[L. & M. 7,000-1-1-5.]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 453 P.W.D.

DATED 23/3/99

[Despatch Abstract.]

Kelamangalam recording Case.

~~Plague disturbance~~.

Recording Endorsement of the Plague Commr. forwarding Copy of letter from the Collector & Dist. Magistrate of Salem reporting on the result of the ——— & enclosing a Copy of the magisterial proceedings in the Case.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Local & Munl. (1899) Department.

CURRENT No. 5737

From The Plague Commissioner

Order No 4533 Mis dy 23/3/99.

Recorded HT 18 3 99. 22.3.99

VR 27/3/99

Ref^ce No. 2995

To Govt - for favour Dated 13. } March '99

Received 15.

Registered 15.

Enclosures 1

Spare copies

Copy to the Plague Commr.

Dept Sh. 28/3

CHIEF SECRETARIAT 18 MAR 1899 MADRAS

SUBJECT.

Forwarding to Govt copy of letter from the Coller and Dt Magistrate of Salem, reporting on the results of the Kalamangalam rioting case and enclosing a copy of the Magistrate's judgment in the case.

3 months

BACK PAPERS

G.O.	No.	Department.	Date.
	1452	Plague	14.11.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

In the Court of the Joint Magistrate of Salem.

Calendar case No: 66 of 1898.

The 20th day of February 1899.

Judgment.

ASSTT SECY TO GOVT. 15 MAR 1899 LOCAL MUNL EDL & LEG DEPTTS

Complainant Regina. Accused. 1 Ebayya, 2 Arun Venkatesa Chetti 3 Muniappa Chetti 4 Kadaricappan 5 Munisami 6 Thimmaw 7 China Basavalinga Sastri 8 Imam Saib. 9 Chondappa 10 Munia gounden.

Offence: Rioting under Sec. 147 I.P.C.

Finding: 1, 2, 4, 5, 6, 7, 8 and 10 guilty 3 & 9 not guilty.

Sentence.

1st accused to suffer 6 months rigorous imprisonment and a fine of Rs 100 or in default of payment of fine 2 months additional imprisonment. 2nd accused rigorous imprisonment for 3 months and a fine of Rs 100 or in default of payment of fine 2 months additional imprisonment 4th accused 4 months rigorous imprisonment. 5th accused 3 months

3 months rigorous imprisonment. 6th accused 9 months rigorous imprisonment. 7th accused 6 months rigorous imprisonment. 8th accused 4 months rigorous imprisonment 10th accused 3 months rigorous imprisonment and a fine of 100 Rs or in default of payment of fine 2 months additional imprisonment. Accused 3 and 9 are discharged under Section 253 C. P. C.

This case, known as the Kelamangalam rioting case, is the outcome of the repugnance exhibited by the people against the measures introduced by Government to prevent the spread of the plague from Bangalore into British territory and the vague rumours and fears entertained by them that the plague officials were going to poison them. In this particular affair the person against whom their excited feelings were principally directed was Mr. Salisbury, Sub-Inspector at Hosur and Akkani serving at that time on plague duty as supervisor of the Denkanikota group and he was only saved from their violence by the determined behaviour of 3 constables of the Kelamangalam Police Station where he was forced to take refuge from the stone-throwing crowd. That the disturbance which admittedly took place on the afternoon of the 21st October 1898 at Kelamangalam was not altogether unpremeditated is proved by the admission of the 9 accused, that for 1/2 or 2 months previously a crowd of villagers used to gather in the house of one Venkatasami Chetti headed by 8 agents of whom the 5th accused was one and with 8 sub-agents including the 1st 4th and 7th accused in this case having a common understanding that

that all who did not join their number should be fined 10 - cocoanuts and that any who failed to assemble at the sound of their horns should be similarly punished. The main object of their society was to keep out persons coming from plague infected places by posting guards at the roadside but among other things they also proposed to force Rev. Salisbury to leave the village by making it too uncomfortable for him to remain. The nature of their intentions is also evident in some degree from the fact that Rev. Salisbury had not been more than 2 days in the village when this riot occurred, that in the interval he did not interfere with the people in any way or give rise to any ill-feeling by any injudicious act, and that on the very first night of his arrival some stones were thrown on the bungalow

bungalow occupied by him.

