

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1668	Press
	38	Mis.
Dated	23 12 - 19 1957	

Not to be folded or roughly handled

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1668

Fort St. George, Judicial Consultation, 23rd December 1857.

No. 38. Read the following letter from H. D. PHILLIPS, Esq., Acting Magistrate of Tanjore ; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Vellum, 19th December 1857, No. 262.

SIR,

Para. 1. Adverting to the delay likely to occur in the legalization of the "Bill to make further provision relative to Foreigners," I have the honor to forward the accompanying papers and to state, that unless otherwise instructed, I purpose sending to the Commissioner of Police, Madras, the two men from whom the papers have been taken.

2. Their names are stated to be Abraham Musatoff and Gervagise Vardcreff, and on the Mr. Degeller, 26th June 1857. strength of a certificate by a clerical gentleman, that he recognizes the seal of the Scotch German Colony at Karass in Persia, on a paper signed Konig Pastor "given May 11th, 1855. to these persons" who "according to their papers have suffered severely from the incursions of the Curds, &c." Abraham and George have been travelling about the country between Bangalore, Ceylon and Negapatam as Nestorian Christians, and levying contributions from the Christians in those parts. They had previously been so occupied at, and south of Bombay.

3. It is not my intention to attempt to prove that Abraham and George are not Nestorians. They have been accepted as such by Clergymen and others apparently and have realized a goodly sum during their roving tour on the strength of that character. Neither shall I try to shew that they are suspicious characters or political emissaries, but I would simply point out that be their origin and object what they may, good or bad, there is nothing to indicate that when Dr. Wilson, Bombay, went to the extent of vouching for their laudable and charitable intentions, he had any clue to the identity of the persons mentioned in Konig Pastor's certificate with the men by whom it must have been presented to him. In fact, no one of the Missionary Gentlemen who have pressed these men on the notice of the charitably disposed members of the Christian Society between Bombay and Negapatam, appear to have had any further information than what was obtained from George and Abraham themselves.

4. So far as their intellect goes, they seem unfit for political emissaries, being painfully stupid, but the peculiarity may be assumed. Their account of themselves as given before the Head Assistant Magistrate, Mr. Grenfell, who had them apprehended under my instructions, is entitled to no credit in my opinion; but giving them credit for being harmless, they are *Adventurers* and as such are liable to arrest and confinement.

5. Under that view of the matter, I requested the Head Assistant Magistrate to proceed against them and send them to the Combaconum Jail where they now remain. But the Government will observe that they have appealed to the Session Judge who has interfered to the extent shown in the proceedings* of which I submit copies.

* 21st November 1857.
1st December "

6. The Session Judge cannot, I believe, justifiably direct their release, but there is weight in his argument that a formal requisition of security for a year, in the usual way, from these persons, is tantamount to their imprisonment for that period. From personal communications with the Session Judge, I gather that he may perhaps feel it necessary to make their retention in Jail a subject of special reference, in which event the matter would necessarily come before Government.

7. Without, then, now questioning the propriety of the adoption of such a course by a Session Judge, whose duties would seem in no wise connected with more than the mere legality of the confinement of the "Nestorians," as I have in view only the public duty of a Magistrate and would gladly afford to the two men an opportunity of returning to their own country at their own cost, as they have intimated to the Sub Judge and the Zillah Doctor they are anxious to be allowed to do, I purpose, as stated before, sending them to the Presidency, whence perhaps the Police Commissioner will arrange that they be shipped.

8. But there may be difficulties in connection with their rights under the law prevailing at Madras, and I therefore submit the matter for such instructions as the Government may deem necessary.

Fort St. George, Judicial Consultation, 23rd December 1857.

9. I have omitted to mention that they entered the Tanjore province by Negapatam, where they arrived by sea from Ceylon, the taller and elder man of the two, when I unexpectedly addressed him in French, asking if, besides Hindustani, he could speak that language, replied smiling and moving his head "No Sir," in Hindustani. He is well acquainted with Persian, but I doubt whether they can possibly have acquired the knowledge of Hindustani they possess in the time that has elapsed since they quitted "Sara," in Persia.

10. If the Government should think it preferable to have them detained in Tanjore limits until the Bill now before the Legislative Council has become Law, and should also deem it proper to withdraw them from the Zillah Jail, I can arrange for their custody at Negapatam or Tranquebar. But thus arranged, there will still be the probability of some interference by the Session Court, as I have observed that the Christian community at Combaconum appear to commiserate the men and doubtless some thing would be done to bring their positions in either the Tranquebar or Negapatam Jail, before the Session Court again, in which event the matter would I think reach the Government specially, either direct or through the Foujdaree Udalt.

