

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 193

Press
~~Mis.~~

Dated 22nd May 1858

Not to be folded or roughly handled

Fort Saint George, Marine Consultation, 25th May 1858.

No. 1. From H. L. ANDERSON, Secretary to Government of Bombay ; to the Chief Secretary to the Government of Fort Saint George, dated 7th April 1858, No. 855.

SIR,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 16th Ultimo, No. 113, and to transmit to you copies of the letters noted in the margin, from the Senior Magistrate of Police, which will furnish the information required by the Madras Government.

Nos. 312 dated 24th July 1843 with enclosure.
" 320 dated 1st August.
" 339 dated 14th August.
" 366 dated 26th August.
" 385 dated 5th September.
" 432 dated 2nd October.

From P. W. LEGEYT, Senior Magistrate of Police at Bombay ; to the Secretary to Government, Bombay, dated 26th July 1843, No. 312.

SIR,

I have the honor to acknowledge your letter, No. 1616 of this day's date, regarding the notice in the Newspapers of the discovery by the Police of an extensive system of plunder, said to have been carried on for many years in Bombay, and in aiding which the servants of Government have been widely concerned, and calling for an immediate Statement of all the proceedings in the case.

The best explanation I can give at present is contained in the accompanying letter and its enclosures from the Superintendent of Police to my address, bearing date the 24th Instant.

3. I was not in a situation until yesterday afternoon to make any report on the subject to Government, I received Captain Burrows' letter the previous day in the afternoon, and immediately, in concert with him, consulted Mr. Ayrton, the Solicitor, in whose activity and intelligence I place the greatest reliance. When we had settled on our line of future operations, which we could not do till last evening ; immediate steps were taken for pursuing the enquiry, and Mr. Ayrton is now engaged in tracing out some of the stolen property through the alleged purchasers of it, whose names appear as such in the books in Captain Burrows' possession. These books are undergoing a strict examination by Captain Burrows, he is also in communication with some of the leaders of the gang, who have shown a disposition to disclose their knowledge of the recent transactions. I have, in the meanwhile, addressed Circulars of queries in the English and Guzerattee Language to all the principal traders in the place, a copy of which I enclose.

4. The embarrassment I feel is, that as yet, I have no information upon which I can issue warrants for the arrest of any of the imputed parties ; but I hope that by tomorrow I shall be enabled to do so when a further report will be made on the subject.

5. I have informed Captain Burrows that we must be content to use the means the law allows us for the detection and punishment of these depredators.

From Captain I. BURROWS, Superintendent of Police ; to P. W. LEGEYT, Esq., Senior Magistrate of Police, dated 24th July 1843, No. 73.

SIR,

In handing up the accompanying two informations I beg to make the following report, which I suggest should be communicated to Government.

2. Warrants were issued by me to search the rooms of Premjee and his Brother, and also that of Mooraj. A small quantity of supposed stolen Opium was found in the room of Premjee and the Chopras or Account Books of the Gang, commonly known as the Bunder Thieves.

3. I forward Translations from these books which are sufficient to suppose that the organized system of robbery on the water, from the Cargo Boats in their trips to and fro is of a very

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extensive character, and one of my informants, as will appear in his deposition, states the Gang has been in active operation to his knowledge for 35 years.

4. I am told that the parties or Gang concerned are very numerous, perhaps as many as 250 persons, and there is a second Gang of about 60 persons, whose depredations are of a more minor character, but with whose proceedings my informant declares himself unacquainted.

5. I have at present no information actually to prove the intimate participation of the inferior Custom House Officers and floating Establishment with these Gangs, though, all my informants assure me that, with one or two exceptions, all are concerned, receiving a regular monthly pay; this remark I am told applies also to the Police, though I cannot from any cross examination ascertain how they are mixed up any further than that they tolerate men at large, who are under strong suspicion, amounting almost to certainty as belonging to the Gang of Bunder Thieves, however any matters springing from this information of a Departmental character will be for after investigation.

6. In the mean time for a perfect and complete breaking up of the Head or more important Gang with whom my informants are leagued, I am myself (on the information before us, or on its being taken more in detail by yourself if you deem it necessary) of opinion that the whole parties mentioned by informants or whose names appear in the books, should be arrested and called on to give good security for appearance, and, if possible, that their Houses or lodgings should be searched. Many of these persons accused are outwardly Merchants, and men of some substance, and in all their Ware Houses much of their legitimate property would be found as well as that come by purchase from the Gang, being of course stolen property.

7. So extended have been the operations of this Gang, that to effectually read them, and all similar offenders, a lesson not to be forgotten, seizure of their persons and property, under similar Acts as No. XXX of 1836 against Thugs, or Dacoits, would appear the most prompt and effectual; indeed so great appears to me the extent of their doings, that an Act might be passed to last but for a season to enable us to move with full effect.

8. The great safety in using these approvers is of course in separating them, and I am led to believe 4 or 5 persons are willing to turn Queen's evidence.

