M.R.O. 1—38,000—16-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 38	Press ~~Mis.~~
9-10 .	
Dated 9—1—	~~11-1918~~

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12*th January* 1858.

No. 9. Read the following letter from J. H. GOLDIE, Esq., Commissioner of Chittoor; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 23rd December 1857.

SIR,

No. 12 of 1857, Prosecutor Government *vers.* Mohadeen Saib. I have the honor to forward the record of a case of sedition, disposed of by me as Commissioner, for the information of Government.

(Signed) J. H. GOLDIE, *Commissioner.*

Case No. 12 of 1857.

Prosecutor.—The Government.

Versus

Mohadeen Saib.—Prisoner.

The prisoner pleads not guilty.

Goolam Mohadeen, a pensioned Sepoy.—States that, on the 7th December 1857, at 3 P. M., whilst he was standing before 1st witness' house which adjoins the prisoner's house, he heard the prisoner state that the Government was about to disband the 8th Cavalry at Arcot, and that they were going to send the flag of the Regiment to Vellore, and it is doubtful whether the Government will give pensions to the Sepoys, when he (witness) remonstrated with the prisoner in speaking against an order of Government, and told him to be silent, when the prisoner put his hands on his thighs and abused the Government, making use of language to the purport, "that he would violate the wife of the ruler of the Government," and stated also at the same time, "that he did not care if the Government is overthrown, and that if it was overthrown, he (witness) must beg." The said language was used by the prisoner in the Military bazaar of Raneepet, the 2nd witness Sheik Ahmeed was present, also Mahomed Hoossain who was standing in his house opposite, one Papayah also was standing at a little distance, and about ten persons, amongst them some Sepoys, were passing by at the time, the prisoner addressed the said language in a loud, angry tone to his brother Nannoo, and to him (witness) and also spoke that the witnesses Mahomed Hoossain and others above mentioned might hear, there was no crowd assembled round the prisoner at the time, the prisoner continued speaking after I had told him to desist. I did not hear the prisoner making use of any language beyond the above mentioned language. The prisoner keeps a small betel-shop in the bazaar street of Raneepet. I am not aware that he has any connection with the Sepoys of the 8th Cavalry. Prisoner was in his senses when he spoke the above language.

Solemnly affirmed before me, this 10th day of December 1857.

(Signed) J. H. GOLDIE, *Commissioner.*

Prisoner put no question to the witness.

Sheikameed alias Mahomed Aneef, 2nd witness, a pensioned Sepoy.—States that one Monday, about 12 days ago, whilst he was proceeding about ½ past 2 P. M. along the bazaar street of Raneepet, he heard the prisoner and his brother Nannoo talking together near the prisoner's house in the said street, and heard the prisoner say "that the Government would be overthrown and he would violate the wife of the ruler of the Government," and addressing himself to the 1st witness, he said "that if the Government was overthrown, he (1st witness) must beg." I was standing about two yards from the prisoner when he used the above language, the 1st witness and the witness Mahomed Hoossain, who was standing in his house opposite the spot where the prisoner spoke, heard the prisoner use the said language, the prisoner spoke in a loud, angry tone, and addressed himself more immediately to the 1st witness, he spoke in the bazaar street of Raneepet, along which several persons were passing. I did not hear the prisoner make use of any other language than what I have stated above, the prisoner sells betel, I have known him a long time, but have had no dealings with him. I do not know whether the prisoner has any connection with the prisoners of the 8th Cavalry at Arcot, the prisoner was in his senses when he made use of the above language.

Solemnly affirmed before me, this 19th day of December 1857.

(Signed) J. H. GOLDIE, *Commissioner.*

Prisoner has no question to put to the witness.

Fort St. George, Judicial Consultation, 12th January 1858.

Mahomed Hoossain, pensioned Sepoy, 3rd witness.—States that on the 7th Instant, about 3 P. M., whilst he was standing in his house in the bazaar street of Raneepet, he saw the prisoner and his brother Nannoo, and the 1st witness standing talking together near the prisoner's house, and the 1st witness tell the prisoner that he must not speak aganist the Government, when the prisoner said "that he would not care if the Government is overthrown, and that if the Government was overthrown, the 1st witness must beg." I was about 11 cubits distance from the prisoner when I heard him use the above language; the 1st and 2nd witnesses and the prisoner's brother Nannoo were standing near the prisoner when he spoke, several persons were passing in the street at the time, but I did not see any of them stop to listen to the prisoner's language, the prisoner spoke in a rather loud and angry tone. I did not hear the prisoner use any other language than what I have stated. I have known the prisoner about two months, but have had no dealings with him, the prisoner gains his livelihood by selling betel, the prisoner was in his senses when he spoke the above language.