11. I would also observe that in troubling the Government with this one case, I secure instructions which will enable me to dispose of others of a similar kind, should I apprehend adventurers and consign them for safe keeping to the custody of the Subordinate Judge in charge of the Zillah Jail; and this seems to me to be the more necessary, that if we are destined to see foreign adventurers attempting to make their way towards the disturbed provinces at all, it has occurred to me that it would not be very difficult for them to land at Galle, pass through Ceylon, take boat to Negapatam or the other minor ports in the Tanjore coast, and thence travel in native attire to central and north western India.

(Signed) H. D. PHILLIPS,
Acting Magistrate.

Tanjore, Head Assistant Magistrate's Office,
Negapatam, November 13th, 1857.

MEMORANDUM.

Abraham.—Abraham, Nestorian, aged about 50 (seems more,) comes from Sara in Persia. Left his native town a year ago and went to Diabikir and Bagdad to Busrah and Bombay; from thence to Poona and Mahabulishwar and after wandering about, got to Cochin and thence to Tutacurin and Colombo and thence to Negapatam.

His land at Sara having been flooded and crop spoilt three years ago, was obliged to borrow money to pay the Government demand, in all 500 Rupees with interest at 14 per cent. per annum and so proceeded to try and collect the amount by begging. Had never been in India before he left his home a year ago. Has 400 Rupees collected. In the hands of a Padri at Mysore 85 Rupees, a Padri at Ootacamund has 80. Got a bond in Ceylon for 250 which is to be realised in Madras and 20 Rupees in hand. Wants to go to Madras. Companion is his first cousin, fathers being brothers. He has also to raise 500 Rupees. Have their funds in common, remained at home during the Russian war, and left after it, on leaving Bombay went to Mahabalishwar, thence to Poona and Sattara and Belgaum and thence to Bangalore, has not been to Bengal, does not know in what month he left his home.

At home speaks Syrian, learnt to speak Hindustani at Bagdad; was at Bagdad 20 days or a month. Picked up Hindustani there and on his travels.

Georgie.—Georgie of Sara: aged (says) 28 (and looks 40), left home 1 year ago; had to pay kist on his land which was spoilt from want of water; had to borrow 500 Rupees to pay it and started only to raise money to pay it off. The land went bad three years ago, from Sara went to Rosul, Bagdad, Busrah, Bombay, Poona, Mahabaleshwar, Sattara, Kolapoor, Belgaum, Belary, Bangalore, Mysore, Ootacamund, Calicut and Cochin, Palamcottah, Tuticorin, Colombo, Candy, Galle, Colombo, Negapatam. Has with him in hand 50 Rupees. 250 Rupees at Colombo, 80 in hands of a Padri on the Neilgherries and 85 with a Mysore Padri. Wants about 500 Rupees more, when got to Bagdad knew no Hindustani there, and now at Busrah and in travelling picked it up. Came to India on the advice of a Padri at Miskob to collect the balance of money.

(Signed) ST. L. M. GRENFELL,
Head Assistant Magistrate.

Fort St. George, Judicial Consultation, 23rd December 1857.

The parties Abraham and Georgie being without ostensible means of honest livelihood, being confessedly professional beggars and coming under Government orders relating to wandering persons who can give no account of themselves and are not provided with passports, are called on each to give security in 100 Rupees or in default to be detained in custody for one year, under Section III, Regulation II of 1822.

Date of sentence 14th November 1857.

(Signed) ST. L. M. GRENFELL,
Head Assistant Magistrate.

Extract from the proceedings of the Session Court in the Zillah of Combaconum, under date the 21st November 1857.

Read petition presented on the 19th November 1857 by Abraham and George, stating that they are Nestorian Christians; that they came to India, Ceylon, to collect subscriptions to meet a claim upon their family; that they proceeded from Bombay by Poona to Bangalore, Ootacamund, Cochin, Tutacurin to Ceylon and on arriving at Negapatam were taken up and sent to the Zillah Jail as vagrants, by the Head Assistant Magistrate, and that they have done nothing wrong so far as they know, and requesting redress.