9. The accompanying papers shew that property to the value of Rupees 65,267-6-3 has been stolen by one Gang from 3rd November 1842 to 7th June 1843, and this, at the lowest calculation, may be multiplied by two, as no stolen property even sells for $\frac{1}{2}$ its value, indeed if we said one $\frac{1}{4}$ it would be nearer the mark; this is the operation of one Gang and my informant says we have the Account Books very incomplete, as he believes they have 4 sets, all distinct, and we have one set pretty perfect and part of another. The informant adds that he is sure all this property is stolen on the water in loading and unloading the Vessels, and as already stated connived at by the Custom House and floating Establishment.

10. To the above property stolen and sold, we must add Opium, Maunds 170 equal to Chests 34, which is worth more or less 41,000 Rupees. Supposing therefore that the stolen property does sell for $\frac{1}{2}$ its value we have a loss to the Merchants of 1,30,534-12-6 and Opium 41,000, Total 1,71,534-12-6 between 3rd November 1842 and 7th June 1843.

11. I have given this early and incomplete report, because I wish to know how to proceed. My anxiety is to make them disgorge their plunder if possible, and this can never be done unless by a very sudden seizure.

12. I cannot pass over this report without again and again urging on you the necessity of some Enactment or law against gaming. I am induced to believe there are more than 40 Houses where gambling is carried on and, as my informants justly say, more than $\frac{1}{2}$ the crime of the Island has its origin in these Houses. You remember how earnest I have been with you on this subject, and that under date No. 37, 7th April 1843, I addressed Government through you, most earnestly asking for some improvement in the law to check this crime.

13. Whilst writing this letter I am told many of the Gang are leaving the Island, and as the examination of the books are proceeding, other large sums appear to have been received by sale of stolen property.

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From P. W. LEGEYT, Esq., Senior Magistrate of Bombay Police; to the Secretary to Government, Bombay, dated 1st August 1843, No. 320.

SIR,

In reference to my letter, No. 312, dated the 26th Instant, I have the honor to report, that, in conjunction with the Superintendent of Police, every endeavour was made to obtain such sworn information as would ensure a conviction of the parties disclosed as forming the Bunder Gang: but this having proved unsuccessful, we deemed it advisable to proceed to secure the parties; for which purpose on Friday last, I took the information of a person named Dama Puddumsee, from whom Captain Burrows received the communication which led to the seizure of the Books mentioned in my former letter.

2. Dama Puddumsee's deposition, I beg to forward. The Books seized consist of a series of roughly kept daily Accounts from January last till the end of June. There is also a sort of Ledger but very imperfectly kept, and some Books of Memoranda detailing the names of the shares in the spoil, and of various persons to whom sums have been disbursed. These together were sufficient to authorize my issuing Warrants for the persons named in the list, as also for searching the Godowns in which the stolen Goods were said to be deposited.

3. I may here call the attention of the Honorable the Governor in Council to the difference between carrying on an investigation to ascertain the extent or nature of Crime in general, and a Magisterial investigation for the purpose of committing individuals for particular offences for trial by the Supreme Court.

4. Captain Burrows has long known of the existence of the Gang; and has equally long been endeavouring to reduce the general information he received to such precision as would enable him to obtain legal evidence; but it is obvious that until he could seize the Books in the house of one of the Gang his object would not be effected. The necessity of obtaining perfect testimony before the accused are aware of the charge can scarcely be appreciated, but by experience of the artifice and fraud no less than the culpable apathy of the native community, by which criminals who have sufficient wealth or influence are enabled to falsify and destroy the requisite chain of evidence, no sooner is it known that a particular witness will be required to prove a case than he is induced either to disappear or to appear and commit perjury, and it will be borne in mind that a witness necessary for the prosecution may thus render it unavailing.

5. In the present case nearly the entire castes of Khojiahs, and Lohannas are interested either by relationship or connections in trade with the accused, some of whom have accumulated sufficient resources to admit of the most strenuous efforts to defeat the prosecution; and when those who had purchased Goods of the Gang were applied to for evidence under a promise that they should be exempt from all accusation, they persisted in a positive denial of all their dealings which were shown beyond dispute by the seized Books; and had any of these people been sworn as witnesses, they would, without doubt, have adhered to their assertions, and the prosecution would have failed. It therefore became necessary that the accused should not only be kept in ignorance of the particular facts and circumstances upon which the prosecution in the Supreme Court is to be based, but that an entire chain of evidence should be secured before any formal Magisterial investigation takes place, which being in the presence of the prisoners and their legal Agents, at once points out to them in what respect the prosecution is defective, and as a consequence by what means it may be frustrated.

6. Under the Warrants issued by me nine persons were seized before the alarm was given of their being issued, but the rest of the Gang succeeded in concealing themselves and have hitherto avoided all the endeavours of the Police to apprehend them. The 9 persons were brought before me yesterday, and re-manded to Goal for further examination on a charge of felony.

