

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	467	Press
	19-20	~~Mis.~~
Dated	28-4-	1897.

Not to be folded or roughly handled

28/10

Fort St. George, Judicial Consultation, 28th April 1857.

No. 19. Read the following letter from W. KNOX, Esq., Acting Agent to the Governor in Ganjam; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated Chicacole, 11th April 1857, No. 179.

SIR,

1st. I have the honor to forward for the consideration of the Right Honorable the Governor in Council, a Translation and Urzee put in this day by Radhacroostna Dundasena, praying to be tried by some other Officer or Court. I have told him that as I am acting under the order of Government, I cannot stop the trial, but I will not close the case or give any decision until I receive fresh orders.

2nd. In self-defence I must remark on the attack made on me. I have given the Prisoner every opportunity of employing a Vakeel, he declined once, but when he asked for one afterwards, his request was immediately granted. I did not refuse to put his questions to Witnesses, when asked had he any to put, he said he had, but would not ask them. Thinking people might be curious to see the Prisoner, I pitched a large double-poled Tent near the Jail, that less time might be lost in bringing the Prisoner backwards and forwards from the Jail, and also to give him less chance of again making his escape; since that the Judge has kindly allowed me to occupy a spare room in his Court, and I have not in any way prevented or objected, to people coming into it, for my own sake. I am most anxious to avoid any appearance of partiality, but very little interest is taken in the trial.

3rd. I have felt obliged in self-respect to refuse to admit the Vakeel, who presented this Urzee, on behalf of the Prisoner, knowing it to contain such gross falsehoods touching my public character, to practise any longer in my Court.

4th. The Prisoner has refused to enter into his defence before me or to sign the paper on which this has been recorded, his aim being to produce an impression that his trial is not a fair one.

(Signed) W. KNOX,

Acting Agent to the Governor.

Translation of the Memorial of Radhakristna Dundaseenah of Gybah Fort, in the Purlakimedy Zemindary of the Ganjam District, addressed to the Right Honorable the Governor in Council.

I state hereunder briefly a few particular circumstances, connected with the justice done to me, and the injustice that will be done to me by Mr. Knox, the Acting Governor's Agent of Ganjam.

2. I am honored and respected equally with the Zemindars, a reference to the reports of Mr. Onslow, dated 29th December 1853, to the Commissioner in the Northern Circars, and dated 20th and 22nd January 1854, to your address, will shew the trouble and steps I took, while in my Office to prevent the disturbances made in the Malias, and in that direction, and what my conduct was.

3. The Doratanums, Sirdars Croostnachendra Bissoye of Goomah and others of the Talook in question, who were concerned with the disturbers of the peace were dissatisfied with me, in consequence of the services I rendered to gain the good will of the Circar, but Mr. Onslow, the then Agent had a good knowledge as respects the people of that Talook, and he knew how to obtain information during the enquiry he personally held, and the said Croostnachendra Bissoye and others who bore a grudge (against me) did not consequently gain their object by making false accusations against me, my trouble and good behaviour was ultimately brought to your honorable notice. Owing to the misfortune of myself and others of reputation and good behaviour, that gentleman of perfections has retired from this District. Previous to his departure he detained Croostnachendra Bissoye and others, who made the disturbance in that Talook under restraint, and having put a stop to the hostilities, forwarded a report of the same.

4. The measures adopted by him were not modified during the management of his successor, Mr. Prendergast. In the mean while Mr. Knox assumed charge as Acting Agent and in transacting the affairs of the District upon his responsibility restored, their former influence

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in the Talook to said Croostnachendra Bissoye and other principal conspirators and set them at liberty which has again the origin of rebellion.

5. In consequence of the intrigues and the said disturbances actually made by the said Croostnachendra Bissoye and the others, the Acting Agent made him a State Prisoner, and in doing so without holding any sort of investigation himself depended upon the Talook Officers' report, and listened to what the said Croostnachendra Bissoye stated and convicted me while I was innocent, determined upon sending me along with him to be kept at Chittoor, and obtained your sanction for the same. I felt alarmed that after I once went to Chittoor through the advice of the remainder of my enemies further steps would be taken to do me more injury, and I was anxious to preserve my life by some means or other, and took shelter in dense forests, where I could see no one nor be seen by any person, and lived among lions and other wild beasts, supporting my life by eating herbs, roots and leaves &c. I did not make myself a leader of the Maliah inhabitants nor raise a body of them, and rebel by burning and plundering (villages.)

6. With the object of getting back the said Croostnachendra Bissoye to his native country, the Dorathanums, Sirdars, and others connected with him, consulted together, and giving out my name while I took refuge from fear of my life in the jungle, broke out and made disturbance by the Sowerahs and others under their control.

7. If the Acting Agent came to our Talook as soon as the rebellion broke out, and employed proper measures, to trace out the same himself, the misdeeds of the above mentioned would have come to light, but that gentleman did not come there within a proper time, nor personally enquire and find out as to who were the true originators of the rebellion; he was guided by the false assertions made by the conspirators, who wish to shew that they themselves were honest, and depended on the discreditable information afforded by the Talook Manager who with the intention of benefitting himself co-operated with them, and believed that I was the person who gave rise to the hostilities and made several reports to that effect to you, and got up a large force bringing my name into question, and put the State to the expense of some thousands of Rupees, and thereby occasioned great trouble to you.