1. The petitioners have presented the following papers which go far to bear out their statements.

A recommendatory letter from the Pastor of the German Colonists at Kairass, dated 11th May 1855, to which is appended a seal which is certified to be genuine by the Revd. B. Diggeller of the Lutheran Mission in Tanjore.

A ditto from Dr. Wilson, at Bombay, dated 23rd March 1857.

Subscription papers which show that they have received contributions at the stations mentioned by them.

3 Receipts showing that 85 Rupees were deposited by them with a Wesleyan Missionary at Bangalore, 80 Rupees with the Chaplain at Ootacamund, and 250 Rupees at the Oriental Bank in Colombo in June and October 1857.

2. Under these circumstances the Session Judge resolves to call upon the Head Assistant Magistrate for the record connected with their committal and for any explanation that he may desire to offer in their case.

Ordered that Extract from these Proceedings be sent to the Head Assistant Magistrate for his information and guidance.

(True Extract)

(Signed) G. T. BEAUCHAMP,
Session Judge.

(True Copy.)

(Signed) G. T. BEAUCHAMP,
Session Judge.

No. 1642.

Extract from the Proceedings of the Session Court in the Zillah of Combaconum under date the 1st December 1857.

Read again petition presented on the 19th November 1857, by Abraham and George.

Read also the return of the Head Assistant Magistrate to the Extract Proceedings of the Session Court, under date the 21st November 1857, dated 26th Idem.

1. The Session Judge finds nothing in the papers now before him that leads him to suppose that the petitioners have not given a true account of themselves. It seems quite clear at any rate that they have truly described all their movements in India and that since their arrival they have made no attempt whatever at concealment, and supposing them to be the identical persons who arrived at Bombay in March 1857, which, as their papers do not contain a description of their persons, there may be room for questioning; there seems no ground for apprehending danger from them.

Fort St. George, Judicial Consultation, 23rd December 1857.

2. The petitioners could not, the Session Judge believes, have obtained passports in Bombay. It is not likely that they will be able to furnish the security demanded from them, and even supposing that the parties at Bombay, Bangalore and Ootacamund who have shown an interest in them, were to come forward and offer to be sureties for them, under the circumstances of the case the security would be hardly such as the Magistrate would be satisfied with. To commit the petitioners then to Jail for a year seems to the Sessions Judge a very harsh and uncalled for measure. They should, the Session Judge is of opinion, be forwarded under surveillance, if that is considered necessary, to Madras in order that they may have an opportunity of returning to their native country which they have declared that they are quite prepared to do.

3. Under existing circumstances, however, the Session Judge will not insist upon this course being followed before he has communicated with the Magistrate to whom Extracts from these Proceedings and those dated 21st November 1857, and the record forwarded by the Head Assistant Magistrate are to be sent.

Ordered that Extract from these Proceedings be sent to the Magistrate for his information.
Ordered that a copy will also be sent to the Head Assistant Magistrate for his information.

(True Extract.)

(Signed) G. T. BEAUCHAMP,
Session Judge.

To the Magistrate of Tanjore.

Mysore, June 14th, 1857.

TO THE RIGHT REVEREND THE LORD BISHOP OF MADRAS.

MY DEAR SIR,

I take the liberty of commending to your Lordship's notice, the bearers of this, two Nestorian Christians from the mountains in Armenia. They have been to Bangalore, but have raised very little. They have not evidently been recommended by a letter to those who are able and would be glad to give. If your Lordship would kindly lend them your countenance, I am sure they would raise a good deal of money. Their credentials are evidently good, and it only by being taken by the hand by those in office and power that they can succeed. By simply giving them notes to those Gentlemen here, I have got them Rupees 15; but if they had gone without these notes, they would not have been allowed inside the compounds. I mention this only to shew that the poor men must be assisted or they cannot succeed. With a note from your Lordship they ought to raise Rs. 500 in Bangalore.

Mrs. Hardey unites with me in kind regards to Mrs. Dealtry, Mr. and Mrs. Dealtry, and your Lordship.

I am, My Lord,
Your Lordship's very sincerely,
(Signed) EDWARD J. HARDEY,

On the back of the paper.

The Bishop has seen this paper and afforded some relief.

(Signed) T. DEALTRY.

P. S.—These men have left Rs. 85 with me, which I will retain for them till their return or forward to your Lordship if requested to do so.

Both these recommendations are true copies from the originals which I have before me, and can testify to be genuine as I know the German seal attached to the first to be the seal of that German congregation at Karass.

Kaity, 26th June 1857.