7. I have also received a return to the search Warrants that a large quantity of Goods were found; and an inventory is now being taken of them. I propose advertizing all the suspicious Articles, to invite owners to come forward. The books are being translated into English for more easy reference: and enquiries are being carried on at Panwell to collect the necessary evidence of the destruction of the Boat referred to in Dama Puddumsee's information.

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8. There is however still considerable difficulty in obtaining direct and specific legal Testimony. Parties are ready with stories of a general nature, keeping the part they have personally acted in obscurity. Their motive in disclosing their knowledge of the criminality of their associates are either to gratify some personal feeling of revenge, or in the hope of making a good market of their information, and perhaps to serve purposes of extortion or otherwise by the semblance of being informers or in confidential communication with the Police, they come prepared to tell something but to conceal as much as they can; and they leave you on the threshold of information the want of which renders their communication nugatory. Thus we are promised particulars from day to day, and as often disappointed in obtaining them.

9. I have addressed a Circular letter to each of the Native Justices of the Peace, a copy of which I have the honor to enclose. It is due to two of these functionaries to state (Jugonnath Sunkersett and Cursetjee Cowasjee, Esquires,) that they have each volunteered their assistance, and are now endeavouring to induce the purchasers of the Goods to come forward and prove their purchases and from what particular persons they were made.

10. In conclusion, I beg to entreat that from the difficulty experienced in finding the thieves, who are now concealed in the Native Town, it is very desirable that a reward should be offered for their apprehension, and I respectfully request that the Honorable the Governor in Council will sanction that course.

From P. W. LEGEYT, Esq., Senior Magistrate of Police; to the Secretary to Government, dated 14th August 1843, No. 339.

SIR,

I have now the honor, in reference to my letter, No. 328, of the 5th Instant, to report for the information of the Honorable the Governor in Council, that I have been daily occupied in collecting and taking evidence as to the transactions of the Gang of Bunder thieves, and I have collected a mass of information, which enables me to lay before Government what I believe to be an accurate account of the constitution and proceedings of this Association.

2. It appears to have been in existence for at least twenty years past. Few, if any, of its original members are now living, but as Individuals died or separated themselves from it, others were admitted, and it has thus continued in full operation to the present time. The Account Books we have obtained possession of only embrace the transactions of the last seven or eight months; I have every reason to believe that those of former years are destroyed; but what we have contain all that is necessary to prove the organized system on which the operations were carried on.

3. It appears from the information of Dama Ruttonsey, who has been connected with the Gang for upwards of six years, that about fifteen of the partners formed a sort of Managing Committee, and arranged the purchase and sale of Goods, kept the Accounts, and settled and declared the dividends at stated periods, which seem to have occurred every two months. Others of the Association were employed at the different Bunders to receive the Goods landed in their Boats; and they immediately conveyed them unquestioned and uninterrupted by either Customs or Police Officers to the Depôts of the Association, which appear to have been always near Chinch Bunder. A third portion were employed in the Boats belonging to the Gang to take the Goods from the Tindals of the Cargo Boats and prahus, between whom and the Chief of the Association a previous arrangement had been made to deliver to these Boats a certain portion of their Cargos, and for which they were always paid either in cash, or on a subsequent Settlement of Accounts.

4. The articles most usually received were Sugar, Spices, Dye Woods, small quantities of Cotton, Turmeric, Sandal Wood, Pepper and occasionally Europe Piece Goods, Planks and Opium. The prices paid by the Gang appear to have been generally about one-fourth of the real value. The expenses incurred by the Gang in *portage*, bribes, &c., to about one quarter more; and the sales by the Gang to retailers seem to have been effected at about 15 per cent. less than the market value, leaving about 35 per cent. net profit to be divided. During the last seven months the sum actually divided among the Gang was Rupees 46,531-0-0, which will make the total amount of property plundered at something more than a lac of Rupees.

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5. The most extraordinary fact is, that during the whole period that this wholesale plunder has been carried on, we can find no record at the Police Office of any complaint of property lost, which we have as yet been able to connect with the Gang, though I have little doubt that the piracies which were prevalent on the Coast of the Northern Conkun some time since, were committed at the instigation of this Association, and of this I hope to be able to furnish more full information hereafter. In the meanwhile I can only attribute the absence of all complaints to the probability that the greater part of the plundered property belonged not to persons here, but to parties in other places; and that the Tindals, who in fact were the Thieves, managed to tell such stories to the sufferers as either satisfied them, or placed the trouble and difficulty of an attempt to recover the property in such a way before them as to deter them from attempting any thing. The plunder from any one Boat never appears to have been very large. In regard to the Goods purloined from Cargoes of Europe and other Ships, there is no doubt but the Owners and Masters have been the sufferers; but from the careless and loose system which prevails in taking in Cargo in this harbour, the difficulty and trouble of tracing losses were greater than the evil of paying for the missing property and which was therefore generally, if not universally, submitted to. There is good reason to believe that if any Goods delivered by a mistake in the tally beyond those for which a receipt was taken, the surplus was delivered into one of the Boats of the Gang which was hailed during the trip from the Ship to the Bunder.