2. On the 21st October it seems he called out for one of his peons to come and not receiving an answer he went to see what had become of them. Just then his peon Narasimma Raju, 2nd witness, came running from the interior of the village with his shirt torn and chased by a crowd. He explained as well as his excitement would permit that there was an uproar in the village and advised his master to go quickly to the Police station. Meanwhile a crowd armed with sticks and stones formed in a semicircle behind the 1st and 2nd witnesses. Rev. Salisbury enquired what this all meant but the crowd started screaming whistling and jeering and some stones ~~passed~~ whizzed past him while others fell on the bungalow roof

roof. He therefore with his wife retreated before the rapidly increasing mob to the Police Station. The crowd finding the object of their fury escaping them made a dash for the witness, but the Constables at the station checked their advance and he succeeded in making good his escape to the inside verandah of the Station. The crowd then encircled the station as the witness expressit "as thick as bees". The 6th accused was particularly violent, calling on the pl. witness to come out and delivering him up to them. Two of the Constables went out to try and disperse the crowd but were struck by stones in their attempt. A part of the crowd made a move towards the police lines, when just at that time the

the 2nd witness, a peon under the pl. witness, came rushing in saying that the crowd were breaking into the bungalow and had tied to murder him. In pursuing their witness the crowd made a second rush towards the Police station but were again stopped by the Constables. Mr. Salisbury then took the opportunity of despatching by the hand of the witness who was let out at the back of the station, an urgent message for help to the sub-Collector at Hosur. This was dated 6 p.m. 21-10-98 and has been marked exhibit C. We next proceeded to take the sensible precaution of noting down on a slip of paper the names of the ring-leaders standing round the police station as dictated by Constable Venkatanarasu at 6th witness as he pointed them out one

one by one. This document is marked exhibit A. and was intended by the witness to be found on his person and to serve for the identification of the accused should anything happen to him. The list contained the names of others besides the accused before the court but the witness has selected and underlined the names of those whom he felt confident he could identify anywhere without possibility of mistake or doubt. After this was done the 9th accused was permitted to come within the station limits, as he said he had something to say to the 1st witness and when the latter asked what all the row was about, stated that the witness's horse-keeper boy had confessed saying that he had been given a powder to poison the water, but when the witness asked that the boy should be

be brought and a public enquiry held into the matter, he rejected these reprisals with contempt. Soon after the mob made a mad rush towards the station and nearly ~~the~~ broke the gate shouting for the dorai to be sent out that they might make their enquiries outside, but the constable & the witness threatened to shoot the first man who put his foot inside. Shortly afterwards the Revenue Inspector turned up to render what assistance he could, the inspector retired into the interior of station, and as the night wore on the crowd gradually thinned down and disappeared. At 2 A.M. the station house-officer and a reinforcement of 5 constables sent by the sub-collector in response to the witness' requisition arrived and the next morning the Police Inspector, Hosur, came and commenced

commenced enquiries.

3 While the above is a brief narrative of what took place at the police station another scene was being enacted in a different quarter of the village, for this the revenue Inspector 7th witness is the principal witness and as he has given a cool unprejudiced account of what he observed his evidence is the more valuable. He was in the hamlet of Kelaniya and called Jibi at the time that the riot occurred when about 6 P.M. the village mudaliyar came to him and represented that Mr. Salisbury was in a bad way and that the villagers had risen to attack him. Accordingly he started on the attempt to pacify the mob as best he could. The fourth accused pushed a Mahomedan boy in front of him and

and said "this is the boy who is the cause of all the disturbance" but when he was about to enquire into the matter, the 8th accused pushed the 4th accused away saying that he had not presented any complaint to the witness and they did not want any enquiry. The witness then went for all the muduliyars with the hope that they might influence the people to withdraw. They withdrew only to the school house (this was evidently the moment observed by the 1st witness from the police station) At the school house (used as a bungalow temporarily by Mr. Salisbury) they began to fling stones on the roof. One stone fell on the Revenue Inspector's head, another on his neck and one knocked aside the lantern that was at his side. He was then forced to retire to a temple in the direction

of

of Jibi while the stones still continued to fall. The 3rd accused Ramasamy Muniappa Chetti came to him after some time and said "they have ceased throwing stones, come we will go" so the witness went to the Police station where he interviewed Rev. and Mrs. Salisbury, ascertained that they were unhurt, and after talking to them for some time went home about the time that the crowd dispersed.

