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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No. 89	Press Mis.
Dated 24 / 1	1870

Not to be folded or roughly handled

24th January 1870.

7. That the District Magistrate yet continues this prohibitory check, unmindful of the great annoyance and general discontent that he thereby causes to the people at large, and in defiance of your Excellency in Council who, in your wise discretion, declared it as your opinion that the bye-law in this head was unnecessary for the Kurnool Municipality.

8. That what he could not accomplish as the Municipal President he has found means to carry out in his Magisterial capacity—a circumstance that proves how dangerous is the policy of making the District Magistrate as *ex-officio* President of municipal institutions.

9. That, with due deference to the District Magistrate, your memorialists beg to observe that, even looked at from a magisterial point of view, the order in question cannot be upheld by any law now in force, unless the singing of native tunes can be construed into a public nuisance affecting public health, in which sense the argument would apply equally, or with greater force, to European music, which is permitted without any obstruction.

10. That as the question of viewing native music in the light of a nuisance has already been considered and set at rest by your Excellency in Council in framing an order on the District Magistrate's letter above referred to,* your memorialists deem it unnecessary to dwell any longer on the subject.

* The letter of the Magistrate proposing a bye-law in regard to night music.

11. That in respect of the second complaint, viz., the caste disputes arising from innovation permitted in spite of established usage and general disaffection, your memorialists beg to state that they originated with the Superintendent of Police, who in rewarding a chuckler—a member of the left-hand caste—for services done to him, presented a red turban which the said chuckler declined, alleging that his caste was forbidden by caste rules to wear red turbans, but which the Superintendent induced and stimulated him to wear, promising his aid in the event of any opposition on the part of the right-hand caste, so much so, that the Superintendent proceeded to the house of the Sub-Magistrate, and, having called upon him to take up the cause of his pet chuckler, obtained permission from the District Magistrate.

12. That, in consequence of this innovation, a quarrel arose, not only immediately, but also during the ensuing Mohorum, eventuating in a riot and grievous hurt to several people.

13. That as to the propriety or otherwise of the distinction which they wish to see maintained, your memorialists beg to observe that it has obtained among the Hindoos from time out of mind, and that as it is a question of colour, the infraction of the established usage cannot be justified even on the score of being inconsistent with either the comfort or the convenience of the parties in whose behalf the innovation was conceded.

14. That, by the way, your memorialists beg to remark that if the Englishmen, whose motto is "convenience," insisted on the Hindoos not wearing breeches and shoes like unto them, with such national pertinacity as to necessitate a Government Order legitimising such dress, it is no wonder that the Hindoos, whose tenacity to custom is proverbial, should fondly cling to national prejudices.

*Proceedings of the Madras Government, Public Department,
24th January 1870.*

Read the following papers:—

No. 87. To THE RIGHT HONOURABLE THE GOVERNOR IN COUNCIL,
Fort Saint George.
The humble Memorial of the undersigned
inhabitants of the Town of Kurnool.

RESPECTFULLY SHOWETH,

That your memorialists have, for some time past, been put to great inconvenience and annoyance amounting, in some cases, to actual distress in regard to national usages and customs.

2. That this disregard of national feelings, social and religious, has of late become so intolerable as to drive your memorialists to seek, as they now do, the protection of your Excellency in Council.

3. That the proceedings which your memorialists complain of are—

(a.) The unauthorized and uncalled-for prohibition, by the District Magistrate, of native music at night.

(b.) The active measures taken by him, in conjunction with the Superintendent of Police, to sanction and stimulate certain social and religious innovations against established usages calculated to produce dissatisfaction and disorder in defiance of Government orders to the contrary.

(c.) The unlawful and provoking removal of the sacred tombs of the Mussulman community under the pretence of municipal improvements.

(d.) The merciless treatment and summary destruction of valuable cattle alleging it to be a means of promoting public health.

4. That, with respect to the prohibition referred to in the first complaint, your memorialists submit that an order was, early in 1868, promulgated through the Sub-Magistrate prohibiting the use of native music without express permission—an order which has proved to be a great hardship on the people, as there arises among the Hindoos daily necessity for music, and as the Magistrate, on application being made, either denies the permission *in toto* or grants it with such limitation of time as defeats the very purpose for which the privilege is requested.

