

(1) Number of pages 124
(2) Date of repair 4-11-44
(3) Initials of the Referencer 18-1-44

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <u>1434</u>	Press Mis.
<u>67-70.</u>	
Dated <u>18-10-</u>	<u>1871</u>

Not to be folded or roughly handled

Chief Office of the Inspector General of Police.
No. 5563 Madras, 25th August 1871.

From

The Inspector General of Police.

To

The Chief Secretary
to Government
Ootacamund.

Sir,

Enclosures 4.

With reference to G.O. No. 943 dated 13 July 1871, I have the honor to submit my opinion as to the measures proper adopted in consequence of recent outrages in Upper Tripetty.

2. This matter has already formed the subject of correspondence between the District Magistrate of North Arcot and myself. Early in May Mr. Whiteside addressed to me a letter (which is appended) stating that in his opinion the establishment of a Police Station in Upper Tripetty, which should be subject to the supervision of the European officers of the District, was

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absolutely necessary, and proposing to group the Hill, accompanied by the Superintendent of Police, in order to make the necessary arrangements so soon as he should hear from me what strength of Police would be required for the new station.

3. In reply I concurred with Mr. Whiteside's view regarding the necessity of establishing a Police Station on the Hill, but stated that I could not determine the proper strength of the Police Force until after the place had been visited.

4. I learned that Mr. J. A. Robinson on his return from England had taken Mr. Whiteside's place. As Mr. Robinson seemed to take a different view of the matter the Superintendent of Police, Captain Cox, wrote to me for further instructions. I thereupon again addressed Mr. Robinson on the subject, and I appended an extract from my letter in which my views are fully stated.

5. It will be seen from this extract

3
that I consider the establishment of a Police station, at Upper Tripetty, to be the only remedial measure that can be devised, and, further that it is absolutely indispensable that the Police post, if established, should be subject to the periodical inspection of the European Police Officers of the District. Without this it would be impossible to know what was really going on in Tripetty or to secure efficient administration.

6. Mr. Robinson replied in a letter which reached me a few days after the receipt of L. O. No 943 of the 13 July last. This letter at Mr. Robinson's desire is appended to this report as being the full expression of his own views on the matter.

7. Mr. Robinson considers that the European Officers of the District should still be restrained from visiting Upper Tripetty and that the Hill should not be brought under the full control of the constabulary. He objects to the measure proposed by Mr. Whiteside for the following

4
reasons.

18. Firstly, because he considers that there is nothing in the circumstances of the two murder cases to establish the necessity of the measure. Mr Robinson dissents from the view of the second case taken by the Sessions Court. The matter would seem to have passed beyond the region of argument on this point. The murders did occur and there was a failure of justice in each case.

9. Secondly, Mr Robinson dissents because he thinks that the constabulary could not perform the duties of the Establishment they would replace. I do not understand this. The constabulary certainly ought to be able to maintain security of life and property better than the undisciplined troop of Yanadies paid to be kept up by the Mahant for quasi-police purposes. No instance is known in which these men have ever assisted the Police in any way. No case of crime has been brought forward by them and no criminal has ever been delivered up to justice. They watch the

5
papers and doubtless levy fees from passengers. Mr Robinson thinks that little or no crime has occurred. This I think is doubtful, but if so the immunity from crime must arise from causes quite distinct from the presence of these Yanadies. Captain Cox, the Superintendent of Police considers that a very small party of constables under an intelligent Petty Officer would do the Police work of the Hill effectually and I agree with him. But the Hills must be visited before the exact strength of men required can be determined only if the Yanadies are entirely disbanded from the Mahant's service and pay it will be necessary to watch them rather closely for a time as they will probably make themselves troublesome.

10. Thirdly, Mr Robinson considers that it would suffice to place a Police post on the Hill without allowing it to be inspected and supervised by the District Officers. He thinks that I cast a slur on the Police force in supposing that a Hindoo Police

6
party under a Hindoo Inspector would not exercise their functions impartially if left to themselves. My argument was founded on the known effect of strong priestly and political influence upon human nature generally. It needs I think but little reflection to realise the position in which such a Police party would stand in a place like Upper Tripetty. I certainly should not feel satisfied that any real good was being done - or that occurrences which the people connected with the temple might wish to conceal would not still be kept secret. And the moral effects produced by the occasional visits of the District Officers, who are responsible to Government for the maintenance of good order will in my opinion be the chief source of improved administration.

11. Now then Mr Robinson thinks that the "desecration" of the Hill and the destruction of its "prestige and mystery" will cause it to become a rendezvous for the criminal classes. I do not

7
see why desecration ~~of the Hill~~ should result from the admission of European officers to the Hill nor do I understand the nature of the supposed effect upon criminals. Criminals of Caste have already full access to the Hill and to what extent it may have been made a city of refuge we do not know. The traditional tendencies of such places are in favor of the privileges of a sanctuary - the criminal flies to the horns of the altar. On the other hand I see no ground to suppose that criminals of low caste will find admission there in the future any more than in the past. That the mysterious sanctity of the Hill operates to restrain the evil passions of human nature has I think been sufficiently disproved.

12. Lastly Mr Robinson deprecates a measure which would be regarded by the whole native population as a gratuitous violation of privileges guaranteed by sanad - I know nothing about the sanad but I do not see how

the proposed measure can be termed a
statutory violation of privileges, nor do
I believe that it will be so regarded
by intelligent natives. There has been
cause enough. Mr Robinson lays great
stress upon the supposed offence to the
religious feelings of the whole country but
there seems to be no reason why this effect
should be produced by the occasional
visit of one or two European Officers whose
object is merely to maintain good order and
sanitation. Except amongst the people
connected with the temple I doubt if any
strong desire exists for the maintenance of
this particular restriction. and I gather
from certain expressions in Mr Robinson's letter
that the "antagonistic" party in Tripetty itself
do not much care what happens, provided
they can overturn the Mahant. In any case the
matter is not one of feeling but of principle.

13. In illustration of the alarm caused
amongst natives by the recent outrages at
Tripetty, I append to this letter a telegram
received a few days since from the Zamindar
of Pittapore requesting that he may be
furnished with an armed Police Guard to protect
him upon the Tripetty Hill for fear of the

murder case lately took place there". The Rajah
does not seem to appreciate the magnitude of the
place. The guard was furnished on payment
14. Finally the measures I would propose to
remedy the present state of affairs at Tripetty
(so far as the Police Department is concerned) is
simply this - that a Police post should be established
at Upper Tripetty of such strength as the
requirements of the Hill on inspection may seem
to demand. and that periodical visits of inspection
should be made by the District Superintendent
and his assistant as elsewhere. A formal inspection
by the Magistrate is also most desirable. The
constables employed should be Hindoo or caste
and the Divisional Inspector should (as he does)
be a Hindoo - Thus the feelings of the Hindoos
will be consulted as far as possible and
it cannot be supposed that the official
visits of the responsible officers of Government
upon a necessary duty will in any way
diminish the real satisfaction of the place.

I have the honor to be,

Your most obedient servant,

C. J. Thomas

Inspector General of Police

Paid Message
Receiving Form
for Delivery.

