No. 638   Chepauk 4th November 1882

R. No. 561 D/ 26.10.82

No. 1238 D of 25th October 1882
Encs 7.

To C.

For remarks with reference to the proposal in para 1.

24.10.82
DW

Regd 31.10.82 No. 627 D/ 30th Oct/82
Encs 7.

To W.

Under the circumstances as explained by Mr. Chisholm in para 3 of his letter No. 588 dated 23rd. October 1882, the amount viz Rs. 17 may be debited to the contingencies of the Estimate of the work concerned if the Government sanction its being written off.

GB
for C.

2968 W d/ 9th Novr/82

Sanctioned, the amount being debited as suggested by the Ex. Engr.

Procd

Recd 9/11
Compared to Govt.
Examr. PWA.

31.10.82

Roads and Building

From
The Consg Architect
to Government

To
The Chief Engineer, PWD.
Roads and Buildings

No. 588

Dated 23d October 1882

Received.

No 2968 W d/9th Novr/82

No. of enclosures. 6 7

Solicits sanction to write off 17/- being amount of fines paid by Coolies working at the Post & Telegraph Office

Entd. in Recpt Regr

No. 638 Chepauk 4th November 1882

No. 588

Consulting Architect's Office
Chepauk 23rd October 1882

From
The Consulting Architect
to Government

To
The Chief Engineer, P. W. D.
Roads and Buildings branch

Sir,

Enclosures 6

I have the honor to solicit sanction to write off the sum of 17/- under the following circumstances-

2 On the 29th of September 17 coolies were conveying a piece of one of the heavy trusses of the main Hall of the New Post office from the Southern Courtyard to the Hall. The timber is very long and heavy and had to be taken right across the street before it could be turned. At the moment when the timber was across the street Mr Ponnoosawmy Pillays Carriage drove up, the men went on with their work and in a few minutes the beam was sufficiently turned to allow Mr Ponnoosawmy Pillays carriage to pass. There was no hitch or accident, it was one continuous operation with the usual pauses for

readjusting the ropes and giving a new direction to the body moved. These pauses as you are aware seldom exceed a minute or two. Mr Ponnoosawmy arrived at Court, sent to have the men arrested, charged them with obstructing the public Highway, and asked Mr Scharlieb to try the case. Mr Scharlieb tried the case, the men pleaded "guilty" and were fined one rupee each, in all 17/-

3- As the men in question were doing duty in a proper manner, under a duly constituted maistry, and as they were neither dilatory nor unskilful I have authorized Condr Lennon to pay the fine, hence my application to charge it off.

4- At first it seemed to me so unlikely that the Law armed men with such power, I imagined some special virtue or technicality rested in the word "left". In this I appear to be mistaken - Of course if the Coolies had actually left their work, Mr Ponnoosawmys Coachman could not have spoken to them -

5- I forward the papers for perusal.

6- I may mention in conclusion that I have made arrangements on future occasions to have the traffic stopped when operations similar to the above are being carried on.

I have the honor to be
Sir
your most obedt servant

R. Chisholm.

Consg Archt to Government

26/10

26 OCT 82
INDIA

Presidency Magistrates' Court,

No. 184 Black Town, Madras, 10th Oct 1882

From

W. M. Scharlieb Esquire
PRESIDENCY MAGISTRATE,

To

R. F. Chisholm, Esquire
Consulting Architect to Government
Madras.

Sir,

I have the honor to inform you in reply to your letter dated 9th October 1882 No. 533 that the case you refer to was put up by the Police as a "Sight case", and was accordingly heard and disposed of "summarily"; no evidence being recorded.

2. You will observe from the accompanying extract from the Calendar of this Court, that the 17 coolies in question were charged with, obstruction by leaving a log of timber across the Second Line Beach Road on the 29th September 1882; and that to this charge the men

men simply pleaded guilty; urging nothing in their defence, or in extenuation of their act. Upon this, I proceeded to sentence the men to pay a fine of One Rupee each, warning them at the same time not to obstruct the highway and interfere with the public traffic again

I have the honor to be
Sir.
Your most obedient Servant

W.M. Scharlieb

Presidency Magistrate

From
W. M. Scharlieb Esqre
Presidency Magistrate
(Black Town)

To
R. F. Chisholm Esqre
Consulting Architect
to Government
Madras.