(Signed) B. DEGGELLER,
Missionary of the German Mission.

They have also a letter from the Reverend Edward Hardey at Mysore to the Lord Bishop of Madras, upon which his Lordship afforded them some relief.—

Fort St. George, Judicial Consultation, 23rd December 1857.

OOTACAMUND.—June.

I have this day received from "Abraham" and "George," Nestorian Christians, the sum of Eighty Rupees (80 Rupees) which I will forward to my Agents, Arbuthnot and Co., at Madras for them or their use, when they apply for it to my Agents.

(Signed) (Initials not legible) ROGERS, M. A.
Chaplain.

Abraham Mussatoff and Gervagise Vardcreff, Nestorian Christians, have left with me, for security, eighty-five Company's Rupees (85 Rupees.)

(Signed) EDWARD J. HARDEY,
Wesleyan Missionary.

Mysore, June 14th, 1857.

ORIENTAL BANK CORPORATION.
Colombo, 29th October 1857.

Original.
Co.'s Rupees 250.
No. 7—66.

Not transferable.

On demand please to honor the Draft of Abraham and George (Nestorians) for Company Rupees two hundred and fifty, equivalent received here from themselves and charge the same as advised.

(Signed) G. DUFF, *Manager.*

To the Oriental Bank Corporation, Madras.

(Signed) B. E. HALLCOCK, *Accountant.*

Mysore, June 14th, 1857.

It is a great pity to see these poor men who have an authenticated letter from a Pastor in the country from which they come and a recommendatory letter from the well known Dr. Wilson of Bombay, travelling such distances in India, and raising so little money to meet their exigencies. They have only Rupees 85 upon their paper, Rupees 70 of which they have with me for security, so that it is evident they spend no more than enables them to keep body and soul together. I observe that several Ministers have kindly contributed towards their necessities, but this is not sufficient if these poor Nestorian Christians are to raise their Rupees 1000. They ought to be taken by the hand and be recommended to the charity of those who are well able to help, and known for their liberality.

(Signed) EDWARD J. HARDEY,
Wesleyan Missionary.

P. S.—Three gentlemen here have kindly given Rupees 15, and Rupees eighty-five are left with me.

(Signed) EDWARD J. HARDEY.
(True Copies.)

(Signed) H. D. PHILLIPS,
Acting Magistrate.

No. 39.

ORDER THEREON, No. 1668; dated 23rd December 1857.

The Acting Magistrate of Tanjore will forward the two persons alluded to in the foregoing letter to the Commissioner of Police at Madras. The Commissioner will report their arrival when further orders will be sent to him respecting them.

(Signed) T. PYCROFT,
Chief Secretary.

Mad. F. Carledge.

Philippines will now be used to the Fort
 St George fortress will be passed / Dec
 XXXIII of 1857 - Dec 7 11 or 14
 wd seem to apply to the
 case - if the removal of the
 people to some other place

No 1668

The Actg. Magistrate of Tanjore
 will forward the two persons
 mentioned in the foregoing letter to
 the Commissioner of Police at
 Madras - The Commissioner
 will report their arrival when
 for the orders will be sent to
 him respecting them

22 Dec
 123
 38439

Fort St George
 23rd Dec 1857

Ag. Magistrate of Tanjore. Dated 23rd
 To the Com^r of Police - with 2 only Enclosures. Dated 23rd Dec

Justified to King's Willam
 No 2 of 1858 - Para 9

From
 The Acting Magistrate
 of Tanjore
 The Chief Secretary
 to Government
 Fort St George
 Dated 19th Dec 1857
 No 262
 Enclo: 3
 No 2117
 No 1385/102
 Reg. Secy instructions
 as to the disposal of
 the foreigners now in
 custody -
 With an order

1857 Department
 No 13: Dec 1

consign them for safe keeping to the custody
 of the Subordinate Judge in charge of the
 Zillah Jail: and this seems to me to be
 the more necessary, that if we are des-
 tined to see foreign adventurers attempting
 to make their way towards the disturbed
 provinces at all, it has occurred to me
 that it would not be very difficult for
 them to land at Galle, pass through
 Ceylon, take boat to Negapatam or the
 other minor ports in the Bay of Bengal,
 and thence travel in native attire to
 Central and North Western India.

I have the honor to be
 Sir

Your most Obedient Servant

H. D. Alcock

Acting Magistrate

To

The Chief Secretary
 to Government
 Fort Saint George