MADRAS RAILW

80 523

WAY ELECTRIC TELEGRAPH

NOTICE

The following Message received at

Station on

15-12

18

From

Name_____

and

Address

From

Rajah of Pittapur

Sympathy

· To

Name _____

and

Address

To Inspector General

of Peter Collins

I came here three days ago to go to the hills
but I was to do it for fear of the weather, and
later too. I place the blame on the weather.
is suspicious. He does not seem to know anything
regard me and I fear a little - he is not
therefore to issue orders here to furnish me with
Police Cars with me a good company
to the Hills - Reply telegram prepaid - order for
required by telegram and all he has paid - Particular
by Post -

Signature _____

Signalter in 11. 30

No further reply. This Message can be attended

without the production of this paper

A. B.



From

Arrested by ...

W. J. Whiteside Esq.
Ag. Magistrate of ...

To
The Inspector General of ...

Sir,

I have the honor to forward for
to be returned your information Copy of the Calcutta
Sessions Case No. 37 of 1871 on the file of the
Chittor Sessions Court.

2. This was a trial ...
individuals were accused ...
hurt by fire to one Lutchman ...
Byragi attached to the Pagoda in ...
Tripatty, from the results of which he
soon afterwards died in the Chittor
Dispensary.

3. The ...
that ...

1. Spent January 11th at
the house in Upper Ripathy, and was
seized by several men, thrown down
his posteriors and the back of his
head burnt with a lighted torch in the
most frightful manner. He was there
kept in the Inakanto hut in Upper
Ripathy for many days. no attention
was paid to his wounds and it was
only when a rumour of what had
spread abroad that the
authorities did not be concerned any longer
that the hunter ordered him to be taken
down to lower Ripathy. His wounds
were then extremely painful, swelling
with maggots, and his body covered with
all the kind of vermin.
He was carried into the hut
the day before yesterday whether he accompanied

by the author of the book. He
themselves to be his brothers. He
not suspected at the time that they were
not his natural brothers and he was
sent away. One of these men was
by the cot of the deceased in the day
night and day, and was invariable
by when any person approached
spoke to him. Deceased was
in a state of extreme terror
and the most abject
real names of the persons
him, and finally died without
statement that could be relied on.
Subsequent trial of the persons concerned
was discovered that these persons
not related to or even friends of
the fact of their having travelled with
all the way from Ripathy to the
separated and guarded one another.

...retained by some persons, and
...of some very important
...that

There cannot I think be any
...if the Police had been able to
...at the spot promptly and vigorously
...circumstances under which this
...might have committed the guilty,
...injured man for man brought to justice.

...of his days was
...been assured of facilities and
...that his protection from
...taken out early doubtless would
...and fully. As
...was retained
...and
...with
...his

him. It is a noteworthy fact
of the Chief witnesses in the case
the accused persons, who admitted that
was the man who assisted the deceased
crawl away from the scene of the crime
was one of the men who was arrested
in the former murder case in 1874
Tripathy (with reference to whom the
...of Government No. 153 dated
4 Nov. /69 was passed) and then escaped
for want of evidence.

6. The remarks of the retired
Judge show most clearly the inadvisability
not to lay a party, or tolerate
the presence of the contrary
of a kind of ...
by the ...
the ...

being baffled, owing to the impossibility
of the Police Officers making persons
arrested on the spot.

It is clear that the Mahant could
not be relied on to give
assistance in the prevention or discovery
of serious offences, and the recurrence
of the crime so soon after the other murders
shows that the criminal class is still
as dangerous as ever on the Seepathy
Hills.

The only remedy for this disgraceful
state of things is in my opinion the im-
mediate establishment of a Police Station
on the Seepathy Hills which shall
be under the command of the European
Magistrate and shall be so
situated as to be able to meet
the requirements of the district.

That I shall be prepared in consequence
of the Police Party that should be stationed
at Seepathy. On hearing this
I shall be prepared in consequence
the Superintendent of Police to be stationed
at Seepathy and there select a suitable spot
on which to locate the Police Station.

I have the honor to be,
Sir,
Your most obedient servant
J. C. White
Acting Magistrate

10.
21.
Extract from a letter from the
Inspector General of Police to
the Magistrate of North Arcot
dated 30th June 1871 No 4161.

x x x
9 My own views are shortly these.
I think it is much to be regretted
that any necessity should have
arisen to interfere with the pre-
-vilege of isolation hitherto accord-
-ed by Custom to ~~Upper~~ Tripetty.
But I think that the necessity
has arisen from the instances of
gross outrage recently brought
to light. How many more crimes
may have been perpetrated on
these Hills unknown to the world
below it is impossible to say
but the facts now so notorious
would render further inaction
a weakness which would be
rightly construed as such both
by

From the Honble Mr. J. J. J.
3rd. Inspection General
of Police
Dated 6th June 1871
No 103
In view of the circumstances
in regard to the murder of a woman
at Tripetty it is suggested that
the Hills should be closed
to all persons except the police
and the military.

1871 De la Roche
Encl. No 1.
In a letter from the Honble
Genl of Police dated 25th June
1871 August 11 1871.
The Honble Mr. J. J. J.
Magistrate of
North Arcot
Dated 1st May 1871 No 103 -
Dated 1st May 1871 No 103 -
Dated 1st May 1871 No 103 -
Dated 1st May 1871 No 103 -

by the influential malefactors who take advantage of it and by the general Community who suffer and whom we are bound to protect.

10. The establishment of a Police Post at Upper Tripetty is the only apparent remedy for the evils proved to exist. But a Police Post on the Tripetty Hills would be a mere force and worse than useless unless subject to the supervision and inspection of the European Officers of the District. A Hindoo Police Party under a Hindoo Inspector could not possibly resist the influence of religious prejudice (added to Cupidity) in such a place as Upper Tripetty if left entirely to themselves. Crimes might still

still occur in which the guilty would go unpunished and innocent persons would be accused while the real criminals would be greatly encouraged by the connivance and aid of the Police.

[True Extract]

Shani
Inspector General of Police

1870.

Magistrate of Police
Chittagong, 1st August 1870

I am

Sir J. D. Robinson Esq
Magistrate of Police

Major C. S. Meade

Sir, Inspector General
of Police & Revenue

I have the honor to inform
you that my answer to your letter
of the 30th ultimo has been delayed
until I could make certain inquiries
and procure papers material to the
right apprehension of the subject.

2 The Government Order as
the first of the two murder cases
at Laxmipur is, as I understand
it, only applicable under certain
conditions.

3 and Mr. Whitehead reads in
the light of this Order the reverse

1871 26th June 1872
No 2

1871 Department

Enclosed.