4. The other witnesses for the prosecution are 2nd and 3rd witnesses, pleons of the 1st witness. The 3rd witness was struck on the nape of the neck by the 7th accused and then made his escape into the bungalow shutting and chaining the door behind him when the crowd came and hammered and kicked on the door this witness got out at the back and jumped over the wall and ran towards the police lines. The crowd intercepted him but the 9th accused interceded for him and conducted him safely to the police station. The fourth and fifth and sixth witnesses are constables of Kelamangalam station. The first two are compunctiously new comers, but the 6th witness has been 1½ years at Kelamangalam. It is he that gave out the names to the 1st witness which the latter wrote down and as he must have been well acquainted with them, his identification may be trusted. Besides this, the other prosecution witnesses are able to identify the accused by their appearance

5. As regards their individual complicity the following is the degree in which the evidence

of

of the prosecution witnesses — implicates each of the accused. The witnesses generally agree that the 1st 2nd 3rd and 10th accused were unarmed but were inciting the others. The 5th witness says that the 1st and 2nd accused said "throw" "throw". The 3rd witness adds the 4th and 7th accused as ~~investigators~~ instigators. The rest of the accused and the crowd were armed with sticks and stones which they picked up from a heap of metal by the side of the road. The 6th witness says that the 9th accused was unarmed but the 8th had a bamboo stick. The 1st witness says that the 6th and 7th accused were particularly violent. The 2nd witness says the 10th accused told the Mahomedan boy to say that the dorai had given powder to him; that the 4th witness dragged him by the hand and cloth saying "you and the pot

witness

witness have come here to poison us". The 3rd witness confirms this and they both as well as the 6th witness say that the 7th accused pushed the 8th witness by the neck. The 3rd and 6th witnessed that the 9th accused protected him. The 3rd, 4th, 5th & 6th witnesses say say that the 6th accused asked the police to give up the dorai. The 4th and 5th and 7th witnesses say that the 6th accused asked the Revenue Inspector to speak to the 8th accused interposed with this advance towards a peaceful settlement, and did so, the 5th witness says at the suggestion of the 1st accused. The 5th witness says that the 3rd accused fetched the Revenue Inspector and advised the crowd not to throw stones. The Revenue Inspector confirms this and says that this accused took no part in the riot. There can be no doubt that this accused was present in the crowd, but I believe from what the witnesses say that his

efforts

efforts were, as village munsiff, towards peace rather than violence and that he did not share the common intention of the other rioters. He has therefore been discharged under section 253 as also the 9th accused. The 9th accused spoke impertinently to the 1st witness but he showed that he was not in favour of force being used by his rescuing 3rd witness when he was being beaten by the 7th accused and he was admitted into the police station to parley with the 1st witness. I have therefore discharged him.

6. The rest of the accused certainly became members of an unlawful assembly when they attempted to rescue the Plague Superviser in the exercise of his lawful power by criminal force. When stones were thrown at the Police and the Revenue Inspector and when the 1st witness's poms were assaulted in a prosecution of their common object, every member of the crowd rendered himself liable to be punished for rioting. There is no have been identified beyond any reasonable doubt as having taken part in the rioting by the prosecution witnesses. Moreover they are incriminated by their fellow accused to some extent, the 4th accused implicating the 8th accused, the 6th accused implicating the 10th and all the accused in order besides some others not charged, and the 8th accused implicating the 1st and 4th. Little is said about the 5th accused but the 8th accused implicates him as an instigator and agent of the society. They have therefore been charged with rioting

rioting under section 147 I.P.C. The 1st 2nd and the 5th accused plead alibi, the fourth, 7th 8th and 10th accused say that they were in the village but did not go to the police station & take part in the disturbance that took place there.

7. Thirty three defence witnesses were cited but only 18 were examined, the rest being dispensed with. The 5th and the 11th and 13th witnesses were cited to prove that the 1st accused was at Krishnagiri ~~not~~ the day before the offence occurred, whence the 5th witness accompanied him to Shoolagiri and stopped with him in the 11th witness's house walking on to Kela-
-negalam on Saturday morning. These witnesses (5th and 11th) fix the date by the Karaga festival and the Shulagiri Sunday day (Friday) but they do not agree on the point whether the festival was over or not by the time of their arrival at Shulagiri. I prefer to believe the statement of the prosecution witnesses who have none of them any motive for involving innocent persons, and the testimony of the 2 accused themselves that the 1st accused took part in the riot.

8. The 6th 7th and 8th defence witnesses were examined to prove that the 2nd accused went to Denkanikota on the after-
-noon of October 21st to invite his relation to the Karaga parameswari festival and to buy flowers for it. The 6th and 7th witnesses are relations and the 8th witness is the accused's bandy driver who has been convicted. They differ as to whether

whether the bandy was left at the shop of 7th witness or not.