6. Without a very general connivance on the part of the Customs and Police Subordinates, it is impossible that this system could have existed. I have not yet been able to approach this part of the affair; but the Collector of Customs having now been put in communication with me by Government, I shall, without delay and with his assistance, proceed in the investigation of the Accounts of the alleged disbursements by the Gang to the public Establishments, and which is contained in a separate book in my possession. The fact of landing Goods at all hours of the day in the most public places without molestation, and the still more extraordinary circumstance of the Goods so landed being almost daily disposed of by public auction at one or other of the depôts of the Association near Chinch Bunder, under the eyes of the Police, puts the fact of connivance beyond all doubt.

7. I regret to state that the Superintendent of Police has as yet succeeded in apprehending only 12 of the Gang. Nine of these I have remanded to Gaol for further examination, and three are in the Police Office, having shown a disposition to afford information. Two of those confined in the Gaol were brought before the Supreme Court this day by Writ of Habeas Corpus, and a *certiorari* for my Proceedings against them was at the same time served on me; but the Judge has not interfered with the course I am pursuing.

8. Nine large Godowns and twenty three Boats belonging to the different individuals of the Gang have been seized; a large quantity of property found in the godowns has been removed to the Police Office at Mazagon, and the public have been invited to inspect it in order to identify any property they may have lost. A large number of Account Books belonging to different Members of the Gang have been taken possession of by me. In no instance has any one come forward to claim the property thus seized, which affords the strongest moral proof of the guilt of the accused.

9. I experience great difficulty in obtaining information from the purchasers of the Goods from the Gang; whether the disinclination to come forward and state the circumstances of their dealings arises from being conscious of the Goods having been stolen and a fear of being implicated as receivers, or from fear of retribution by the Gang should they escape punishment, or habitual apathy, I cannot tell. I have assured all who do come forward and state the true circumstances of the case, that they will not be prosecuted. It was to this particular point I directed the attention of the Native Justices of the Peace now nearly a fortnight since. I regret to state that from only two of the whole body have I received even an acknowledgement of my communication. I mention them as honorable exceptions to the want of zeal and proper sense of their duty as Magistrates which seems to pervade the whole body. Juggunnath Sunkersett, Esquire, has exerted himself very usefully, and has taken several depositions from purchasers of Goods from the Gang, and forwarded them to me, which I do not believe I could have procured from them myself. Dadabhoy Pestonjee, Esquire, has also sent to me two persons whose information was of considerable utility; and this composes the assistance I have received from the Native

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Magistracy in a matter in which, if they chose, they could be eminently useful, and where it might be supposed their commercial interests would have been benefited.

10. The labour of this investigation is immense; and although I devote as much of my time exclusively to it as I can spare from the current duties of my office, I progress at a lamentably slow pace. But I hope, if it should please His Honor in Council to afford me the assistance I applied for in my letter, No. 323, dated the 2nd Instant, or some other, which would enable me to devote mere of my time to this investigation, that I shall proceed in a more satisfactory manner.

11. I beg to annex a correspondence with Mr. Danvers, the Junior Magistrate, on the subject of this confederacy. The information received by Mr. Danvers serves to corroborate the information we already have; but I have been able to make no use of it as the informants have kept out of the way since giving their depositions; and I believe up to this time, Mr. Danvers has seen nothing of them. The first names only of the parties said to have gone to Demaum being known, and no descriptions of their persons being forthcoming, I have not felt justified in applying to Government for their apprehension until more definite descriptions are obtained. It is to be regretted I think, that Captain Del' Hoste did not communicate the information he received some time since at once to the Police.

P. S.—Your letter, No. 1798, has just been received. I have the satisfaction to inform you that Premjee Suckoo is one of those in custody.

From P. W. LEGEYT, Esq., Senior Magistrate of Police; to the Secretary to Government,
Bombay, dated 26th August 1843, No. 366.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 1900 of the 22nd Instant, and in reply, to request that you will assure the Honorable the Governor in Council, that no exertions are spared to bring the circumstances connected with the Bunder confederacy to light.

2. Since my communication to you in No. 339 of the 14th Instant, the enquiry has been progressing, and we have endeavoured to trace several articles of stolen property to their Owners; and I hope in in one case at least we have established the identity.

3. It is my intention under the advice of Mr. Ayrton, the Solicitor, who has had the conduct of the case from the commencement, of which I informed Government in the 3rd paragraph of my letter, No. 312 of the 26th of last month, to commit the parties now in custody for trial for receiving stolen Goods, so soon as the evidence is exhausted.