Enclosed from
the Inspector General
of Police dated
Madras 25th Augt
1871 No 5583

Per J. D. Robinson

Extract from a
letter from the Inspector
General of Police to the
Magistrate of Police
not regarding the
establishment of a
Police Station in
the North
District.

of the latter of the two cases, and
on the other, for setting aside the
privilege of centuries, comes to
the conclusion that these conditions
have been fulfilled, and that the
interests of justice and prevention
of crime require that this privilege
be no longer recognised. In con-
firming his views to you, Mr
Whiteside gives it as his opinion that
a Police Station ought to be established
at Upper Sirpathi, which should be
under the supervision of the European
Officers, and states his intention of
proceeding to Upper Sirpathi in com-
pany with Capt. Cameron for the pur-
pose of establishing the Police Post
as soon as he should be informed
by you of the proper strength of

the Police of Sirpathi to be stationed
there. Now as I do not share
for reasons which I shall give here-
after, Mr. Whiteside's opinion
that a Police Post under European
Supervision has become necessary
on public grounds, I cannot decline
to be bound by any plea, or to
adapt any course of action to
my views which do not coincide with
my own. The grounds on which I
object to follow my predecessor's
lead are these -

1st. That there is nothing
in the circumstances of these two
murder cases which requires
necessarily for the reasons and
distasteful and immoral
that, per se, I do not
7thly. To the Magistrate, Cante

that the American Congress could
not perform the duties of the Estu-
blishment they would replace

3rd That if a Police Post be
required at Upper Lixpath, an
effective arrangement is perfectly
feasible which shall fulfil every
Real (not fanciful) purpose of
Watch and Ward without offence
to the whole traditional and religious
feeling of the County

4th That the bill proposed
in the nation's eye, and that sentiment
of prestige and mystery destroyed
especially prominent among the
inferior the criminal classes would
not be slow to make the plateau
of their oppressors their prisoners;
and the Bill would then really become

that

That Alsatia and Scotland
which in defiance of all evidence
Statistical and oral, has been
misrepresented now to be

5th That the arrangement
can template I have no apparent
justification in the history of
crime on the Hill, would be regard-
ed by the whole nation population
as a gross and violation of principle
guaranteed by Law and preserved
in practice by every Government
that has held rule in the Country

5 Now with reference to the
first ground of objection I shall
for sake of brevity confine my
Remarks to the latter of the two
cases of out-rage which have

...of the ...
that Mr. Whiteside's version derived
from the proceedings of the Criminal
Court is not the real history of the
cases by the time the case had reached
the Court, the theoretical elements
of "ignorantia pro magnifico" had
been largely imported into it, and a
certain number had been imported to facts
simple enough in themselves which
suggested to cause the impression
that the real criminals were not
those of the Court, and that the Ori-
ginals were mere scape-goats and
victims of the "matant faction".
It comes to this, that the
... in the present
... de Battaille
... faction, the

... as ...
head, the piece will come to a
truthful representation of facts.
Now turning to Mr. Charles ...
Calendar who first ...
I find a narrative so simple and
natural in the sequence of events
that I am irresistibly drawn to the
conclusion that in it is told
the true story of the ...

7 The Account given by the
deceased Byrangi himself of the
manner in which the injuries were
inflicted shows that he was ...
... from behind when
in a sitting posture, and the ...
... to ...
... in ...
to the victim was still ...
capable of overpowering him

...hand and foot before
he had time to recover from his sur-
prise and exert his strength in
self defence. Once bound, a Sampson
is powerless. Much stress is laid in
the Court Proceedings on the dis-
parity of strength, and indeed it is
used as a weighty argument for
overruling the whole case for the
defendants. I think you must be
satisfied with me that there is no such
possibility on the facts as des-
cribed in Mr Chamberlain's Calendar,
and that the prisoners though puny
of stature were likely from the
nature of their situation (Wholly
helpless) to be in a
state of peculiar activity, and
more than a match, under the

circumstances, for any idea of a
sensationalist like their victim, having
superior intellect and natural pos-
sibilities.
8 Then the motive was clearly
shown to exist on the part of the
persons accused, and was fully
sufficient to account for the
acts attributed to them. Sir J. P.
'perdu' in his cell for several
days until his absence attracted
the attention of his Brother Lord
and the whole subsequent conduct
of the injured man plainly and clearly
showed that he was wavering between
the desire for revenge and the
fear of disgrace and fear of popular
favour. His first impulse
compelled him to resist.

had been so, while the other
was leading him to cancel his
marriage with a woman of inferior
caste and the violation of his vow
of chastity, and in that effort
to be constantly retracting statements
made under the influence of the
first motive. Thus the conflict
of these two powerful feelings would
produce precisely the vacillation
and inconsistency which have been
held to be evidence of some mysterious
influence at work in the last
stage.

He feared that the deceased
would do during his journey to
the hospital, by
Dr. Byrangi, was feared by a
man by the latter himself, the

17
very reasonable explanation
being that common humanity
would not allow the Inhabitants
to read out of his followers
under such distressing circumstances
to utter or by himself, and that
it was absolutely necessary that
some Byrangi should attend
the injured man as he could not
eat food unless cooked by one
of his own sect.

10 The attendant Dr. Byrangi
told all that the deceased had told
him as to the cause of his injuries
and would certainly not have
made such a distinction, as
alleged, between the
the Inhabitants to report the

of justice. It is all very well
to say that this whole account
was presented by him to conceal
the real facts, but as no attempt
was made to point out what these
real facts are, there is no alternative
but to accept the conclusions
which we have, and which present to
us a very natural and in-
telligible history of the case. It
cannot be denied that had the
Police been patrolling the streets
where the crime was committed, the
crime of the victim might have
been brought to their attention. The
police have no right to blame
the absence of such a patrol,
but had offered some time

personally to maintain at his
own expense the necessary forces,
and the offer was declined on
the ground that unless a European
officer could himself visit the
Station more harm than good would
Result

11 My own conviction is that
the prison suspects I. & the others
were the guilty persons, and that
there was no more miscarriage
of justice in the results of their
trial than may be said of any
case which breaks down from
facts of evidence in the
self.

12 In support of my
objection, I send you a statement

showing the immense strength of the
establishment now maintained at
the charges of the Mahants for the
Bath and work of Leprosy Dispersal
and its approaches. The final
fact is, I am aware, after that
Mars, with a bona fide return, and
that the strength of the establishment
really employed for protective pur-
poses on the Hill and its approaches
is largely overstated. But it is
a significant fact that this party
though for years on the alert to make
capital out of every occurrence that
weakens the position of their
enemies have never been able

to secure the smallest tithe of evidence in support
of the illegal
deeds of robbery and violence

are of frequent occurrence and
that the very remarkable immunity
from crime under existing arrange-
ments is a sham and a delusion.

13 To test in some measure
the probability of parties on the
approaches, I left Chundraghoni
when there a week ago in the very
earliest dawn, and so do suddenly
and without intimation of any
purpose to Gurappa di Chundraghoni
on the ghats leading up the Hill
from that side. This is the far-
thest point to which gun or a
Alcapp is open under present condi-
tions. Between the fort and
ghat and this point, I have
watch posts at some of the points.
There were 3 and at others 4.

...with a ... of ...
(... at each. I questioned
... of these men, and learned
that the pay of each watchman is
... monthly; that they are
at their appointed posts during
the day, and at night concentrate
at the larger stations of which there
appear to be several; the total
number of posts great and small
... this Post some 3 ...
length being 9.

14 The appearance of these
men abundantly testifies to the hard
and unhealthy nature of the service.

... The ... command
... the strength
... the main approach
... and the information

I then gathered ...
generally the return which ...
... called for ...
... with this letter.

16 Your own Police ...
at Chendragheri ...
... that the ...
... this approach ...
and the testimony of all (with one
exception) whom I have ...
... has been to the
same effect. The person ...
... (whom I can name when
necessary) is a hot partizan of
the hostile faction, and ...
... as ...
... visit, the ...
...
... as I have ...
... struggle of ...