5. That, in consequence of this order, certain persons who continued music beyond the appointed hour on the occasion of Kaumum festival were fined, and also a respectable gentleman, named Goorumoorthy Chetty, who on account of his child's marriage made an application for music at night, but who had it granted him with the qualification "till 10 p.m. only" although the marriage hour was fixed at 2 a.m., according to the practice among the Hindoos of selecting an auspicious hour, and although he represented that the absence of music would be associated in the minds of the Hindoos with the most portentous consequences to the wedded pair.

6. That the said Goorumoorthy Chetty having no alternative left between incurring the gratuitous displeasure of the District Magistrate and celebrating an inauspicious marriage, from the very conception of which the nature of the Hindoo institution makes every Hindoo to recoil with horror, solemnized the wedding with music, and was, as already hinted at, fined Rupees 10.

*Proceedings of the Madras Government, Public Department,
24th January 1870.*

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15. That it is a fact worthy to be noted, that when the Government Order above diverted to was framed out of respect to the feelings of the Englishmen, a reservation was thought desirable to the effect that no Hindoo, though he may appear in English shoes in public assemblies, may do so wearing slippers.

16. That, in the above reservation, there was but the question of "shape" in a certain article of dress, and what was more, it involved the inconvenience and discomfort of the parties against whom it operated, and yet the distinction was allowed to prevail, while a question of colour (other things remaining the same) has been considered unreasonable by the District Magistrate.

17. That it is no argument in defence of authorizing this innovation that it is at a reasonable concession, and that it is inoffensive in itself, as such an argument is distinctly and expressly provided against in the Circular Order of Government, as per margin.

Binding Orders of the Board of Revenue,
Vol. I, page 2, para. 3.

18. That, emboldened by the support rendered by the Officers of Government as above, a second and a more serious encroachment on the established usage was applied for and sanctioned by the District Magistrate in the shape of a hostile procession by a chuckler—the lowest caste of the left-hand side—through the streets inhabited by the right-hand caste, to the utter prejudice and against the loud remonstrance of the latter; and the facts of the event are as follow:—On or about the 13th of July a chuckler—a member of the left-hand caste—married his son; according to the custom obtaining among the chucklers every ceremony connected with the marriage closes with the second day; in the present instance the procession referred to was put off to the 21st July, i. e., the eighth day. On the report getting abroad that a chuckler obtained permission to go in procession along the streets inhabited by the right-hand caste, a petition was presented to the District Magistrate indicating how the practice was against established usage, and how its consummation threatened to occasion serious tumult, attended with great probability of loss of life. This general remonstrance was unheeded, and preparations were made by the District Magistrate and the Superintendent of Police that the said procession might be carried out unobstructed. The morning of the procession day the District Magistrate came out expressly to the office of the Inspector, and issued peremptory orders for the effectuation of this hostile scheme. It is also reported that the Military Officer was applied to for aid, but that he would not comply. On the pariahs entering their houses for meals, police peons numbering about 200 were posted one at each pariah's house to prevent egress. When this was done the whole town was in a commotion, and all merchants closed their shops, and all respectable inhabitants shut themselves within doors. The town was as if a great sack was dreaded or begun. The scene was truly scenical, and if a tragedian of the most common-place type observed it, he could have dramatized the event so as to produce a thrilling effect. The chuckler who was to go in procession felt overawed by this attitude of affairs, and was unwilling to proceed. But at the stimulation of the authorities he was, as an unfeeling mopsey, placed on a pony and carried round. In the course of the procession, a hard blow was dealt to the Inspector, and if the wound was an inch lower it seems it would have proved fatal.

19. That this proceeding was got up for the express purpose of hurting the feelings of the more respectable members of the right-hand caste, some of whom were personally insulted by the chucklers; and the following circumstances bear out such a presumption:—

- (a.) The innovation involved neither the comfort nor the convenience of the parties in whose behalf it was sanctioned, on which grounds alone the established usage could be departed from with any shadow of justification.
- (b.) The sanction of it by the District Magistrate is diametrically opposed to the letter and the spirit of orders that emanated from the Governor in Council.
- (c.) The procession which should have taken place on the second day after marriage really occurred on the eighth day, and if this postponement was taken into account the District Magistrate could have discountenanced the innovation as unnecessary and spiteful.
- (d.) The chuckler in question did not belong to the pettah of Kurnool, but to Budavarapu pettah, a suburb on the other side of the river Hindry, and it has never been usual for the procession of this suburb to move into the pettah.
- (e.) The sanction was given in the face of general remonstrance, and without inquiring if there had been any precedent, and if the procession was against established usage. If actually such an inquiry were made he could not have failed to notice an order, dated 1864, of J. I. Minchin, Esq., a prior Magistrate, strictly objecting to innovation.