4. A case so difficult of legal proof has scarcely ever been before me; and I have been necessarily obliged to adopt measures in the course of my proceedings which have deviated considerably from the ordinary course of procedure, and which gave occasion to the Judge to make some remarks in Chambers when the Writ of Habeas Corpus alluded to in my letter of the 14th Instant, was returned, which were published in the News Papers, and on which, having been present myself, I would respectfully beg leave to record the following observations.

5. I beg to state, that the observations of Sir Erskine Perry were based on two assumptions: first, that I omitted to subscribe the depositions; and, secondly, that I detained the prisoners in Gaol for several days without reading over to them the information on which they were seized.

6. With regard to the first, it is only necessary to explain, that Sir Erskine Perry was under a misapprehension, probably from only cursorily examining the depositions, as the *jurat* which led to this remark was written with the intention of closing the deposition, and was not required in consequence of the deposition being continued; but my signature was subscribed at the foot of the entire deposition which was thus perfectly correct.

7. With regard to the second point, I stated to the prisoners before committing them to Gaol, that they were charged with being Members of the Gang, of receiving stolen Goods; but

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it is perfectly correct that I made no communication to them of the evidence on which they were so charged. I was at the same time fully aware of the Act of Parliament under which I was proceeding and of the practice of reading over the information to a prisoner; and no question of law, therefore, arose on which it was necessary to consult the Law Officers of Government; but how far I should depart from the strict practice of the law under the extraordinary circumstances of the case, was a question for my discretion.

8. Without entering into an elaborate disquisition on the state of the Native community of Bombay, it would be difficult to explain to the Honorable the Governor in Council the obstacles which exist in detecting crime, in adducing proofs of its commission, and in ensuring the conviction of Criminals; but I believe that it will not be disputed that an immense mass of the inhabitants are of foreign birth, especially the castes of Khojahs, Lohannas, and Boat men, by whom the crimes under investigation have been committed, and that the whole community with few exceptions, not only prefer their own ease and convenience to volunteering the slightest aid towards the administration of justice, but frequently deny their knowledge of facts to escape the trouble and annoyance of attending before the Magistrate and Supreme Court to give evidence, a state of Society the very opposite to what I believe to exist in England; but yet it is suggested that English law is to be administered here with the same formality and regard for personal feeling and liberty as towards the people of England, with whom the Natives of this Country have scarcely a feeling or sentiment in common.

9. In reflecting on the course, I have pursued in this case, I feel convinced from the difficulty I have experienced in inducing even one Member of the Gang to turn King's evidence, and in obtaining other testimony, that if the prisoners had seen at the outset that Dama Puddumsey's was the only information against them; and it had become, as it would have been, generally known, that I was not possessed of legal evidence, I should not have succeeded in carrying the case thus far nor would there be room to entertain any hopes of bringing it to a satisfactory conclusion.

10. I believe it would be found, on enquiry, that so far from the Magistrates in England being kept in order by Attornies hunting up actions against them, as might be inferred from the remarks by the Honorable Sir Erskine Perry, many great crimes are detected and criminals brought to punishment by Acts of the Police unwarranted by law; for example, in searching the houses of persons arrested for evidence against them, either for writings or things which may connect the chain of evidence, and that the Police are not prosecuted for these Acts by the discouragement of the Judges and Jurors and the forbearance of Counsel and Attornies, actuated by a desire for the well-being of Society, an unwillingness to make the forms of legal procedure a screen for manifest and notorious criminals, and that, when corrupt motives are not brought home to the Executive Officer, he is rarely troubled with legal proceedings, nor is he deterred by the dread of them from using his own discretion in bringing criminals to justice.

11. I may here be permitted to remark that the very first step in the present case on seizing the Books of the Gang was not warranted by law, and that an action might have been brought against the Superintendent of Police for their seizure; and if, therefore, the right of the subject had alone been considered the most material evidence, in fact the clue to the whole case, could not have been attained.

12. I beg to assure His Excellency in Council, that the only object I ever had, or shall have in view in departing from the strictest procedure directed by law, is to prevent its being made subservient to the escape of criminals from justice; for if I regarded my own convenience, I should confine myself within the letter of the law, and shrink from taking upon myself the responsibility of exercising any discretion on the subject.

13. In conclusion, I beg to state that I have not during the present investigation consulted the Law Officers of Government, because I had, as reported in my letter of the 26th of last month, the zealous and able assistance of Mr. Ayrton from whose indefatigable exertions and research, I have derived the greatest assistance; and moreover, I would respectfully remind the Honorable the Governor in Council, that the Advocate General has referred me to Mr. Dickinson, the Assessor to the Court of Petty Sessions, for legal advice, and that gentleman has declined, as Assessor, to afford it except in Petty Sessions.

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From P. W. LEGEY, Esq., Senior Magistrate of Police; to the Secretary to Government, Bombay, dated 5th September 1843, No. 385.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 1973 of the 31st August, and in obedience thereto, to submit the following report of the state of the enquiry relative to the Bunder Gang.