17. Now if the prestige of the
 still be broken through, the Protestants'
 obligations to retain a large
 proportion of these establishments
 than is required for the guard
 at the temple and escort of
 treasure to ~~the~~ ^{the} would be
 reduced, and the functions
 performed by a numerous
 and costly staff of watchmen
 for which the State would

18 Will Government with such slender income as has been introduced in favor of a change of system be prepared to pay for the costly Agency that must replace the present Establishment, and would a Regular Constabulary take their place under all the most favorable conditions of the Service? I leave the question to you, but my own firm impression is that the Regular Constabulary neither could nor would fill the place of the old institution.

19 I earnestly trust that the
Government will spare no pains
they consent to discuss and settle.

...to the religious feelings of
the country, in favor of arrange-
ments which would create fresh
difficulties with (as it appears to
me) very diminished means of
successfully overcoming them.

20. I now come to my third
ground of objection.

You say in para 10 of your
letter in reply, that the establishment
of a Police Board in Upper Sindh
is the only apparent remedy for
the evils from which it is
a Police Board. But for the Sindh
could be a great farce, and because
the whole is subject to the
control and inspection of the
Officers of the District
Police Board under a

Hindu Inspector could not
possibly resist the influence of
Religious prejudice (added to ex-
actly) in such a place as Upper
Sindh, if left entirely to them.
Salus. Crimes might still be
in which the guilty would go
punished and punishment
would be increased while the
Criminals would be greatly en-
couraged by the Commission
and of the Police. I will never
consent to place a Police Board
in Upper Sindh under such
conditions. I can only
see the force of the argu-
ment in any case. Your position
is not complementary to the

and trustworthiness of
the higher subordinate grades of
the force.

I should hope that there
are many in the grade of Native
Inspector who could be entrusted
with the supervision of any out-post
which it might be considered
necessary to station at Upper
Lipari.

With a carefully selected
Native Inspector and a system of
beautified native arrangements
it, it appears to me, practi-
cable, which need not in its details
come into conflict with all the
cherished associations and traditions
of the place.

I cannot suppose that
the opinion to which they feel

facts are doubtless well known
will recognise the propriety of the
occurrence of these two cases as
sufficient justification for the
extreme and distasteful measure
of retaliation.

22. On my fourth head of ob-
jection, I shall not say much as
the results which I apprehend
to be a natural consequence of
the still existing to the ex-
isting classes that "Sama" equals
with which they have hitherto ap-
preciated certain mysterious and
retentive terrors which have
unquestionably contrived to
that immunity from being shot
is claimed for it.

23. In connection with
this objection, I hold a strong

and others other papers in which
the privileges of the Bill are gua-
ranteed by former Collectors
of this District.

These are of course merely
prima facie evidence of the autho-
rity under which the privilege of
salatim has existed. I only men-
tion the circumstance in this place,
because these papers have hitherto
been regarded as State guarantees
and could not be lightly set aside
with the whole question of their
obligatory force upon Government
had been fully discussed and de-
termined.

As however the question
remained between us must be
eventually be submitted to Court

I do not propose to make further
inquiries in this direction
specially required to do so.

I have the honor to be
Sir,
Your obedient servant

North Bial
Dragei in office
Canton at August 1871

D. M. B. in office
Bragei

Dragei C. J. St. Jean
Inspector General
Police
Bragei

P.S.

Since this letter was drafted
The Occasions of Government
Judicial Department dated 13 July
have reached my hand. This letter
is a great measure and is the
'order' in so far as the question of
the Bragei. The only point
on which further information
is to be required from me.

in spite of the allegatory force
of the laws and papers alluded
to in para 23 and my opinion
of the *Spili Magistrate's* conduct
in his duties generally and in
these two cases in particular.

J. M. B. M.
Magistrate

13-1872 26th June 1872
1012 20 1872 10-1872 1872

1871 28th Oct
Encl. No. 3.

In letter from the depy
Quar of Coler dated 25th
March 1871.
No. 5563.

From J. D. Robinson Esq
Magistrate of
Northampton

Dated 10th August 1871 No. 140.

Referring to the
proceedings of the
Coler station at
Northampton.

In July 1871

From
The Magistrate of
Northampton
To
The Inspector General
of Police.

Received
August 1871
No. 140
Encl. 1

Referring to the
proceedings of the
Coler station at
Northampton.

From J. D. Robinson Esq
Magistrate of
Northampton

Mad. L. to Eng. 26 June
1872 No. 2

1871 Department

Encl. No. 14

In a letter from the Imp. Genl
of Calcutta dated Madras 25th
August 1871 No. 5563.

From Rajah of
Pittapore

Dated 15 Aug. 1871

Telegraph. Requests to
be furnished with armed
Police guard to protect him
upon the Tripetty hill.

Recd. by C. Oct 1/71
No. 11631

In Jan. 1701/71

No. 24

Whitton 25 August 1871

From

G. W. Chamberlain Esquire
Assistant Magistrate of
North Arcot

J. D. Robinson Esquire
Magistrate of North Arcot

Sir.

With reference to your endorsement on the
of Government No. 943 dated 13 July 1871 I have the honor
to inform you that I have no reason to believe that the
conduct of the 2nd Class Sub Magistrate of Tripetty in the
matter of the enquiry in the case of Catchman's case was
any way irregular. You are aware that being a Magistrate
-man he could not himself proceed to the trial. My im-
-pression is that he did what he could to facilitate the
ends of justice; and his conduct with regard to the de-
-posing of the deposition in Telugu does not appear to me
to be necessarily open to the objection taken to it by the
Session Judge. My reason for this latter opinion is
that in the course of that very enquiry one of the
witnesses (I do not recollect which at this distance of
time), who could scarcely speak a single word of
Telugu, volunteered the remark that if the depositions
were read over to him in Telugu as recorded
would be able to understand it. It is therefore
quite possible that the Deposition in question was
himself able to understand the deposition.

ment to him in English though quite unable to speak the
language. It is true that the Acting Session Judge
in his explanation given by the Sub Magistrate
did not mention any such fact, but the Sub Magistrate
may very possibly have been too confined to explain
only what he meant, when in Court.

With regard to the conduct of the sub-
magistrate generally I think I may say that it has
been satisfactory on the whole.

I have the honor
to sign
Yr. Obedt. Servant
J. H. Magrath.

Enclosure

Still in
Magistrate.

List of Documents 37

1. Howle dated 9 September 1801 given by the Collector Mr. Geo. Stratton.
2. ^x Copy of Regulation framed by Mr. Bruce during the Enquiry held by him according to extracts from Minutes of Consultation dated 10 January 1820 received by the Board with the Government Secretary Mr. Hill's letter N: 783 dated 6 December 1820 & forwarded to the Collector with the Board's Secretary Mr. Clarke's letter N: 16 dated 1st February 1821 (Vide see: 32 Col: 4 of the above Regulations) - Mr. Bruce's report N: 1 dated 24 November 1820 (Vide para 9).
3. A manuscript book being an authentic Telugu version of Mr. Bruce's Rules sent to the Simpathi Tahsildars with the Collector Mr. Cooke's order N: 227 dated 26 July 1821.
4. Printed copy of Mr. Stratton's report (para 2) dated 31 January 1803.