20. That this procession was an innovation contrary to established usage and calculated to produce dissatisfaction and disorder; and in support of this averment your memorialists submit the subjoined facts:—

- (a.) The utter absence of a precedent for it.
- (b.) The admission of the left-hand caste itself.
- (c.) The probability of great disorder, and the consequent preparation, on the part of the District Magistrate, to muster all Police forces, needless, if the act were usual.
- (d.) The numberless remonstrances which the District Magistrate received.
- (e.) The alarmed state of the town, attended with the cessation of all traffic and trade.

The actual disturbances that occurred in spite of the precautions taken.

21. That, as the procession was an innovation, it was incumbent on the District Magistrate to stop it if he were anxious to preserve the public peace according to the instructions of Government set forth in paragraph 2, page 2, of Standing Orders above referred to.

22. That the District Magistrate bases his permission of the procession on the ground that public roads are everybody's property, and any one might use it in the way any one chose.

23. That this very question was once at issue, and the Governor in Council negatived its tenableness in Government Order, dated 26th March 1859, No. 413.

24. That in paragraph 2 the question at issue is stated in the following words:—
“The public high streets in all towns are the property, not of any particular caste, but of the whole community, and every man, be his caste or religion what it may, has a right to the full use of them, provided he does not obstruct or molest others in the use of them, and must be supported in the exercise of that right.”

25. That the Governor in Council comments on the above doctrine in the subjoined most lucid words:—

“Paragraph 3.—By the full use of the streets in the above passage was meant their full use for necessary and ordinary purposes.

“Paragraph 6.—Speaking generally, to use the public streets for the ordinary avocation of life, and to such an extent as the comfort and convenience of the individual may require or do any acts of a like character is one thing; to go beyond this, as, for example, to carry out processions or get up demonstrations hitherto unusual, thereby needlessly offending the prejudices of others offering provocation and raising excitement is another. In the latter cases the comfort and convenience of the public are in no way interested, and if such processions or demonstrations would be likely to create a tumult and lead to a breach of the peace, they must be peremptorily interdicted, and the custom heretofore followed in such matters be rigidly maintained.”

26. That what your memorialists protest against is emphatically “a procession hitherto unusual, offending the prejudices of others, offering provocation and raising excitement,” and it is obviously a case in which the comfort and convenience of the public are in no way interested.

27. That your memorialists also submit that Mr. Mayne has in his Commentaries on the Penal Code made under Section 141 the following remark; viz., “A caste procession marching in an insulting and defiant manner through the streets inhabited by another caste so as to provoke angry passions or excite to a breach of the peace is a very common instance of unlawful assembly.” So that the present order is also clearly contrary to law as well as to the order of the Executive Government which the Magistrate may perhaps argue as not obligatory, though your memorialists believe them to be no more than explanatory of the law which has already been in force in the country.

28. That there would be some plausibility about the sanction of the innovation in question if an overwhelming majority of the people were in favour of it, and if the opposition arose from an insignificant handful of men; but the fact is that the native population of Kurnool gives 10,652 souls to the right-hand caste with all the respectable Hindoos belonging to it, while only 514 to the left-hand caste.

29. That it is no objection to the legal force of the Order of Government above referred to that they were passed at a time when it was politically necessary to conciliate the feelings of the people, and now that the country is thoroughly settled, it is no longer the wish of Government that the principle of religious non-interference should be adhered to, because these orders have been published again and

again, and embodied in the edition of Standing Orders published by authority as standard work as late as 1868, and because your memorialists cannot persuade themselves to believe so incredible a fact as that those who are responsible for the administration of this vast empire could be guilty of such an act of duplicity as to promulgate an order which they really did not wish to be practically carried out.

30. That the absence of any loss of life or other serious harm than has occurred is due neither to the efforts of the Police, nor to any acquiescence of the people in the permissibility of the procession, but to the firm faith which the respectable inhabitants of this town have of obtaining justice from your Excellency in Council, and which they spared no pains to impress on the minds of the people at large. If your memorialists were not supported by this assurance their case should have been more unfortunate, and their words would have carried no weight in the eye of the population.