2. I have now brought to a close nearly all the evidence available against the prisoners in custody. The Honorable the Governor in Council is already in possession of a general outline of the case, and of the difficulties I have to encounter; and I now beg to direct his attention to the particular position at which the case has arrived, and of the defects in the evidence which remain to be supplied.

3. It is proved that the books seized were used by the Gang, that the Gang were generally engaged in the sale of Goods by auction at a godown near Chinch Bunder. It is also deposed to, by the accomplices, that certain individuals of the gang were engaged in particular acts of robbery on the water, and in receiving stolen Goods at the Bunder; but not one of these acts is confirmed by a single witness, nor is it proved that any specific article was ever taken from the Bunder to the auction godown and there sold.

4. Nearly the whole of the articles were loose in grain, as pepper, sugar, opium, so as not to admit of any identity; and even long cloth and piece goods being of the common standard quality equally defied identity; and copper was the only article which appeared by the books to have been lately sold at their Warehouse which afforded a chance of identity; of this three cakes were traced to a Merchant at Poonah; two pieces remaining unmelted were brought from thence to Bombay; and other pieces were traced through several hands in Bombay and found. Some persons who have lost copper have attended, but have not as yet been able to identify them in such a manner as to admit of anticipating a conviction on the evidence of identity alone.

5. It may be asked why the robbery of these Goods is not fixed upon the boatmen; but the answer is conclusive. Those who lost the Goods are unable to say in which of the many boats unloading the ship the Goods were lost, or whether even they were not stolen from the Ship by other parties.

6. All the Muccadums and Tindals who were engaged have been interrogated, persuaded, and even threatened; but they have not exhibited the slightest disposition either to acknowledge their guilty participation, or to attempt to discover by whom the offence was committed. It remains therefore to obtain evidence of some of the Goods which there is no doubt were stolen, having been carried from the Bunder to the Auction warehouse, to complete the case against the prisoners; but this can only be afforded by an accomplice.

7. The Honorable the Governor in Council will thus see the very difficult position I am placed in. I am expected by Government to prosecute a case to conviction in which I have not one honest or really credible witness. There are no complainants. The silence of the Customs and Police Officers has been easily purchased; and it is not probable from the mode in which we know the Goods passed into the hands of the Gang, that they could, even if they were willing, depose, to an act of theft.

8. I have left no means untried, short of a large expenditure of money, to obtain this requisite evidence. I have requested the Master Attendant to employ some of the Government Tindals in inducing some of those belonging to the Cargo Boats to disclose what they know, and I have offered small rewards to tindals to ascertain what boatmen were engaged in particular thefts, as the most likely if not the only, means of ascertaining this important information.

9. I am afraid that the influence which I foresaw, and pointed out to the Honorable the Governor in Council in my letter, No. 366 of the 26th of August, has operated most prejudicially to keep back other accomplices of the Gang becoming evidences of the prosecution; they have been made aware of the defects of the evidence and lulled into such a feeling of security as not to deem it worth their while to purchase protection by what they consider an odious betrayal of their companions in crime; and here, I cannot avoid remarking that the local Press has been most mischievously engaged in keeping up a belief and impression from the first that the prosecution would fail, which is received by ignorant natives with a weight it does not deserve.

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10. Unless these defects in the evidence are speedily supplied, I cannot but consider the conviction of the prisoners in custody for felony hopeless; though they may be indicted with some prospect of success for a conspiracy in their combination for illegal purposes; and I have therefore to press on the notice of the Honorable the Governor in Council that the conviction of the prisoners for felony being as communicated to me an object deeply engaging the attention of Government, some more decisive means must be adopted.

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12. In reference to the remarks in the 2d paragraph of your letter, I would most respectfully remind the Honorable the Governor in Council that the existence of the gang is of very long standing, upwards of thirty years, and that whatever degree of blame attaches to the Police for its non-detection, must be equally applicable to the Department during the whole of that period, and it should also not be forgotten that the confederacy has been detected and reported by the Police of the present day.

13. There can be no doubt, I fear, that the Police and Customs Establishments have been bribed to silence, but to effect this, what was required from the Police was so little that its accomplishment is no matter of surprise. It must be borne in mind that the actual thefts consisted in the perfectly peaceable transfer of Goods by consenting parties from one boat to another in the harbour, which, as the Honorable the Governor in Council is aware, is entirely beyond the beats of the Police, and where, in fact, not one Policeman is employed. The Goods came on shore in a quiet peaceable manner, landed by the same class of persons who usually land merchandise, and were conveyed in open day to the godowns of persons of apparent substance and credit. In these godowns were frequent sales carried on publicly enough to lull any violent suspicion. All that the confederates required from the Police was that they should not be too curious to institute inquiries beyond what met the eye; and the precautions they took to prevent this appear to have perfectly succeeded.

14. I have no hesitation of asserting that had an effective water Division of Police existed the operations of this confederacy must have been brought to a close within one week. It may be said that they too might have been bribed, but I deny this. In the first place the checks which would have existed over them, would have prevented it, and demoralized and corrupt, as I fear the classes employed in Subordinate situations are, experience does not prove that they will betray their charge in the wholesale manner they must have done to have permitted the depredations to have continued.