Dated 10 October 1882
No.

Encl. 1
No. 184

Forwarding an extract
of the Calendar in the
case of 17 men convicted
of obstruction

B.

In the Presidency Magistrates' Court (Black Town) Madras.

Before William Mason Scharlieb *Esquire, Presidency Magistrate.*

Calendar No. 17801 of 1882.

COMPLAINANT.

Sabapathy
Police Cons: No. B/751

v.

ACCUSED.

1 Venkatasami
2 Ragaven
3 Munisami
4 Narrainsami
5 Shoolkanum
6 Lutchmanen
7 Govindarajooloo
8 Veerasathy
9 Narrainsami
10 Munisami
11 Chengleroyen
12 Ramasami
13 Venkatasami
14 Munian
15 Rungasami
16 Appavoo
17 Venkatasami

CHARGE.

Obstruction by keeping a log of timber across 2nd Line Beach on the 29th September 1882.

Sec: 50 Clause XII Act VIII of 1867.

PRISONER'S PLEA.

The 17. accused plead guilty, and urge nothing in their defence, or in extenuation of their act.

FINAL ORDER.

Dated.
1882
October 2nd

Mr Inspector Fitzpatrick explains that where the 2nd Line Beach Road is narrowed by the works proceeding in connection with the New Telegraph and Post Offices now under construction, these 17 defendants obstructed the road by leaving across it a huge log of timber, which they had been dragging along, this act causing a serious interruption to traffic on a narrow road which is burdened with a very heavy traffic and constituting an offence

Offence punishable with a maximum fine of 50 Rupees each, under Cl: 12, Sec: 50, Police Act VIII of 1867-

The accused are fined one Rupee each.

(Sig:) W. M Scharlieb.
Presidency Magistrate

(A true Extract)

Madras.
Presy Magtes Court
Black Town
10 October 1882

W M Scharlieb
Presidency Magistrate

ENCLOSURES
24 OCT 82

Pu: 82
2270/82

P. W. D.

Consulting Architect's Office,
Chepauk, Madras,
16th October 1882.

No. 556

From
The Consulting Architect
to the Government of Madras,

To
The Commissioner of Police
Madras.

Sir,

Enclosures.

I have the honor to state that on the 29th of September a temporary obstruction to the Road Second Line beach was caused by 17 Coolies working at the new Telegraph Office - The Coolies were dragging a heavy beam of timber from one part of the building to the other they were in fact performing an act absolutely necessary for the prosecution of the work with all possible despatch.

From the papers which I enclose you will observe that they were charged with "leaving" a log across the road unless in case of accident such a thing could not possibly occur, but in order to make certain I first of all made due enquiries from Mr. Lennon and annex his answer - As the fine has been paid out of the public purse the coolies being in no way responsible for what occurred I shall feel obliged if you will inform me what steps I can take to recover the money.

I have the honor to be
Sir
your most obedt. servant

signed R. F. Chisholm
Consg Archt. to Governmt.

(True copy)

Chisholm
Consg Archt. to Govt.

P.W. E.D.
7270/82

D No. 826

Madras Police
Commissioner's Office
20th October 1882

From
The Commissioner of Police
Madras
To
The Consulting Architect
to Government
Madras

Sir,

Referring to your No. 556 to my address, I have the honor to forward for your information a report of the case alluded to, together with statements made by the witnesses to Major Fleming my Deputy Commissioner.

x 2 Enclosures returned

You will observe that the prosecution was ordered by the second Magistrate Mr. Ponnoosawmy Pillay whose Carriage with those of other gentlemen following, were temporarily obstructed as explained by him. I do not see how the fine, inflicted can be recovered save by stoppages from the pay of the Coolies concerned.

I have the honor to be,
Sir,
Your Most Obdt. Servant.

Commissioner of Police

Extract from the Diary of the Inspector of Police B Division dated 30th September 1882.

Report.