31. That, when the fact of the left-hand caste having been supported by the authorities at Kurnool was known in the Taluqs, similar attempts were made by the chucklers there resulting in similar but more serious consequences; and in illustration of this assertion your memorialists beg to refer to the serious disturbances at Nandikotkur ending in the conviction of some persons sentenced to rigorous imprisonment, while the attempt at Cumbum, your memorialists are thankful to say, was nipped in the bud by the Assistant Magistrate issuing orders in conformity to the Government Orders prohibiting the innovation as above quoted, and also to Section 61 of the Penal Code.

32. That, as to the third grievance, viz., the removal of sacred tombs of the Mahomedan community, your memorialists beg to state that, while they are thankful for the improvements recently made by widening the streets, (though in granting compensation for the shops pulled down full justice was not done,) they cannot look with equal complacency on the course pursued in removing the sacred tombs of the Mussulmans, especially a tomb on the side of the Russel bazaar, which was daily worshipped by the Mahomedans—a tomb that has continued since the agency of Russel, Esq., who, notwithstanding the non-regulation character of the province, refrained from demolishing it out of respect to the feelings of the Mussulman population.

33. That, in the present instance, its removal was perfectly uncalled for as there was sufficient road, besides, though to European eyes the tomb might have presented an ugly sight.

34. That your memorialists are really surprised that the District Magistrate, whose respect for the tombs of Europeans, who died here in bygone days is so well-known, should not have extended it to the people who were natives of the place, though at present members of a subject race.

35. That in respect of their fourth and last grievance, viz., his merciless treatment of cattle, your memorialists beg to affirm that the removal of them to the river side may be, on the whole, conducive to the cleanliness of the town; but it is no inconsiderable evil to be set against this, that the cattle for want of proper accommodation and care sicken and die, and that the river water which most people drink is so greatly corrupted as to be more dangerous to health.

36. That, further, as sufficient space was not available at the locality fixed, many of the cattle-owners are obliged to leave them unpenned and uncared for. That, however well-meant may this arrangement have been, it is unsupported by any provision either in the Towns' Improvement Act, or any bye-law now in force.

37. That in carrying out this arrangement much opposition was shown by cattle-owners, but this was overcome by two of the Native Commissioners being at once prosecuted and fined, one for retaining several cows in his house, and the other for tying bullocks in the verandah of his house facing the street, although the building is so constructed that no verandah has ever been erected in the front; that these decisions were afterwards set aside on appeal in one case on the ground that the sentence was irregular and contrary to law, and in the other case that the complaint of the overseer was false, the appellate authorities having previously personally inspected the house and found no verandah or pial in front of the defendant's house, as alleged by Municipal Overseer. That the fining of the Municipal Commissioners had no doubt an immediate effect on the ignorant people, who, seeing Commissioners themselves annoyed, at once removed their cattle from the town to prevent more serious consequences to themselves. That not content with the mere harsh treatment of cattle the Magisterial authorities proceeded to actually kill animals for straying into public streets; that your memorialists are aware that the Magistrate is not solely responsible for the wanton cruelty and destruction of property inasmuch as he has acted under bye-law authorized by the local Government, though so far as he has not made any, even the most summary, inquiry into the truth of the charge against the poor animal, he cannot be altogether exonerated.

38. That your memorialists' chief objection on this point is not so much to the acts which were already done by the Magistrate as his honour has of late rather ceased to enforce the bye-law, as to the propriety and legality of the bye-law itself; for in the Supplement to the *District Gazette*, dated 17th May 1867, page 2, a bye-law was proposed by the Commissioners to the effect that persons who feed the cattle with human dung shall be fined Rupees 50, but to their surprise they found in the *Gazette* of date 30th March 1867 a passed bye-law to the effect that such animals should be summarily destroyed.

39. That thus it appears that the law, as it now stands, originated with the Governor in Council, and, with the greatest deference to the Government which passed it, your memorialists humbly beg to state that, under 145th Section of the Towns' Improvement Act, the power of Government in regard to bye-laws is restricted only either to the approval or total rejection of a proposed bye-law; but it does not give them power to alter it, or as in the present case entirely change it; that on this ground alone your memorialists beg to observe the bye-law in question is illegal, and but for the subordinate position which the Municipal President occupies, this error could have been detected and pointed out, nor do they think that, if the Magistrate had any sympathy for the helpless men whose property and liberty are placed in his hands, he would have carried out the bye-law and destroyed valuable property, without looking into the matter more closely, and finding out the error he was committing. Your memorialists, therefore, in conclusion pray that, on consideration of the facts and arguments set forth, the wise benign policy which Her

Majesty's Government has always professed to follow may not be departed from in the present instance; that proper instructions be issued to local authorities for non-interference with their prejudices, and that referring to the frequent interposition of Magisterial authorities to carry out Municipal Acts, even when those are not in consonance with Municipal laws, they beg to take this opportunity of stating their humble opinion that, in the event of the present law coming under revision, care be taken not to appoint District Magistrate *ex-officio* President, inasmuch as otherwise the very purpose which is had in view in making a revision will fail in its legitimate effect. For which act of kindness your memorialists shall ever pray.