15. To prove this, I need only refer to the Police Reports of 1842, which show only one case of Burglary to have been committed in that year; and of 1313 persons suspected of being concerned in cases of theft, 1214 were apprehended by the Police, and I see no reason to believe our force would have been less vigilant on the water than on land.

16. The extent of this crime will be perhaps less startling when it is recollected that in the port of London, systematic Boat robbing is said to have been carried on before the building of the Docks to the extent of £500,000 sterling per annum; and that in the late enquiry into crime in the rural districts, it was ascertained that the great body of the Bargemen engaged in the internal

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navigation of England, systematically pilfered the Goods entrusted to their care ; and the whole was a well organized system of depredation, and that too in the face of so superior a class of people as the population of England, and that it escaped detection at the hands of the Authorities intimately connected with the Community.

17. I hope I may have succeeded in convincing the Honorable the Governor in Council, that the Police Authorities have neither been indifferent or supine in investigating this important and difficult case ; and that neither the long existence of the Gang or the absence of legal proof against the accused is to be attributed solely to the negligence of the Police. To obtain the latter, the utmost exertions of that most indefatigable professional gentleman, Mr. Ayrton, have been unremittingly employed from the day I put the case into his hands, the 28th July, and I may safely assert, that no source from which it was likely any information or evidence could be procured, has been left unsearched by him ; and I am confident that our ill success is alone to be attributed to the peculiar position of the witnesses required, and the unbounded influence of caste feelings and intimidation.

18. I have in other communications asserted that our force is inadequate to the duties expected of them. I have repeated it in this. In Calcutta, in a District not larger than the area of the Native Town of Bombay and containing a smaller population, there is a body of upwards of 2000 Policemen ; here we have 600 for the whole Island. I will not now assert that it is owing to this deficiency that so small a number of the accused have been apprehended ; but I would request the Honorable the Governor in Council to suspend his judgment on this point till the case now pending is completed, and the Superintendent of Police has had an opportunity of reporting the nature of his cautions in each case, and to what he attributes his failure in apprehending more.

From P. W. LEGEY, Esq., Senior Magistrate of Police ; to the Secretary to Government of Fort Saint George, dated 2nd October 1843, No. 432.

SIR,

With reference to my letter, dated the 23rd of last Month, No. 417, reporting that I had

1. *Saya Damjee*, alias *Dadur*.
2. *Damodur*, alias *Dama Husraz*, alias *Dama Bhattea*.
3. *Bheem Dossa*.
4. *Dewchund Luckoo*.
5. *Husraz Billal*, alias *Hussa Bullal*.
6. *Premjee Luckoo*.
7. *Doegursey Canjee*.
8. *Dhurrumsey Roya*.
9. *Jueram Ruttonsey*.
10. *Vajeer Jetta*.

committed for trial before the Supreme Court eighteen person connected with the Bunder Gang of Thieves, I have the honor to report, for the information of the Honorable the Governor in Council, that on Saturday last, the case was tried before the Honorable Sir Erskine Perry, and that the ten persons named in the Margin, were convicted ; the two first named were sentenced to be transported for fourteen years, and the remainder for ten years, no indictments were preferred against the remaining eight, who consisted of porters and boatmen in the employ of the Gang ; and they were discharged by proclamation at the close of the Sessions.

2. A report in detail will hereafter be made for the information of His Honor in Council.

No. 2.

ORDER THEREON, No. 193 ; dated 22nd May 1858.

This correspondence will be referred to the Chamber of Commerce and the Commissioner of Police, for any remarks they may have to offer on it, in connection with the Official Report of the

Fort Saint George, Marine Consultation, 25th May 1858.

Proceedings of the Legislative Council on the second reading of the " Marine Police Force (Madras) Bill" ; vide Page 98 of the Report, Vol. IV, Part III.

2. A copy of this report is now forwarded to the Chamber. The Commissioner of Police has a copy already.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

19 March / 58 247-8-1877

com. 25 May
Marine. 1858. Report

Marine Letter to Comd 21/26 July 1873

of 1858.
Part 13

284-72

From the Secretary to the
House of Bourday. 885.

Signature

24/11 Bourday, 1858.

16/12/1877

no 150.

Reknowledge receipt of
letter of 16 Dec 1873,
transmission copy of a
correspondence which
will furnish the in-
formation required
by this House regarding
the "Stranckens" funds.

X in Stranckens X

N^o 193

order.

List

to be printed
with the
papers, with
out delay.

To the Chamber of Commerce
"Com. of Police" in the name of the
Mayor

x to be
returned

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to the Chamber of Commerce & the Com-
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they may have to offer on it, in
connection with the official Report
of the Proceedings of the Legislative
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2. A copy of his Report is now forwarded to
the Chamber. The Commⁿ of Police has a copy already.
22 May 1858

Fort Saint George, Marine Consultation, 25th May 1858.