"At about 11-30. a. m. 29-9-82. 17 coolies brought a log of timber from the yard of the New Telegraph and Post Office buildings and brought the log into 2nd Line beach and lead it across the Road and was taking it into the Post Office buildings to be hoisted up while they were doing so caused carts & carriages to stand on both sides of the log at this time the Magistrate Ponnosamy Pillay's Carriage also came and had to stop for some time and he also spoke to the coolies and they were quite unconcerned about anything that was told them at last a small space was made and he got pass with great difficulty he ordered the arrest of the coolies after they had removed the log and the Constable went inside to get the coolies and asked the Maistry to send them and he said he could not do so without the orders of his Master. after this Head Constable W. $\frac{B}{229}$ Vencatachellum and a Constable of the Court went to the spot and he the Head Constable W. $\frac{B}{229}$ Vencatachellum asked the Maistry to send the Coolies and he said he could not do so without the orders of his Master. by this time his Master Mr. Linnon came and said this is a Government Building and I will not send the Cooly men go away saying this he took the numbers of the Head Constable and Constable and said he would Report circumstance to the Commissioner of Police so the Head Constable came away and Reported the circumstance to the undersigned and he sent Sergeant Hiscoy with the Constable and Head Cons. and got the names of the coolies and the Engineer and told the Engineer the coolies must be taken to the Station and bailed and that he should not have interfered with the Police in the execution of their duty. after this the Coolies were brought at 2 P.M. by Cons W. $\frac{B}{751}$ Sabapathy and they were bailed to appear on Monday 2-10-82.

Sd. W. Fitzpatrick
Inspector B. Division

3rd Class Constable $\frac{72}{B}$ Sabapathy

I was on beat at 11. a.m on 29th ultimo on 2nd line Beach Road - a log of timber was lying across the road, Coolies were near it arranging ropes - The log was not in motion - There were no rollers under the log - The traffic was stopped for five minutes Mr. Ponnoosamy Pillay Presidency Magistrate drove up and called my attention to the obstruction and told me to arrest the coolies and charge with obstruction - I spoke to the coolies and they hauled at the log, the progress was slow - the log was 32 feet in length and about 2 feet in depth and breadth - After the log had been taken into the new building I asked the coolies to come to the Station, they refused to do so without their Superior's order - Mr. Lennan then came out and took the numbers of the Police who were present namely mine, that of 745 and Head Constable 229 - and said he would report us.

Mr Lennan acted in ignorance of the law

Doolookanum, Coachman to Mr. Sunnosawmy Pillay.

I was driving my master to Court about 11 a.m on 29th ultimo. I had to stop the carriage near telegraph buildings in 2nd line beach owing to the presence right across the road of a large log of wood. It was then motionless. Coolies were standing near it conversing. My Master called a Constable and drew his attention to the obstruction. The Constable spoke to the coolies and they moved the log just far enough for the carriage to pass, even then the wheel went over the step of Lawyer Grant's Office. Our carriage and others were delayed fully five minutes.

3rd Class Constable 745/A

I was on Court duty on 29th when the 2nd Magistrate came to Court he told me that a log of wood was obstructing the 2nd line beach and he had told a constable to arrest the coolies who had charge of it. he told me to go and see if he had done so and if he had not done so to take his number and arrest the coolies myself. when I arrived at the place the log was being taken inside the Telegraph buildings I told constable Sabapathey what the Magistrate had said and he went inside to get the coolies names. The Gentleman (Mr. Lennan) then came and said that the coolies were employed on Government work and told us to go away. He took down our numbers and said he would report the circumstance.

4th Grade Head Cons 229 B.

Venkatachellum.

Accompanied No 745 to the scene of the obstruction. Confirms the preceding statement adds that Mr. Lennan inquired why he had come and told him to be off, as the work the Coolies were employed on was on behalf of Government. He took all the Constables numbers - When the Coolies were tried at No 1 station B division witness told them distinctly what they were charged with -

Inspector Fitzpatrick B.

was in Court when the Coolies were tried, heard the charge explained to them by the Interpreter, it was clearly stated that they were charged with having left the log in the road thereby causing obstruction -

Rajarathnam, Clerk in Telegraph Office

was in the 2nd line beach on the 29th ultimo from 9 till 11-30 a.m. saw the Coolies bringing the log - It never stopped the traffic from the time it entered the street till it was brought into the building - The Coolies never stopped and were singing all the time, saw no carriage stopped by the log and did not see the Constable speak to the Coolies - Witness duty was to receive the materials brought in for the building -