Delivered to the Collector

Public & Private Documents

See letter from
Collector of South
West Provinces
dated 17th November 1871.

G. O. No. 1820
dated 17th November 1871.

105
 The Hon. Secy.
 to the Govt.
 Chetoo, September 1871
 From J. D. Johnson Esquire,
 1871
 College of North West.
 To The Honorable P. S. Ellis, Esq.
 Chief Secretary to Government
 Fort Saint George

Sir, As required in your official
 Memorandum dated 28 August 1871 at 230
 Judicial Department, I have the honor
 to submit as per accompanying list the
 papers therein referred to.

2. From these papers Government will
 learn that the privileges of the Tivafath
 Hill are recognized and provided for
 in the Stratton Proclamation dated 9
 September 1801, and again in a set of Rules
 drawn up 20 years later by Mr. Bruce
 under the terms of his appointment as
 Commissioner to inquire into certain abuses
 in the management of the Tivafath.

This set of Rules it will be seen
 from the Secretary Hill's letter to the
 Board of Revenue dated 6 December 1821

J. D. Johnson Esq.
 1871

See letter from the
 Collector of North West
 to the Hon. Secy. to the Govt.
 dated 11th September 1871
 No 65

J. D. Johnson Esq.
 1871

Government and was eventually under
its authority conveyed in Mr. Clarke's
letter of 16th Feb. 1821
promulgated by the then Governor
Mr. Cooke on the 25th July 1821.

In the margin will be found extracts
to Rules para 32 clause 4 which
relates to those privileges.

In addition to the evidence which
these papers furnish, I am informed
that there is in Sir Thomas Munro's
correspondence with Government a letter
relating to the grant of a village (the
name of which I have not yet been able
to ascertain) in the Villpadi Taluk
in the Cuddalore District as I am
in the Simpathi Pagoda in which
express mention is made of the privilege
of which there is now question.

My informant, the Mahant's Peish-
war, promised to get the name of this
village for me, and if he succeeds I
will communicate it to you in view
of search being made among the
records of the Government. Officer

"If any person prohibited
by his caste from the usage of
the country shall attempt
to ascend the Hill of Simpathi
he shall be brought by the
Police Officers before the
Magistrate who on proof of
the offence shall inflict
on him the punishment
provided by section XXXI
Regulation IV A.D. 1816."

for the...
It may not be out of place
I cite here a passage bearing
very question from Oriss' History of
Hindustan Volume II Page 502 (Charles
Fos Edition of 1861).

A few days after (this was in July 1753)
the Town (Lower Simpathi) was reinforced
by the Presidency of Madras with three
Companies of Sepoys, 15 Europeans and
a small gun. None but Indians
they of the better castes are permitted
to ascend the Hill on which the Pagoda

stands for the Brahmans pretend that
if the summit should be trodden by
forbidden feet all the virtues of the Pagoda
in the remission of sins would be lost
until restored by an immense purifi-
cation. Not apprized of this creed
the Sepoys sent by the Presidency were
as usual a mixture of Mahomedans
various castes of Indians so that out
of the six hundred only 80 were worthy
to mount to the summit and the Europeans
were utterly excluded. The people
nevertheless with the 80 Sepoys and

and making him in all ways
an enemy to attack the enemy
in possession of the Pagoda and was
repulsed with loss, but the blood shed
in the attack did not unsanctify the
Pagoda.

In these troublous times it was
of course state policy to conciliate
Indian feeling in every possible way,
but even now when British Rule has
long been firmly established, it is
doubtful whether it is so generally
popular throughout the Country, as to
make it independent of the moral
support derived from a delicate
regard for the religious sentiments
and associations of the people.

I observe from your Memo that
Government have received through the
Inspector General of Police my
letter on the general question. To
that I have nothing to add. The
only point that upon which an answer
is still due is the conduct of the
Inspector sub. Magistrate. In regard
to that I beg to submit a letter

Vide Government
Order of 13 July 1871
No 9430 J. S. Sept.

Dated 25 August 1871. I beg to inform
Assistant Mr. Chamberlain who reviews
the sub. Magistrate's Proceedings in
the latter of the Murder Cases which
have given rise to this correspondence
and under whose orders the sub. Magi-
strate still continues more immediately
placed.

I have the honor to be,
Sir,

Your most Obedt. Servant

J. S. M. B. in the
Collector's Office

North West
Collector's Office
Shillong 5 September
1871

To
The Chief Secretary to
Government
Fort St. George

Memo for order

In this letter Mr. Agnew
 As. Mag. of Chitt. St. Court
 proposes to take measures
 for ensuring the thorough
 cleansing of the Pagoda
 & neighbouring streets of
 Tirupathy, a place held
 to be sacred, that no European
 has hitherto entered it,
 nor any low caste natives.
 Mr. Agnew suggests
 that ^{deputy} Ragonath Rao
 who was distinguished

Quoted by Mr. Agnew
 in letter to Mr. Agnew
 dated 26/1/1912

Thom. Agnew & Sons

He has a copy
 of the letter

He is also sending to the
 Government

Dated - 5th November 1911

Received - 11.11.11

No. 65

Enclosure 3

Subject - Tirupathy

SON: 1434
 18.10.11

Removal of the report
 for in B.O. dated 28 August
 regarding the privilege of the
 Tirupathy place & the conduct
 and suggestions for Tirupathy

4768

His zeal in the
cause of Sanitation in
Tahiti, & his well known
good sense to have
superintended these
operations.

He has learnt
that the special measures
taken this year
are sufficient to keep
Tahiti healthy during
the great Pilgrimage
and having in view

I think it is
worthwhile to
propose after all
that has occurred
Mr Agnew has been
fully of ^{positive} ~~positive~~
importance -

A. A.

It is a speculation with
Mr Agnew never to cease
pursuing the adoption of
any method he may have
conceived - I don't think
he means to be impetuous.

The matter mooted by
him now, should be left
for consideration & disposal by

Mr. D. Robinson, whom I
would instruct to place
himself in a suitable corner
with the mantapum of the
Lapoda in order to the cleaning
of the mantapum & other
places in a thorough & complete
manner. - The possibility
of its being done by food magis-
trates, if the magistrates
will not all, should be
mildly hinted at. There may
be. The food have been
extremely indulgent to him
in respect of income tax &
I have little doubt that if
the subject be directly put
before him, he will yield up
some of his wealth for the
sanitation of the holy edifice.

Advancing to Mr. Agnew's
impression that some of
the junior magistrates or
Police Superintendents may
be independent enough
to lead to the winds the
well known prejudices

the great sanctity attaching
to Timpati, great caution
seems necessary before
doing more than was
done this year. altho
doubtless a thorough
cleaning and whitening
of the roads would be
an improvement.

Prentiss to suggest that
as Mr. Robinson stays
towards Timpati, & the
District thoroughly well
be back in a few days
it will be sufficient to

after their papers
to him when he has
resumed charge.

M.C.

of your Southern
Buddhists, indeed all
other Buddhists, I submit
that some special
warning should be given
to the Buddhist Magistrate & the
Inspector General of Police
calculated to prevent
what might cause great
disturbance & sorrow.

Yours truly
M.D.H.

I would let the
matter be settled
between Mr. Robson
& the Superior of
the Temple N.