KURNOOL,
7th October 1869.

(Signed) MOODDAN SETTY,
(") FARANNA SETTY,
and others, inhabitants of Kurnool.

No. 2481.

Referred to the Magistrate and President of the Municipal Commission, Kurnool, for full and early report.

FORT SAINT GEORGE,
18th November 1869.

By order,
(Signed) H. E. STOKES,
Under Secy. to Govt.

No. 88. From the Magistrate of Kurnool, to the Chief Secretary to Government, Fort Saint George, dated Kurnool, 25th November 1869, No. 417.

In obedience to Endorsement, No. 2481, dated 18th November 1869, signed by the Under Secretary to Government, on a petition purporting to be signed by a large number of the inhabitants of Kurnool, making several complaints against the President of the Municipality of Kurnool, the District Magistrate, and the Superintendent of Police, I have the honour to submit the following report:—

2. The first complaint is against the unauthorized and uncalled-for prohibition by the District Magistrate of native music at night.

3. Regarding this complaint I beg to refer you to the correspondence noted in the margin, in which you will see that I informed Government that the only means of preventing native music at night was to pass an order magisterially, and punish infringements of such an order under Section 188 of the Indian Penal Code, and requested Government to pass a bye-law to give the Municipality power to regulate native music at night in the town.

4. The Government declined to sanction the bye-law, and recommended that a course similar to the one adopted in Tanjore should be applied to Kurnool.

5. I then had a bye-law framed similar to the one sanctioned in Tanjore, and asked the Government to sanction it. This was referred back for information regarding the number of the native members of the Municipality present when the bye-law was passed, and the feelings of the respectable classes of the native community.

6. On the information being supplied by me the Government refused to pass the bye-law.

7. The Government never objected to what I said was the only means of preventing native music, viz., a Magisterial order. They did not order me to change the course hitherto adopted, and I can only repeat what I said before in paragraph 4 of my letter, 16th February 1869, No. 2, that "there is little doubt but that in a town like Kurnool, where there has been so much epidemic fever and cholera, certain undisturbed rest at night is necessary in a sanitary point of view."

8. On my first arrival in Kurnool, in the beginning of 1867, there prevailed an epidemic fever, and it was necessary for the preservation of the life of great numbers then sick in the town that they should have undisturbed rest. Feeling it my duty to prohibit music then, I have felt bound to continue the prohibition in all cases of a private nature such as marriages, &c. But have always permitted it during religious ceremonies where large portions of the inhabitants are concerned, such as the Dussera, Mohorum, and other similar occasions.

9. Should the Government consider the measure too arbitrary I shall be most happy to make any relaxation they may consider necessary, but at the same time I am of opinion that all power regarding the regulation of music at night should not be entirely taken out of the hands of the Magistrate; and certainly harsh music at night need never necessarily be allowed.

10. I beg to inform you that within Military limits no permission for music at night is ever allowed by the Military authorities. Half the Fort is within Military limits. If, therefore, the Magistrate were to allow music in the other half of the Fort it would make the Military prohibition almost nugatory, for the music played in one half of the Fort would be heard all over the Fort. I have never known the inhabitants of the Military portion of the Fort who are non-military people complain of the prohibition of native music at night as a hardship.

11. The second complaint is against the active measures by the District Magistrate, in conjunction with the Superintendent of Police, to sanction and stimulate certain social and religious innovations against established usages calculated to produce dissatisfaction and disorder in defiance of Government orders to the contrary.

12. All the native inhabitants of this town are divided into two distinct classes, viz., the right hand and the left hand. The former comprising all Brahmins, Comaties, Mussulmans, Pariahs, &c. The latter artizans, carpenters, blacksmiths, chucklers, &c.

