinner Basavachetti, Municipal Commissioner, to the Government praying that the troops and Collector might be ordered to remain in the town.

Thus then if I had no more information to give, I am entitled to the benefit of the alternative that I should have been rewarded with a jaghire for my service in the July riots if the second riots had not followed, and if I had not kept away valuable information from the authorities.

14. My case, therefore, is briefly this:—A native of Madras, and educated in the Pacheappa's High School and Presidency College, I came to Salem some four years before the riots. I took part in all matters that affected the public weal; and a conscientious discharge of my duties as citizen, Municipal Commissioner and Vakil gradually gained for me the esteem of my fellow-countrymen. I owed my influence to neither titles nor extensive landed possessions, and I always used my influence for the purest and most unselfish of purposes. Those that admit that I possessed influence with the people did not enquire into the

source of it. It is something that my enemies admit that the dispersing the rioters of 28th July was due to me. I have shown that this conduct of mine, which might have cost me my life, not only did not save me from an ignominious prosecution, but was made the basis and evidence of it. Thus my very virtues which I thought would ever be a source of happiness to me were used as weapons against me. For three months and more I was confined in the very jail from whence I had rescued large numbers, and men who had begged of me presents became my masters. My humiliation and anguish of mind were increased by the treatment accorded to me. I was refused my own food except once a week. My position and failing health were not sufficient to entitle me to the sorry comfort of an one-bullock cart, and I had to walk two miles every day of the inquiry, from the Central Jail to the Collector's office and back again. Mr. Macleane visited the jail one day, and remarked on looking into my cell, " This man has any amount of clothing." But the jail servants, who perhaps did not forget I had seen better days, took no notice of it.

The amount of money I had to spend for defending myself, for prosecuting the witnesses that had given evidence against me, for the conduct of the suits for damages against the Mussulmans, for the ceremony of purification or penance, and the pilgrimage to Rameswaram, which my castemen insisted on before taking me into the caste again on my release, not to speak of a host of other items which can be easily imagined, has been crushing. Ever since I resumed my practice towards the latter part of 1884, immediately after the termination of the perjury cases, I began to pay up my debts. I denied myself every comfort save the absolute necessaries. The debts have been nearly wholly paid up. I beg to append a memo. of the expense actually incurred by me, and the amount of money I would have acquired if I had been left alone. I have little doubt that if I had not interfered in the July riots, but remained apathetic, like my brother vakils and others, and if Mr. McIver had not been Special Magistrate, I should have been left alone. At the time of the great storm in Madras fifteen years ago, when I was a student in the Presidency College, Professor Gordon reproached us natives for rendering no assistance whatever for the shipwrecked crew, some on the deck expecting to perish every second, and others desperately swimming towards the shore. A soldier that rendered brave assistance died in the act, and a liberal subscription was at once set on foot. I have never forgotten the good-natured rebuke of Mr. Gordon, and the occasion on which it was administered. But if I had been killed in the July riots, it had been small matter when compared with what followed, which might have ruined me, crushed my home, and held up the fragments of my family to everlasting infamy:—Mr. Wigram's acquittal of murder was neither law nor common sense. But the merciful Providence saved me from so dreadful a fate.

Under these circumstances, it is for your Lordship to consider whether I am not entitled to the reparation I pray for, not only in regard to the actual expense incurred and the loss of my practice for two years, but also on account of the shame and pain of mind caused to me and to my family, and loss of my health, in consequence of my incarceration, and also on account of the humble service I had the honor to render during the riots as related above.

If your Lordship cannot find your way to granting my application, it is impossible for me ever to recover from the shock caused by my arrest and prosecution and all that followed.

MEMO. OF COSTS, &c.

A.—Fee, travelling expense, batta, &c., to my counsel in the three Courts of the Special Magistrate, the Additional Sessions Judge, and the High Court about Rs. 3,000.

[My counsel were the Hon. Mr. Branson, Barrister-at-law; Mr. Grant, Barrister-at-law, and Mr. Sadagopacharriar, Vakil of the High Court; Mr. Branson appearing in the High Court alone.]

B.—Fee, travelling expense, batta, &c., to Mr. Branson for the prosecution of the perjury cases in the three Courts of the District Magistrate, the Sessions Judge of Coimbatore, and the High Court, where I retained him to oppose the appeals, and for his appearance in the Sanction Proceedings about Rs. 2,000

Mr. Sadagopacharriar, who was assisting Mr. Branson throughout, has not yet been fully paid. His total fee say ... ... Rs. 1,000

Total ... Rs. 3,000

[As prosecutor for the Crown; Mr. Branson's fee must naturally come from the Government, even independent of the merits of this my application.]