1869

From

G. Van Agnew Esq.,
Magistrate of
Fort St. George

To

The Honorable J. S. Ellis, C. S.
Chief Secretary to Government
Fort St. George

Sir,

In answer to the Govern-
ment's communication embodied in their
Proceedings, Public Department dated
14 Instant N. 1284, I have received
from the Superintendent of Police a copy
of the Firpathy Inspector, from which I
have the honor to annex an extract, together
with its accompanying rough sketch of the
Joss and Pagoda of Upper Firpathy.

2. From these it will be observed that
the Road way in front of the Pagoda
through which the Car passes is very narrow,
and that, although the festival was unattended with any
of disease, there are, ever present, in the
large Mantapam the seeds of disease.

3. This Mantapam is, I presume,
very similar to that at S.

which is also said to be supported by 1000 pillars. Into the Sreeringham Man-
tapam, and I presume into the Tripathy
one, on peculiar occasions the whole
multitude of worshippers, perhaps 50,000
simultaneous flocks, and many of these
live in it day and night during their entire
stay.

4. In the case of the Sreeringham Man-
tapam that excellent Sanitarian Deputy
Magistrate Ragoonatha Gov last year
recognized the imperative necessity
for immediate action in the direction
of removing accumulations of filth, and
increasing the ventilation, and with my
full concurrence, the necessary legal
steps were taken to compel the Pagoda
Committee to clean out the building, to
remove certain temporary walls, that
had been unnecessarily erected round
its open extremities, and to open certain
skylights in the roof for the admission
of air and light.

5. It is in my opinion an equally
imperative necessity in the interests of
the public health that similar pre-
cautions should be taken in the case
of the other temples of epidemic disease.

the Tripathy Pagoda.
6. But nothing effective can be ac-
complished except under the immediate
direction of a Competent Magistrate, and
hereupon arises the difficulty referred to
in the last para of Deputy Magistrate
Marjoribanks's letter.

7. It is contrary to old and established
Custom that any European should ascend
to Upper Tripathy, much less enter its
Pagoda. I append extracts from Census
History in proof of the antiquity of this
Custom and of its strict observance by the
British authorities even under the most
peculiar circumstances.

8. I am moreover particularly in-
duced to raise the question of the con-
tinuance or otherwise of the observance of
this Custom, because I am aware that
among the junior Members of the European
Magistracy, and in the Police Department,
there exists a strong feeling that the time
has arrived when this Custom ought to be
disregarded, and, in the absence of any
special authoritative injunction to
the contrary, I anticipate that
no Magistrate or Superintendent

Police will, ere long, take the solution of the question into his own hands, and, maybe, provoke collision or outrage by attempting to make the ascent.

For myself I am decidedly of opinion that the strong feeling entertained by Hindus in all parts of the country on this subject should be recognized and respected, and the present custom maintained even at some sacrifice of administrative efficiency.

At the same time it is open to the Government to specially depute a competent Police Deputy Magistrate and a good sanitarian, such as Jagannatha Rao has been pronounced to be by the present Sanitary Commission, to see to it on the spot all such steps as are necessary to place Upper Swipathie in a condition as conducive to the public health as Seringham now is; and this course I venture to recommend to the Government for adoption.

I have the honor to be,
Yours faithfully,
G. Vans Agnew
Deputy Magistrate
[True copy]
G. Vans Agnew
Magistrate.

D. D. 1789
July

Narrain Sausry, the Morattoe Officer whom Abdulwahab had driven from Eripatty took up his residence in Carcambadi a town in the hills, 15 miles distant belonging to a petty Polygar, subject to a greater called the mattaves with whose assistance he raised forces mostly such as were to be found in those wilds; and in the night of the 30 June, by a bye-path in the mountain of Eripatty got possession of the temple on the summit. The troops maintained by the ruler and two companies of Sepoys with Ensign Wilcox were in the town below, which commands the usual path of the pilgrims to the Pagoda. Narrain Sausry therefore waited for another force which the Chauluker was to send; when one from the rock and the other from the plain were to surprise the town.

In a letter from
Major G. Smith to
the Chief Secy to
Govt. Fort St. George
1789
No 67

June 1789

Accordingly made the attack on the 9 of July at
four in the morning; and after skirmishing
an hour were beaten off with the loss of 20 men
killed and wounded; but the Gorrattoes
still kept possession of the Pagoda. A few
days after the Town was reinforced by the
Presidency of Madras, with three Companies
of Sepoys 15 Europeans and a small gun.
None but Indians and they of the better castes
were permitted to ascend the hill on which
the Pagoda stands; for the Bramins pretend
that if the summit should be trodden
by forbidden feet, all the virtue of the Pagoda
in the redemption of sins would be lost until
restored by an immense purification. Not
withstanding of this creed the Sepoys sent by the
Presidency were as usual a mixture of Ma-
homedans and various Castes of Indians,
but out of the six hundred only 80

were worthy to assist in the assault and
the Europeans were utterly excluded. There
nevertheless, with the 80 Sepoys and his arms
and matchlocks in all not exceeding 500
men ventured to attack the enemy in possession
of the Pagoda and was repulsed with loss
but the blood shed in the attack did not
sanctify the Pagoda.

A. D. 1759
July

But this party was scarcely arrived
at Srirangapatna when the Presidency received
intelligence from Ensign Wilcox that a de-
tachment of Europeans, Sepoys and horse
sent from Arcot to Narraim Sankar
circling round the hills in order to attack the
troops in the town of Srirangapatna which if they
should take the revenues of the approaching
year in September would be lost, and

thrusting three horns abandoned and all
run away to take shelter in the hills of Mat:
laver.

(True Extracts)

J. Paul Agnew

by Magistrate

(True Copy)

John C. in the
Magistrate

and then

Extract from the Diary of S. Venkatacharya
- Spectator of Police of Tirupathi Division dated 30 September 1911

* * * 47
I beg to bring the worst state of this place
for the information of the Superintendent, and the
District Magistrate.

1. The street in front of the pagoda here
is very narrow and crooked and it is rather dan-
gerous to the people when the car passes this part of the
street. I hear about 10 people lost their lives about 10
or 15 years back and some deaths also occur now &
then. No place for the people to keep their shops in the
street (generally the street is narrow) except this street.
I have herewith sent a map of this place for the
information of the Superintendent and the District
Magistrate for the necessary arrangements.

2. There are about 50 houses available
for rents here. The people even from Canara
Alachabad resort to this place. They search for
houses to live in - and so most of them purchase
food in the Pagoda and spend the day for people.
The meals prepared in the Pagoda is detrimental to the
health of the people. I shall speak about this in
separate para.

Here is a mantapam with the

In a letter from the
Magistrate of North Arcot District
to the Chief Secretary, Madras
Government, dated 19-6-11

1911-12-17

It is a large building. The pagoda people were
throwing all sorts of rubbish into this place since the
last 10 years. There are tremendous heaps here. This
is in the heart of the town. It forms the abode of
noxious creatures and if there is small shower of rain,
sort of stinking smell arises, which no doubt causes
fever and other sickness. Generally it is a sickly
place. It is only owing to this state. If the Pagoda
people be prevailed upon to keep this Mantapam in a
clean state, I think about 3000 people may occupy
it. In my humble opinion if the Mantapam is kept
in a good state, I think it would be better to remove
the shops in front of the Pagoda to this Mantapam &
the pilgrims also may be allowed to live in it. Late
Magistrate Cuppiah also mentioned about this in
his last year's report for the information of the Magistrate.
Late Superintendent Captain Cunliffe also ordered
me to send a map of this so that the necessary arrange-
ment may be made. I see no action has been taken
at the time.