From P. W. LEGEY, Esq., Senior Magistrate of Police; to the Secretary to Government, Bombay, dated 5th September 1843, No. 385.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 1973 of the 31st August, and in obedience thereto, to submit the following report of the state of the enquiry relative to the Bunder Gang.

2. I have now brought to a close nearly all the evidence available against the prisoners in custody. The Honorable the Governor in Council is already in possession of a general outline of the case, and of the difficulties I have to encounter; and I now beg to direct his attention to the particular position at which the case has arrived, and of the defects in the evidence which remain to be supplied.

3. It is proved that the books seized were used by the Gang, that the Gang were generally engaged in the sale of Goods by auction at a godown near Chinch Bunder. It is also deposed to, by the accomplices, that certain individuals of the gang were engaged in particular acts of robbery on the water, and in receiving stolen Goods at the Bunder; but not one of these acts is confirmed by a single witness, nor is it proved that any specific article was ever taken from the Bunder to the auction godown and there sold.

4. Nearly the whole of the articles were loose in grain, as pepper, sugar, opium, so as not to admit of any identity; and even long cloth and piece goods being of the common standard quality equally defied identity; and copper was the only article which appeared by the books to have been lately sold at their Warehouse which afforded a chance of identity; of this three cakes were traced to a Merchant at Poonah; two pieces remaining unmelted were brought from thence to Bombay; and other pieces were traced through several hands in Bombay and found. Some persons who have lost copper have attended, but have not as yet been able to identify them in such a manner as to admit of anticipating a conviction on the evidence of identity alone.

5. It may be asked why the robbery of these Goods is not fixed upon the boatmen; but the answer is conclusive. Those who lost the Goods are unable to say in which of the many boats unloading the ship the Goods were lost, or whether even they were not stolen from the Ship by other parties.

6. All the Muccadums and Tindals who were engaged have been interrogated, persuaded, and even threatened; but they have not exhibited the slightest disposition either to acknowledge their guilty participation, or to attempt to discover by whom the offence was committed. It remains therefore to obtain evidence of some of the Goods which there is no doubt were stolen, having been carried from the Bunder to the Auction warehouse, to complete the case against the prisoners; but this can only be afforded by an accomplice.

7. The Honorable the Governor in Council will thus see the very difficult position I am placed in. I am expected by Government to prosecute a case to conviction in which I have not one honest or really credible witness. There are no complainants. The silence of the Customs and Police Officers has been easily purchased; and it is not probable from the mode in which we know the Goods passed into the hands of the Gang, that they could, even if they were willing, depose, to an act of theft.

8. I have left no means untried, short of a large expenditure of money, to obtain this requisite evidence. I have requested the Master Attendant to employ some of the Government Tindals in inducing some of those belonging to the Cargo Boats to disclose what they know, and I have offered small rewards to tindals to ascertain what boatmen were engaged in particular thefts, as the most likely if not the only, means of ascertaining this important information.

9. I am afraid that the influence which I foresaw, and pointed out to the Honorable the Governor in Council in my letter, No. 366 of the 26th of August, has operated most prejudicially to keep back other accomplices of the Gang becoming evidences of the prosecution; they have been made aware of the defects of the evidence and lulled into such a feeling of security as not to deem it worth their while to purchase protection by what they consider an odious betrayal of their companions in crime; and here, I cannot avoid remarking that the local Press has been most mischievously engaged in keeping up a belief and impression from the first that the prosecution would fail, which is received by ignorant natives with a weight it does not deserve.

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10. Unless these defects in the evidence are speedily supplied, I cannot but consider the conviction of the prisoners in custody for *felony* hopeless; though they may be indicted with some prospect of success for a conspiracy in their combination for illegal purposes; and I have therefore to press on the notice of the Honorable the Governor in Council that the conviction of the prisoners for felony being as communicated to me an object deeply engaging the attention of Government, some more decisive means must be adopted.

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14. I have no hesitation of asserting that had an effective water Division of Police existed the operations of this confederacy must have been brought to a close within one week. It may be said that they too might have been bribed, but I deny this. In the first place the checks which would have existed over them, would have prevented it, and demoralized and corrupt, as I fear the classes employed in subordinate situations are, experience does not prove that they will betray their charge in the wholesale manner they must have done to have permitted the depredations to have continued.

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N^o 855 of 1858

Port of Entry
4th April 1858.

Judicial Department

and received by me
the Governor in Council to acc.
the receipt of your letter of the 11th inst.

N^o 312 d/14th July 1843 with encl:
" 320 d/1st August
339 d/11th August
366 d/26th August
385 d/5th Sept^r

N^o 113, and to transmit to your
letters noted in the margin from the
Senior Magistrate of Port of Entry

I have the

Sirs,

Your most obed^t

Attendant

Secretary to

To
The Chief Secretary to the Government
Fort Saint George