C.—The costs of the two suits (I brought against two of the Mussulmans that took prominent part in the prosecution, and who when I filed the suits I *bonâ fide* believed were my real prosecutors), together with the fees to Mr. Sadagopacharriar, Mr. Pritchard, and Mr. Branson—Mr. Branson appeared in the High Court, Mr. Pritchard in the District Court, Mr. Sadagopacharriar before the District Munsiff's Court as well about Rs. 2,300

[My stamps Rs. 450, costs to the defendants Rs. 1,000, fee to my counsel, batta and process fees to my witnesses about Rs. 850]

D.—The expenses of the penance ceremonies and the trip to Rameswaram, &c., which were all the more necessary as I had to give up my father's sradh in December when I was in jail ... ... Rs. 500

E.—The loss of my income as Vakil during the two years I was necessarily out of practice ... ... ? ... Rs. 20,000

Before the riots my income a month was about Rs. 700, but since I resumed my practice after the riots my income has been fluctuating, and on the average little over Rs. 400 a month. But if I had been left alone during the prosecutions that followed the riots, I should have got not less than Rs. 10,000. The confidence which the prisoners and their relatives who assisted them reposed in me then was admitted. I was throughout designated by Mr. McIver, Mr. Macleane, and even the witnesses as the Palapatrai Vakil, or the Sudra Vakil. It was I that retained Mr. Grant and others for them. Mr. Grant got over Rs. 8,000, Mr. Pritchard

about Rs. 10,000. They did not appear for all the prisoners, nor in all the Courts. Rs. 10,000, therefore, would have been easily mine; I was the "specially retained counsel of the abettors."

F. } As to what I am entitled to in consequence of the pain of mind, loss of
G. } health and shame, &c., as also if the Government will be pleased to recognize my humble service in the riots under the circumstances fully related above, I leave it to your Lordship in Council to determine. These are very delicate items, and had been better pleaded for me by a counsel than by myself.

I conclude, humbly and firmly trusting that the renowned justice and generosity of the Government will help me and put me in the position I would be in if I had not been prosecuted.

SALEM,
October 1884.

Vakil.

List of Papers

23

1 Copy of Petition.

CHIEF SECRETARY'S GOVERNMENT OF MADRAS NOV 1911

Book No I. Judgment of the High Court in Second Appeal in one of the two suits brought by me against Muthusami for malicious prosecution.

Book No II Judgments of the High Court acquitting me.

Book No III. Preliminary Register (Reasons for admission of my appeal) of 1882 on the file of the Special Magistrate of Salem, pages 5 to 66.

Book No IV: Judgments of two Justices Parker in the Coimbatore Sessions Court in the trial of the prosecution witnesses for perjury against me. Calendar Cases Nos 34 to 42

of 1554 on the file of the Court.

Book No. I. Copy of the petition of the inhabitants of Salem to the Marquess of Ripon on their Excellency's visit to Madras early in 1554.

242/215
CURRENT No. 4745

To

The Chief Secretary

to the Government.

CHIEF SECRETARY
2 NOV 88
GOVERNMENT OF MADRAS

Sir,

I beg leave to send a petition to the Government by workfurt today & humbly request that you will be so good as to place the same upon His Excellency-in-Council at an early date. I have no copies of all the papers

connected with the Salem riots cases
but I beg to state that a full
record of all these cases has been
before the Government more than
once & I believe that copies of
all the papers & some originals
too will be found along with
the papers connected with the
municipal Suit against
the Secretary of State filed
in the Original side of the
High Court. I beg that the
papers sent with the petition might
be returned.

I have the honor
Sir
Your most obedient
& humble Servant
C. Vijiaraghavachary
Vakil
Salem.

31st October 89
Salem

Judicial

C. No. 4745

From

C. Vijaraghava Chari
Vakil,
Salem.

Rec'd 2-11-88

Pet'n &
5 Anchos

Praying that he may be compensated for the losses he sustained during the two years of his prosecution during the late Salem riots

Jud'l. Department.

C. No. 4745

From M. C. Vijaraghava Chari, Vakil, Salem.

Dated 31st Octr. 1888.

FOR ORDERS.