13. It appears that the right-hand class only may wear according to their *mamul* (custom, hardly gives the entire meaning of this word, the full signification of which can only be comprehended by the original word) red turbans. This peculiarity was discovered quite accidentally. Mr. Porteous, the Superintendent of Police, shot an alligator and had it fished out of the water by a coolie who happened to be a chuckler; as a reward he gave him a red cloth, which was, I believe, the cloth used to pull the alligator out of the water. The chuckler in an unlucky moment tied the red cloth on his

Lieut. Porteous' letter gives the correct account.

head, and from that time to this there has been a constant feud between the right-hand and left-hand classes. Applications have frequently been sent to me peremptorily to forbid the left-hand class to wear red turbans. My invariable reply, and the only one which I possibly could, with justice, make, has been, that any person might wear any colours he pleased, and that whoever caused a breach of the peace would be liable to punishment.

14. On the 21st July, the date on which the ceremonies attending a chuckler's marriage terminated, the chuckler went in procession through some of the chief streets in the town. Some days previous to the procession I had petitions requesting me to prohibit it, as it was contrary to mamul. I passed orders on them, precisely on the same principle that I had adopted in the case of the red-turban question, that the public streets were free to any one using them in a peaceful manner, but that those who broke the peace would render themselves liable to punishment.

15. I had reason to believe that the right-hand class would forcibly oppose the procession, and therefore requested the Superintendent of Police to have a sufficient force of Police in the town to guard against any probable disturbance.

16. I went down to the town to see the upper story of Hakim Gulam Hussain's house as there had been a complaint that it overlooked the harems of some respectable Mussulmans near. I did not know the procession would take place that day (21st July), for there had been some delay about the marriage.

17. When I reached the town I found every shop shut, and a large crowd round the Sub-Magistrate's office. I there had a conference with the chief of the towns people, and told them that I considered it would be an injustice to the chucklers to prohibit them going peaceably in procession through the town, because they were inhabitants of the Municipality, and had paid their Municipal taxes, by means of which, the very streets they would pass through had been broadened and improved. I advised the right-hand class to disperse, and not oppose the left-hand class going in procession.

18. The argument used in reply was, it was contrary to mamul, and that as shops could not be opened the poor would suffer want that day.

I suggested the advisability of the Comaties opening their shops and selling supplies as usual, and told them that, as long as they did not forcibly oppose the procession, no disturbance need be feared. But my suggestion was not carried out. I saw there was Police sufficient to keep the peace, and went to my office.

19. The procession passed off quite quietly, excepting that Mr. Jennings, the Reserve Inspector, received a cowardly blow on the back of the head from a pariah who was afterwards convicted and punished.

20. The thought of applying for Military aid never occurred to me, and if it had, I certainly should not have sought it.

21. The streets traversed by the procession were the Nannur street, chief bazaar, and new street, each one of which had been considerably opened out and improved by the Municipality, and I think if I had prohibited the chucklers going through those streets, after having received their Municipal taxes, I should have been guilty of an act of gross injustice.

22. I might reply to the petitioners that they, though they seek to act according to mamul when it operates against the chucklers, are not so particular in their own observance in other respects of it. For, was ever such a thing as a monster indignation meeting attended, as the papers report, by 3000 persons held in Kurnool before?

I think when I gave permission to this right-hand class to hold a meeting on the condition that there should be no breach of the peace, very small reasoning powers might have shown them, how strict was the impartiality which rules all my actions regarding those under my jurisdiction.

23. The *third complaint* is against the unlawful and provoking removal of the sacred tombs of the Mussulman community under the pretence of Municipal improvements.

24. I am astonished at the gross falsehood of this complaint, and I am quite sure the Government will entirely exonerate me from any wish to do anything that would hurt the feelings of any by the desecration of Mussulman tombs, and simply, as said by the petitioners, because "to European eyes the tomb might have presented an ugly sight."

25. The particular tomb referred to was right across the road, the principal entrance to the town. I sent about July 1867 for two men whom I believed to be the chief Fakirs in the town, Amed Khan, a Khandan pensioner, in receipt of 70 rupees a month, and Magroob Saheb. They told me they would make inquiries among the Mussulmans, and let me know their opinion. After a few days I found that Magroob Saheb, considering himself the chief Fakir, had had a conference with other Mussulmans, and I received from him a note in English, to say that, on condition the remains of the deceased were not disturbed, the road might be made over the grave. This I had done by means of prisoners.