If this plan is approved by higher
authorities I think the street in front of the Pagoda may
be sufficiently widened so that the car may pass freely.

There is a remarkable Hindoo temple
near to this place in a small and old

I think that this place should always be kept clean
to prevent the appearance of cholera and other epidemic
diseases. If the town is to be kept clean only during the festival
it will be difficult on the part of the local officers to manage
the removal of the rubbish which has been accumulated
in the whole year even on Government expense. For
local officers are unable to get sufficient number of
coolies and the Parajars are not allowed to go up.
Under these circumstances I am of opinion
that the Act XXIV of 1859 should be brought into force
here always.

5. The pagoda people sell food vases here.
They are made of bad materials which are unwholesome.
The pilgrims are unable to get place to cook & eat.
They are obliged to purchase these and pass their time.
This is another cause by which the pilgrims fall
victims. I think it would be better to insist
the sellers to sell only good ones, but not like
these cakes are kept in stock since some
together.

6. If my above proposals are referred
any one who has but a little knowledge of this place
I am sure they will concur in me with the greatest
pleasure.

I humbly beg to request that

Subd. 171-180-171

Superintendent will be good enough to bring the above
into the notice of the District Magistrate if it is deemed
proper. A map of Upper Tripathi is herewith sent.

(True Extract)

(Signed) S. Vams Agnew

Dy Magistrate

True copy

W. B. in M.

Magistrate

W. B. in M.

No 67

North Street Magistrate's Office
Whittoo 8th September 1871

From.

J. D. Robinson Esquire

To.

Magistrate of North Street.

The Honorable R. S. Ellis C.B.

Chief Secretary to Government
Fort Saint George

Sir.

Agreeably to the request contained in
the Official Memo dated 4th Instant from the
Under Secretary to Government in the Public
Works Department, I have the honor to forward
- with a copy of the letter to Government of the
Magistrate dated 26th October 1868^{re} 6th of its
report was submitted to Government in reference
the docket on that letter dated 27th November 1868.

I have the honor to be
Sir

Yours most obedient servant

J. D. Robinson
Magistrate

In a letter from the
Magistrate of North Street
dated 26th October 1868
No 67

The Chief Secretary to Govt.
 Fort St. George.
 13th September 1871
 Despatched in 2nd class - Enclosed
 11. to 67. 10/7/71
 Subject.
 With reference to the
 Official Memo dated 4th
 instant from the undersigned
 Secretary to Govt. P. W. D.
 forwards a copy of letter
 No. 69 of 26th October 1868
 from the Hon. Mr. Justice
 enclosures & states that the
 report was submitted to Govt.
 in reference to the docket
 on the letter of 27th Nov. 1868.

Judicial Department. 99

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ^{papers} letter

Proceedings of Govt. Jud. Dept. dated 13th July/71, No. 943
 from the Inspector Genl. of Police — 25th Augt/71 — 5563
 — Maytr. of N. Arcot — 5th and 8th Sept 1871.
 Nos 65 and 67

Order thereon 18 October 1871. No 1434.

In their Proceedings
 of the 13th July last, the
 Government called upon
 the Magistrate of North
 Arcot and the Inspector
 General of Police to submit
 their opinions as to the
 measures proper to be adopt-
 ed to put an end to the
 lawlessness which has
 prevailed in Upper Tri-
 -pathy, and for the main-
 -tenance of security of life

N
 A. D.
 I. D.
 H.

160
and order and due re-
spect for the law in
that as in other parts
of British India.

2. The condition of Upper
Tripatny was prominent-
ly brought to the notice
of Govt by the High Court
who submitted the calendars
of two cases of murder
which occurred on the 11th
February 1869 and the 14th
January 1871. In both
cases the guilty parties
have altogether escaped
detection principally owing
to the privileges hitherto
accorded to this Hindu
shrine, under which some
high caste Hindus
have access to Upper
Tripatny. The High
Court

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Court specially drew
the attention of the Govt
to the remarks of the
Sessons Judge, with re-
ference to the latest
murder case, stating that it
is absolutely necessary
that a Police Station with
an adequate force of
Constables should be at
once established on the
Hill, and that the rights
of the European Officers
of Police, as well as of
the Magistrates, to visit
the hill whenever they
may think necessary
should be officially re-
cognized by ^{this} Government.

3. With reference to
these remarks the Govt
observe that in their
official proceedings dated

4th

4th November 1869, re-
 corded in the report of
 the first of these two
 murders, the Government
 declared that no restrictions
 in the free access of Govt
 Officers to the sanctuary
 of Upper Tripathy could
 be permitted to paralyze
 or impede Police action
 on the occurrence of grave
 crime, and they directed
 that it should be clearly
 understood that no pre-
 judicial usages should deter
 European or other Magis-
 trates or Police Officers
 from seeking access to
 the Hill under circum-
 stances which, if occur-
 ing elsewhere, would
 require their presence.

But

4. ~~But~~ From the cir-
 -cumstances brought to
 light in the second case
 of murder, it is clear
 that the existing police
 arrangements proved in-
 sufficient to secure an
 immediate report of the
 crime. That an entire
 week was lost between
 the occurrence of the
 outrage which resulted
 in death and its being
 reported by the police,
 and that by this delay
 the evidence which might
 have led to a conviction
 was suppressed, and the
 guilty parties escaped
 detection.

5. The Govt have before
 them the opinions of the
 Inspector.

Inspector General of Police and of the Magistrate of the North Arcot District on the question referred to them. The Inspector General of Police proposes as the only efficient remedy for the present state of insecurity at Tripathy, that a police post should be established at Upper Tripathy of such strength as the requirements of the hill on inspection may seem to demand, and that periodical visits of inspection should be made by the District Superintendent and his assistant as elsewhere.

The Inspector General of Police considers that inspection

inspection by the European Magistrate is also most desirable.

6. The Police constables to be employed will, under the proposal of the Inspector General, be Hindus of caste, and the Divisional Inspector will, as hitherto, be a Hindu.

7. Under this arrangement, the Inspector General remarks, the feelings of the Hindus will as far as possible be consulted, and he cannot suppose that the official visits of the responsible officers of the Government upon a necessary duty will, in any way, diminish the real sanctity of

of the place.

8. The illustration of the feeling of alarm that has been caused among Natives by the recent outrage at Upper Tripatty, the Inspector General mentions the application that he has recently received from a wealthy Zemindar, begging to be furnished with an armed Police guard to protect him upon the Tripatty hill. "for fear of the murder case which lately took place there."

9. The Magistrate of North Arcot is opposed to the innovation proposed by the Inspector General.

of

of Police.

10. His objections may be briefly stated as follows.

1st That the necessity of the measure recommended by the Inspector General of Police is not established by the circumstances of the two recent murder cases.

2nd That the Police constabulary could not perform the duties of the establishments they would replace.

3rd That a Police Station at Upper Tripatty would, without the supervision of European Officials,

answer

answer all requirements without breaking through the long established recognition of the peculiar sanctity of the place.