8. I who did not know any thing of the above affair having concealed myself in the interior of the hills with the view of begging something of rich people to maintain myself, I went round and I arrived at Jaipoor and visited the son of that Rajah named Doogarauze.

9. I was then sent for through the means of that Rajah, but a report was given by the gentleman that he had adopted some very great measures for my capture, and thus quelled the disturbances which is not right.

10. Farther I have at present for the last 3 months been confined in the Chicacole Jail with a pair of fetters weighing five viss, not fit to be used for any prisoners in any Jail, and I am kept under strict restraint without being allowed to see people, nor to be seen by them. The said Acting Agent has intimated that he has received your authority to investigate my case in his capacity of Circuit Judge and without conducting my enquiry in a public office, comes to the Jail. I am in situate at $\frac{1}{4}$ coss distance from his Cutcherry, accompanied by only two or three officials liked by him, and write the Depositions as (they) wish, any people are not allowed to approach the place.

11. The very individuals who raised the rebellion in my name are now being examined as witnesses. None of the questions I ask are written down nor listened to; even the statements of those conspirators who are come as witnesses contain great many inconsistencies, and the Agent is getting all those circumstances taken down, arranged so as to bring me into trouble.

12. The Acting Agent did not find out the particulars, viz., who made the disturbances, and who were the instigators of the same by making the necessary enquiries himself, but being guided by the information given him by the conspirators, submitted several reports that I was the cause of them, and occasioned trouble to many Sebundies (Troops) and great expense. I don't suppose he will therefore investigate this case impartially.

13. In the event of the Acting Agent making the enquiry now impartially, and pronouncing me innocent, by doing justice. As the reports already forwarded by him, the expense undergone and the trouble given to you will prove to have been uncalled for. He knows and is

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apprehensive that he will thereby receive "bad character," it may therefore be considered that he will not render himself liable to this discredit and do me justice.

14. The Acting Agent who has from the beginning managed the business against me as a Complainant, may be nominated as a Prosecutor on behalf of the Government, to proceed against me in any other Court in which he possesses no influence, and the testimony of people quite unconnected with the rebellion taken in the matter, otherwise a Special or Judicial Committee may be appointed for the purpose by your order. The members of which being composed of by viz., the Civil Judge of Chicacole and the Governor's Agent of Vizagapatam who have had much experience in the affairs of this country, and have for a long period transacted civil business together with some such other gentleman, either 3 or 5 in number, may be nominated, and the Acting Agent appointed as a Prosecutor. This order, I trust, your Government will see the justice of passing.

15. As it will be a case of great partiality if the Acting Agent who all along did not bear good will towards me, from having listened to tales and made a business of nothing, were allowed to hold this investigation, I beg the Government will be pleased to order that the Acting Agent to the Governor in Ganjam should not enquire into my case, and delegate the power to any one of the Courts I have alluded in the 14th para.

16. I have some private matters which cannot be represented to the Acting Agent nor stated in this Petition, but may be enquired into by any other tribunal, and beg that this enquiry may be taken off from the Acting Agent's hands.

(Signed) RAJASTRE GYBA,
RAUDACROOSTNA DUNDASENAH.

(True translation.)

(Signed) W. KNOX,
Acting Agent.

No. 20.

ORDER THEREON, No. 467; dated 24th April 1857.

The Government have already directed the Acting Government Agent in Ganjam to try the Dundaseenah, and they see nothing in that person's petition to lead them to modify those orders.

2. Mr. Knox will inform the Dundaseenah accordingly, and at the same time apprise him that on the close of the inquiry, all the proceedings will be laid before Government, who will then have ample means of knowing in what manner the trial has been conducted.

(Signed) T. PYCROFT,
Chief Secretary.

By the 18th
 reason, rebellion, &c.
 other crime against
 the State or any
 kind of the ordinary
 law is not in
 the common law
 No. 179.
 St. Knox Esq.
 Acting Agent to the Governor in
 Ganjam.
 J. Pycroft Esq.
 Chief Secretary to Government
 Judicial Department
 Fort St. George.

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3^d I have felt obliged in self respect to refuse to admit the Dakeel, who presented this Writ on behalf of the Prisoner knowing it to contain such gross falsehoods touching my public character, to practise any longer in my Court.

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Judicial Deptth
No 37
From the Acting Agent in Ganjam
Dated 11th April 1837
For Orders

The Govth ordered Mr. Lush.
to try this man - & they cannot
take the mere assertion of a
libel against his character
of an English gentleman.
When the report of the trial
is heard in full - it will be

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Handwritten text in a South Indian script, likely Grantha or Tamil, covering the right page of an open manuscript. The text is arranged in approximately 25 horizontal lines, continuing from the left page. The script is consistent with the left page, showing a cursive style. The paper is aged and shows some staining and wear.

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Edinburgh
1837

Acting Agent Mr. B.

W. W. W.

My dear Sir,
I have the honor to
acknowledge the receipt of your
letter of the 11th April 1837. (your most obedient servant)
Yours faithfully,
W. W. W.