26. This happened in 1867, and though I have repeatedly been in communication with Mussulmans and Hindoos, and have attended Municipal meetings almost every fortnight since, I have never heard a single complaint against the road being made over this grave, and what is most extraordinary is that the petition being made over this grave, and what is most extraordinary is that the petition is signed by Madum Vengana Elkanur Seshayya and Hakim Gulam Saheb, all Municipal Commissioners.

The tomb was opposite the door of Hakim Gulam Saheb's shop, at the time occupied by his late father Hakim Katal Saheb, neither of whom ever made the slightest objection, or uttered a word of disapproval.

27. It was impossible to make broad streets in Kurnool without sometimes having to go through graveyards, but in every case permission has been obtained from the owners, and very often in fact, whenever sought, money compensation has been given.

28. In paragraph 32 I am surprised at the statement that full justice has not been done in granting compensation for shops when the streets were widened. Two of these Commissioners, Madum Vengana and Elkanur Seshayya, (who signed the petition,) Muza Raza Khan, Gopalkistama Chetty, sometimes assisted by the Sub-Magistrate, are the persons who allotted the amount in each case; and according to

the sums settled by them I gave cheques, and in every case on giving the cheques I asked the receiver if the compensation was enough, and on an objection being made I have had further inquiries held, and have given larger sums than that originally allotted where it seemed necessary.

29. The fourth and last complaint is against the merciless treatment and summary destruction of valuable cattle alleging it to be a means of promoting public health.

30. Regarding this complaint I beg to draw your attention to Proceedings of the Madras Government, dated 8th May 1867, No. 517, in which are recorded my letter to Government requesting certain bye-laws to be sanctioned, and Government Order, No. 517, sanctioning the bye-laws, as re-constructed by the Sanitary Commissioner.

31. In the sanctioned bye-law an addition was made which was never recommended by the Commissioners: "Any pig, buffalo, or other animal found straying in any public latrine, or any place used as a public latrine, shall be summarily destroyed."

32. Whether this addition was legal or not it does not rest with me to judge. But if the petitioners had such grave objections to it, why did not the native members of the Municipality who have signed the petition state their objections soon after the bye-law was passed in May 1867, and not wait to complain against it in October 1869.

33. This bye-law has not been rigorously enforced, and cannot have operated as a grievance; for since its publication only two buffaloes have been summarily destroyed.

34. The latrines are well-looked after, and the entrances are so narrow that I do not believe cattle stray in them much now.

35. Bye-laws Nos. 2, 3, and 4 regarding cattle have, of course, been in operation, and several cattle have been removed to the outskirts of the town, but not unnecessarily. Prior to these bye-laws being enforced in the streets and stands in which herds of buffaloes and other cattle were kept, the stench and dirt were frightful.

36. The petitioners themselves show in paragraph 37 that I have acted with impartiality in cases that came before me in appeal, and when I saw that the bye-laws had been applied illegally.

37. When the petitioners have so much to complain of against the Magistrate, they might in this paragraph (37) have mentioned that that Magistrate was the appellate authority, who, after personal inspection, overruled the decisions of the subordinate Magistrates.

P.S.—After I had written this letter I received a letter from the Superintendent of Police, Lieutenant H. Porteous, on the subject of this complaint, as far as it affected him, and forward a copy of it for the information of Government.

T. A. N. C.

From Lieutenant H. PORTEOUS, Superintendent of Police, to the Collector and Magistrate of Kurnool, dated Yainigamarri, 24th November 1869.