4th That the desecration of the Tripatty hill would cause it to become a rendezvous of the criminal classes who have hitherto been restrained by the mysterious sanctity of the place.

5th That the measure would be regarded by the whole Native population as a gratuitous violation of privileges accorded under official documents having the force of State guarantees.

11. The Government can - not adopt the view taken by the Magistrate of North Arcot of the circumstances attending the two murders which have recently occurred in Upper Tripatty. Mr. Robinson has at great length argued that the decision arrived at by the Sessions Judge in respect of the circumstances attending the second murder, is erroneous - that the real criminals were detected, and that the failure to establish their guilt by complete evidence was neither unusual nor dependent on the peculiar circumstances -

circumstances of the place at which the murder occurred. But Mr Robinson has ~~not~~ overlooked the fact that during many days, a crime remained unreported by the Police, and that every facility was thus afforded for the suppression of reliable evidence, and for ~~the~~ ^{abolition of the case} fabrication of a defense which imperilled the lives of persons declared by very competent judicial authority, to be innocent of the crime with which they were charged.

12. Mr Robinson takes
no

no notice of the first murder case in which the head disciple and probable successor of the Mahant of Tripatty was gravely suspected, and in which another disciple of the Mahant was placed on trial as first prisoner. In this case the Judge remarked "The first prisoner is a man of great influence, and several of the witnesses, who gave important information to the Police, on their examination before the Assistant Magistrate denied having given this information. It is evident that these witnesses were tampered

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tampered with and
the case materially weak-
-ened

13. The Superintendent
of Police reported "that
it was hopeless to ex-
-pect that the case
would be worked out
satisfactorily by Native
agency alone. It is
reported that as much
as 10,000 Rs were expended
in buying off the wit-
-nesses. If a European
Magistrate and Police
Officer had been allowed
to proceed to the spot
and the enquiry had
been conducted by them,
a different result would
probably

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probably have been ob-
-tained: as this was
forbidden all that could
be done by them was
to work from a distance
through Brahmin in-
-spectors, with the above
result. It was an open
brutal murder and the
perpetrators being men
in authority and being
free from any super-
-vision, save that of
their own caste and re-
-ligion, have been ena-
-bled successfully to
defy justice."

14. As regards Mr. R.
-Binson's objection that
the Police will not be
able to perform the
duties.

duties of the Establish-
 -ments they will replace,
 the Govt can see no spe-
 -cial difficulty in the
 performance in Upper
 Tripatty of police duties.
 If only ^{with} ~~with~~ ^{proper} ~~proper~~ ^{control}
 the police will here as
 elsewhere, efficiently
 maintain security of
 life and property. It
 will ~~rest~~ rest with the
 Mahant of Tripatty to
 provide, as at present,
 the Establishments ne-
 -cessary in connection
 with the interests of the
 temple. The present
 numerous watchers who
 are described as Janadies,
 can never have been fitted
 for.

for the semi-police du-
 -ties entrusted to them,
 and it appears from the
 Inspector General's re-
 -port that practically
 no case of crime has
 been brought forward
 by them and no criminal
 has ever been delivered
 up to justice.

15. The Government
 entirely concurs with the
 Inspector General of
 Police, that to leave with-
 -out European supervision
 a police station composed
 entirely of caste men, ex-
 -posed to the manifold
 temptations which will
 beset them at Upper
 Tripatty, is to ensure
 their

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their demoralization, and
to defeat the object for
which a Police station
is placed there?
16. He ^{has} fail to see any
force in the fourth ob-
-jection urged by Mr.
Robinson that "the de-
-secration of the Upper
Tripathy hill, involved
in the occasional visits
of European officials
will render it a rendez-
-vous of the criminal
classes." The fact that
regular and vigilant po-
-lice control is introduced
into the place, and
that it will continue
under the careful
supervision of European
Officers

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Officers, are not likely
to prove an inducement
to the lower order of cri-
-minals, while this
measure will deprive
caste criminals of the
immunity which they
undoubtedly have hitherto
enjoyed.

17. Mr. Robinson's fifth
objection "that the mea-
-sures proposed would
be regarded by the whole
Native population as a
gratuitous violation of
privileges accorded under
official documents ha-
-ving the force of State
guarantees," though
stated in somewhat
exaggerated terms,

Deserves,

deserves, and has received,
careful consideration.

18. It is an undoubted
fact that for a very long
period the sanctity of
the Upper Tripathy hill
has been generally re-
cognized, and that access
to it has been denied to
all but caste Hindus.

It is also true that
for many years this
usage has been sanctioned
by the District officials
with the consent of Govt.

Mr Stratton's procla-
-mation dated 9th
September 1881, and the
rules promulgated by
Mr Bruce 20 years
later, establish the fact
of

of these privileges.

It is not on the ground
that there is any defect
in the evidence of the
privileges enjoyed by
this Hindu shrine that
the Govt rest their abo-
-lition. They have ac-
-corded their best con-
-sideration to all the ob-
-jections urged by the
Magistrate, Mr Robin-
-son, to this course of
action and have given
all the weight due to
the opinions of an offi-
-cer of his tried ability
and experience.

19. The decision at which
the Government are found
to arrive, is that the
time

time has come for a
very material alteration
in the condition of Upper
Tripathy. Good policy
and the interests of
the people require that
the peculiar privileges
and the entire exemption
from the control of the
European Officers of
the Magistracy and Po-
lice hitherto conceded
to this place of pil-
grimage, should cease.

20. The Government
do not anticipate that
their action in this
matter will be misin-
terpreted. The policy
of the Govt in abstaining
from

The murder recently
perpetrated in the
purity and under its
absolutely necessary in
the interests of the general
public but also of the
pilgrimage - that

from all interference
with the religious ¹²⁷pur-
sues of Her Majesty's
subjects in India has
been too consistent to
cause any disquietude
on the subject. So long
as the privileges of the
Shrine of Tripathy were
not misused they were
left undisturbed. It is
now evident that they
are incompatible with
the prevention and de-
tection of crime - and
they will be modified
to the extent required
in the interests of public
and total safety.

21. Acting upon the
resolution of the ¹²⁸Govt
the Governor
~~His Excellency~~ ^{the Governor}
directs the Magistrate

to the North Arcot Dis-
trict and the Inspector
General of Police to ar-
range for the Tripathy
hill being visited by such
European Officers of
the Magistracy and
Police as they may se-
lect in order to deter-
mine the force of the
Police to be stationed there.
Upon this being settled
by the Magistrate and
the Inspector General
no time should be lost
in establishing the Po-
lice Station at Upper
Tripathy.

2. The proposals of the
Inspector General, con-
tained in para 14 of his
letter dated 25 Augt/71, N^o 5563

respect of the
ideal composition of
the Police assigned to
this station and their
future inspection by
the Superintendent
and Assistant Super-
intendent of Police
are approved. The Gov.
desire that the Upper
Tripathy hill be occa-
sionally visited by a
European ~~Magistrate~~
Officer. *W. H.*

To.

The Magistrate of
North Arcot with 3019 Encl^{re} attached }
Insp: General
of Police }

5-10-1762

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20-1-301

10-8-301

Dated
Recd.

18th Oct

1871, No. 1434

S. 67-73

To

Journal

Cont. of 1871 & 1872.