9. The 12th defence witness tries to prove that the 10th accused was in his retail shop, which is in a different part of Kelaniangalawa from that where the rioting took place, listening to his son-in-law reading a puranawa to him and that he found him still there on his return late in the evening. This witness is indefinite about the hours of the day and while the disturbance was going on he was not with the accused but in his cloth shop, so that it cannot be said for certain that the accused did not join the disturbance taking place at a little distance off during witness's absence.

10. The 9th and 10th defence witnesses were called to prove that the pltf accused Ebayya and the S. H. C. of Kelaniangalawa were on bad terms in 1897. The attendance of the Police Inspector of Haren was also procured with much trouble and delay which caused the disposal of this case to be postponed for a long time, but at last when he appeared the defendants declined to ask him any questions as neither of their pleaders had turned up as promised. I confess I cannot see how this point of ill-will on the part of the S. H. C. even if proved, is material to the question at issue in the present trial. The S. H. C. was absent at the time

time of the riot and thereby favoured the success of the accused's undertaking. It may be that he got wind of the storm that was in the air and intentionally kept clear of the place until the storm blew over, shirking the responsibility that would fall upon him of keeping an angry mob at bay. In any case, the case for the prosecution does not depend in any way on the station House officer, and the part he took in the matter may be eliminated from the enquiry so far as the present trial is concerned.

11. The riot ended without much ~~danger~~ damage being done. How it would have terminated if the Police constables had not resolutely defended the pl. witness and their station premises

premises, can only be guessed at. The crowd no doubt acted on the impulse of the moment in besieging the police station and they were no doubt disappointed at being foiled in their desire to get Mr. Salisbury into their grasp. But that they did not simply persist in seeking an audience of him with a view to having a peaceable enquiry made into the rumour about the wells being poisoned, is fairly evident from the uncompromising attitude of certain of their number who rejected any advances of the pl. witness and the Revenue Inspector negotiating for an enquiry. It is quite probable that the story about the Mahomadan type putting poison in the wells was invented as an excuse for forcibly

forcibly ejecting the Magee Supervisor his master from their midst, for the 1st accused and another have been separately tried for discolouring the water of two water holes after the riot was over to cover their conduct, and to make it appear that the crowd did not act without rhyme or reason. It is also pretty clear that the throwing of stones and the use of criminal force was not merely the work of young boys and drunk barbars, as the 7th witness would have it believed, and that the stone-throwing portion of the crowd must have been led by some organizators. When rioting takes place on a large scale like this and the authorities are set at defiance it becomes necessary

necessary to punish in an exemplary fashion those who are clearly shown to have taken part in the affair, although it may not be possible to bring to book all the persons responsible for the breach of the public peace.

12. I find all the accused guilty under section 147 and sentence them as follows. 1st accused Chayya 6 months rigorous imprisonment and a fine of 100 Rs. or in default of payment 2 months additional imprisonment. 2nd accused Arcevenkatesa chetty rigorous imprisonment for 3 months and a fine 100 Rs or in default of payment of fine 2 months additional imprisonment. 4th accused Ma dirappan 4 months rigorous imprisonment. 5th accused Munisami 3 months rigorous imprisonment. 6th accused Thimma 9 months rigorous imprisonment. 7th

accused

accused Chinna Veeranabinga Sastri 6 months rigorous imprisonment. 8th accused Imam Saib 4 months rigorous imprisonment. 10th accused Ramia gounden 3 months rigorous imprisonment and to pay fine or in default of payment of fine 2 months additional imprisonment.

(Sd) H. G. Spencer.
Ag. Joint Magte.
20-2-99.

(True copy)

(Sd) H. G. Spencer
Ag. Joint Magte.

(True copy)

Cabalesmile
for Ag. Collector.

Proceedings of the Plague Commissioner.

READ— Letter from the Collector and ~~District~~ Magistrate, Salem, to the Secretary to Government, Local and Municipal Department, Madras, through the Plague Commissioner.

With reference to para 2 of G.O. No: 1452-P., Mis: dt 4th November last, I have the honour to report that the Kalamangalam rioting case in which the Plague Supervisor, Mr. Salisbury, was robbed has been completed by the joint Magistrate and the offenders 8 in number were sentenced to imprisonment and fine. I enclose a copy of the judgment.

Ref: mb. no: 2995. dt 13th March 1899.

Forwarded.

Mr. Madgavkar
14/3/99
for Plague Commissioner

To the Secy: to Govt: (L & M) department.
with copy of judgment in original.

H. S.
14.3.99

When given for copying ____
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} 189.

READ AGAIN G.O., No. 189 , DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A	
LETTER OF GOVERNMENT.								
STATEMENT WITH DITTO.								
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.								

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