I have just received your letter with its enclosure, and lose no time in replying, to it. The statements made in paragraph 11 are *totally* false. I never gave any reward, nor did I present any chuckler with a red turban, nor did I hold any conversation with any chuckler regarding red turbans. What I know regarding the wearing of red turbans is as follows:—Some time in the beginning of 1868 I shot an alligator the head of which I gave to some chucklers to get cleaned and returned to me. It was brought back, rolled up in a red turban and handed over to me, and at the same time the man (a chuckler) who brought it asked me if he might not wear the red cloth. I replied, "Yes, of course, you may wear it." He then went away. He, however, returned the next day saying he had been prevented wearing it. I then told him he might wear it if he liked, and that if he was prevented doing so he was to come back and tell me who prevented him. The next day he came again, and said the "Amildar" had prevented him, and as I did not believe this I told him to go away, which he did. I had not at the time the slightest idea that the wearing of a red turban would or could cause any disaffection. What occurred afterwards you know yourself. I came to your house with a note from the Town Inspector to me, informing me that a serious disturbance was expected in the town owing to the chucklers wearing red turbans, and you gave me a written order to the effect that anybody might wear any kind of coloured turban he pleased, and that any orders to the contrary then existing were to be considered cancelled. Naturally enough, I took with me the Town Sub-Magistrate to the place where the disturbance was expected to take place, and your order he translated and read out to the people assembled. My duty consisted in suppressing any disturbance, and beyond that I had nothing more to do with it. No disturbance took place. The above is all the connexion I have had to do with this complaint of the Kurnool people. With reference to the affray that took place during the Mohorum of 1868, the petitioners have exaggerated matters, and I am not aware that the cause of the disturbance was a chuckler wearing a red turban, as I myself was present, I did not see any chucklers wearing red turbans. The rioters in this case were punished by the Town Sub-Magistrate, and sentenced to one month's rigorous imprisonment each. The petitioners do not seem to think it part of my duty to use my best endeavours to preserve the public peace irrespective of whatever may be the cause of the breach; but they appear to consider I should not interfere and permit riots, &c., at the discretion of the inhabitants. As regards the statement that two hundred Policemen were stationed in the town to prevent pariahs from coming out of their houses it is utterly false. There were not in the first place two hundred policemen in Kurnool. Sixty men were ordered to preserve the peace during the "hostile procession," and peace was preserved, and had it not been for the Police, the petitioners are well-aware that a breach of the peace would have occurred. As regards the red turbans I take neither the one side nor the other. It is a matter of indifference to me as to what colours any man wears. I have only to do with the public peace.

No. 89. ORDER THEREON, 24th January 1870, No. 89.

Under the circumstances submitted by the Magistrate, the Government determine to re-consider their previous orders on the subject of nocturnal music in the Fort at Kurnool; and the bye-law already sanctioned for the Tanjore Municipality in G. O., 22nd February 1868, No. 238, and proposed for Kurnool in the President's letter, dated the 22nd December 1868, No. 106, is sanctioned.

2. As regards the second question, the Government consider that the pretension of the right-hand caste to prevent any person wearing a turban of any particular colour is preposterous. On the other hand, it should not have been permitted that chucklers in numbers, wearing turbans hitherto unusual to their caste,

should form a procession through the streets in a manner intended and likely to provoke a breach of the peace.

3. The Governor in Council is satisfied that no grounds exist for the complaints of desecration of tombs and removal of shops without suitable compensation. In such matters parties aggrieved may obtain full redress at law.

4. As regards the bye-law complained of, it is only necessary to remark that it is open to the Commissioners at any time, under Section 143 of the Towns' Improvement Act, to propose an alteration of its provisions, and to submit the altered bye-law for the confirmation of Government, requisite under the Act.

(True Extract.)

Acting Chief Secretary.

Public Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following

Petition of humiliated by the
Sally and other...
Kurnool
Letter from the Magistrate of Kurnool. 4.12.1887

Order... 18.1.1889

Under
circumstances
the circumstances
submitted by the Magis-
trate, the Government
determine to reconsider
their previous orders on
the subject of nocturnal
noise in the town at
Kurnool; and the bye-
law already in force
for the purpose of
polity in the town
Kurnool in the preceding
letter, dated 22 Dec-
1868 No 106, is continued

A.A.
W.E. N.

PUBLIC.

THE MAGISTRATE OF KURNOL.

Dated January, 1889.

G. O. 24th January 1870. No. 89.

JANUARY.
Nos. 87-89.

Printing orders with reference to the complaint
in certain municipalities of Kurnool regarding
prohibition of noise at night, &c.

2. As regards the second question, the Government considers that the prevention on the right-hand caste to prevent ~~any person~~ wearing a ~~piece of any particular~~ ~~in proportion~~. On the other hand, it should not have been permitted that Chuchers in numbers, wearing turbans hitherto unusual to their caste, should form a procession through the streets in a manner intemperate and likely to provoke a breach of the peace.

3. The Governor in Council is satisfied that no ground exists for the complaints of desecration of tombs and removal of shops without suitable compensation. In such matters parties aggrieved may obtain full redress at Law.

4. As regards the Bye-law complained of, it is only necessary to remark that it is open to the Commissioners at any time, under Sec: 143 of the Towns Improvement Act, to propose an alteration of its provisions, and to submit the altered Bye-law for the confirmation of Government, requisite under the Act.

To the Magistrate of Muzam. }
Superintendent of Police. } *[Signature]*

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Yes

Date: Nov 7 34 } 1370, No 89
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