Petn in dated October 1884.
I was under the impression that a similar petn to this was previously rejected but it seems I was mistaken. The Petr spoke to me on the subject & mentioned in intuition to memorialize Govt & I am at present that he had not got this petn printed. ADP 5 Nov. & 5 Nov.

that account for my mistake. I quite agree with the Hd Assistant that it is held out no encouragement to him. If the petitioner & take the oath is supposed to represent what I did & request with favorable consideration & pass the said to him but does not do so. Suite correctly. The claim is for (1) reward assigned & (2) rejected the for services & malicious prosecution. The latter seems to me quite outside the question. I am prepared to concede that I think Vijiaraghavachary was not implicated in the conspiracy. Probably I do concede the same as to several others even of those convicted by the High Court: certainly men are often prosecuted & sometimes even convicted on false evidence: is Govt to compensate all such & if not why Vijiaraghava in particular? Govt has done him no wrong even if it were true, which I cannot for a moment grant, that he was sent for trial on evidence which he knew to be false. All that has happened, happened in the ordinary course of justice & Govt cannot be responsible for mistakes committed in good faith, or even in bad faith, by its duly appointed officers.

C. 9 Nov.

Bk. this file.

This was the main ground on wh. I thought the request inadmissible & told Petr. so. He has rather ignored this point & only remembers the other, viz. that even if we were prepared to compensate him if satisfied that he was wholly guiltless it wd be difficult in face of the findings & evidence to hold that there ~~was~~ can have been no conspiracy or affirmatively that he was wholly ignorant of it, & entirely on the side of order all through as he seemed to be in the July disturbance. I am inclined to the opinion that the burning of the mosque was not pre-arranged, but I cannot be sure & should be sorry to place my own ~~impr~~ impressions derived from a general & superficial knowledge of the case against the finding of a Judge who had all the evidence before him fresh & marshalled on either side by learned Council. I am prepared to treat & regard Vijiaraghava as wholly innocent & always have done so since his acquittal, but I cannot go further. And the same difficulty prevents my entertaining his claim to a reward for services rendered in July, even if such could otherwise be admitted. We might certainly thank & perhaps even reward one who successfully suppressed a disturbance at some peril to himself – how can we do so when we are not absolutely sure that the view that he did so for ~~his~~ a temporary purpose & afterwards encouraged what he had formerly suppressed, may not after all be correct? The perjury cases at Coimbatore, wh. came up for

FOR ORDERS.

Memorial from C. Vijiaraghava Chari, Salem

me in appeal ~~turned~~ simply on the point whether Vijiaraghava cd have been at some particular alleged meeting. He proved an alibi at the partr. time in question but that does not establish his innocence of everything else alleged against him – much less that Revd. Mr. Kewl? & Mr. Williams ~~cannot~~ cannot have bona fide believed the evidence to be true.

I think the claim must be rejected & have no reason to suppose that Vijiaraghava will find it really impossible to recover, if he has not already recovered, from the shock.

FFP
6 Nov

It is conceded in para 10 that the Judge who heard the whole original & principal cases argued on appeal approved Mr. Wigram's finding that there had been a conspiracy. The assessors' opinion & the Maharajah to Lord Ripon carry little weight contra & the perjury cases do not really touch this point as shown above. I don't know how it is now well known that the attack on the mosque was a sudden suggestion by an ex-police..

Jud*l 28 DEPARTMENT.

[5]

243/28

Papers to be read in Proceedings :—

Again G.O., dated 188 , No.

Again G.O., dated 188 , No

Current No. of 188 , dated from

Current No. 4745 of 1888, dated 2/11/88 from C. Vijiaraghava Chari

Order 9. 22. 11. 88 No. 2981 Misc.

The petitioner will be informed that the Govt. they are unable to comply with his request.

Alfl 17 Nov. 8 19 Nov.

[signature]

To Pet. (with enclosures Docket No. 6) 23/11

[7]

ORDINARY, MS.

Judicial Department.
G.O., dated 22nd Nov 58.
No. 1431.

Confidential

When given for copying

[Despatch Abstract.]

Regarding Petition of Vijia-
ragavachary, Salem

29/Sub

Pro. 16.28

~~1445 41/76~~

1996 RJ

2443/ Sedi 22-11-88.

Army 12/12/88

7-12-76 17002/R. H/G

Restoration 10-3-77 H/G

~~2455~~ Sedi 22-11-~~88~~88

Army 12/12/88

Not to be folded or roughly handled

RR

2.11.73