Moonesamy Moodely

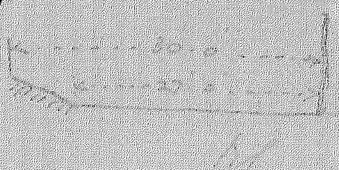
I am Cooly Maistry at the Post Office buildings - The Coolies arrested are under me - I saw them bringing the log down the street on the morning of the 29th ultimo - No carriage was stopped by it and the Coolies never stood still from the time they entered the street till the log was taken inside the building - I was present all the time - Did not see any Constable speak to the Coolies while they were in the street -

Mr Ramasamy Pillay

To the best of my recollection on the morning in question, while going to Court my Coachman pulled up the horse all of a sudden opposite to the new Telegraph Office and on inquiry he told me that a large log of wood was lying in front across the road obstructing the way. I was not able to see as my coach had screens put on. I told the Coachman to tell the coolies if any to make room for the carriage to pass or to turn the carriage and proceed by a different Route. The Coachman said to me that there was no room to turn the carriage in and then on my suggestion called to the coolies to roll the timber to one side of the road. After 2 or 3 minutes delay I heard the coolies shout or sing and then in about 3 or 4 minutes they cleared the road, only to that extent as to admit my carriage to pass by with some difficulty. It was not my carriage alone but other carriages to the number of 5 or 6 behind me that were delayed on account of the said obstruction.

M

The street measures 27 ft to the Ramps of Mr Smith's and 30 ft across



M

19.10.82

Dear Sir

"I believe I drew the attention of the beat Constable to the obstruction and on arriving at Court told a Lance Constable to go & see what the beat Constable had done in the matter, and spoke to Inspector

Police Deputy Commissioner's Office
Madras 19th October 1882.

To
The Commissioner of Police
Madras.

Sir,

I have the honor to Report that I have inquired into the matter which forms the Subject of the enclosed correspondence and find the case to be as follows.

On the 29th ultimo at about 11 a.m. some coolies had occasion to drag a large log of timber* along the 2nd line beach Road to the new Post Office buildings.

* It is said without rollers.

In order to take the log inside they pulled it across the road and for some reason or other kept it in that position for some minutes.

The thoroughfare being in consequence completely blocked, traffic was hindered and several carriages were stopped, among them was that of Mr Sunnoosamy Pillay the Magistrate who called the attention of the beat constable to the obstruction and directed him to arrest and charge the coolies. The constable then spoke to the coolies and they moved the log so as to admit the passage of a carriage.

The Maistry Moonesamy Moodely and the clerk Ragarathnam both state that no obstruction whatever was occasioned but Mr Sunnoosamy Pillay's evidence is conclusive on this point.

After some delay, occasioned as described in the enclosed extract from the B division Inspector's diary, the coolies were arrested, taken to the Station and released on bail.

On the two following days, Saturday and Sunday, there was no court and the case was not inquired into till Monday, the 2nd instant; the coolies perfectly well knew on what charge they were to be arraigned and, as has been shown, ample time was afforded them to call witnesses in their defence. They called none but pleaded guilty and were convicted.

Mr Lennan's conduct in threatening the constables and refusing to allow them to arrest the coolies, an account of which is given in the extract from the Inspector's diary, doubtless resulted from ignorance of the power with which the Police are invested. I therefore confined myself to informing him through the Inspector of the division that our men had acted lawfully and that he, in behaving to them, in the manner described, had rendered himself liable to prosecution for obstructing public servants in the execution of their duty.—

It appears to me that the Police fully recognise the difficulty which attends the construction of the buildings in question. They have always exercised forbearance towards the workmen and up to the time of the occurrence under report their action has never gone beyond a protest when encroachment on the roads became too prominent to be disregarded, and I doubt whether they would have

[illegible] Collr [illegible]
[illegible] 46,000 Sept
and [illegible]
[illegible]
[illegible] less than
30,000 Sept
IC

proceeded to extremities in the present instance 'suo motu' but I must add that in my opinion the circumstances recorded amply justified the prosecution.

I have the honour to be
Sir,
Your most obedient Servant
—Major.
Dy Commissioner of Police

[illegible]
[illegible] of
5 minutes
duration
[illegible] of
the Prosecution
IC