Solemnly affirmed before me, this 19th day of December 1857.

(Signed) J. H. GOLDIE,
Commissioner.

Prisoner puts no question to the witness.

Prisoner in his defence denies the charge, and says he has nothing more to say, and that he has no witnesses to be called in his defence, prisoner says that 1st witness abused his mother, and therefore he has given evidence against him.

(Signed) J. H. GOLDIE,
Commissioner.

Sentence.—The prisoner is charged with having made use of seditious language in the bazaar-street of Raneepet, and the evidence of the three witnesses examined shews that he was exceedingly angry with an order of Government disbanding the 8th Light Calvalry at Arcot, that at the same time he declared that the Government would be overthrown, and that he used very opprobrious language against the head of the Government, and thus endeavoured to bring the Government, of which he was a subject, into contempt, such an offence must be considered a crime against the State, the evidence of the above witnesses also shews that the crime was committed in a public thoroughfare and in the most open manner, the prisoner having spoken in a loud voice, and endeavoured to attract public attention, it is also very possible that some excitement may have prevailed amongst the inhabitants at Raneepet at the time the language was spoken. The Commissioner would therefore recommend the prisoner to be sentenced under Section III, Regulation XX of 1802, to six months' imprisonment with hard labour in irons. The sentence has not been carried into effect, but awaits the orders of Government for its execution.

(Signed) J. H. GOLDIE,
Commissioner under Act No. XIV of 1857.

Chittoor, 21st December 1857.

No. 10. ORDER THEREON, No. 38; dated 9th January 1858.

The prisoner here was tried for 'sedition,' in having on the 7th Ultimo, in a public street in the Town of *Raneepet*, openly used highly contemptuous and inflammatory language concerning the measures of Government.

2. The charge has been fully established by the evidence of certain pensioned Sepoys, and the Acting Commissioner recommends a sentence of six months' imprisonment with hard labour in irons under Regulation XX of 1802, *i. q.* Act No. V of 1841.

3. The Government observe that it was not necessary to defer passing sentence, pending their orders. *Mr. Goldie* was holding a Court under Act XIV of 1857, and should have proceeded under Section IX, to have passed "any sentence warranted by law" for the crime of which prisoner was convicted. He will now do so.

4. The Government consider the punishment proposed very inadequate.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartedge,

Sentence in case No. 10 on the file of the Commissioners Court at Chittoor

The prisoner is charged with having made use of seditious language in the bazaar street of Raneepet, and the evidence of three witnesses examined shews that he was exceedingly angry with an order of Government disbanding the 8th Light Cavalry at Arcot, that at the same time he declared that the Government would be overthrown, and that he used very opprobrious language against the head of the Government, thereby endeavouring to bring the Government, of which he was a subject, into contempt, such an offence must be considered a crime against the State, the evidence of the above witnesses also shews that the crime was committed in a public thoroughfare and in the most open manner, the prisoner having spoken in a loud voice, and endeavoured to attract public attention, it is also very possible that some excitement may have prevailed amongst the inhabitants at Raneepet at the time the language was spoken. The Commissioner would therefore recommend the prisoner to be sentenced under Section III, Regulation XX of 1802, to six months imprisonment with hard labor in irons. The sentence has not been carried into effect, but awaits the orders of Government for its execution.

Chittoor
21st December, 1857

H. Goldie
Commissioner
under Act No XIV of 1857

The sentence should be of course passed under the act — The sentence is the commissioners own, but that of the Government — why do the Govt not punish — I cannot imagine his sentence is for six months & the Govt cannot enhance it altho they might remit it — or grant a pardon —

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List of Packet in R:: 12 of 1857 on the file of the Commissioners Court

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W. Edwards
Commissioner

The Sentence should be carried into effect under this act — That is the Commissioners Court at the Court House —

Judicial Dept

No 38

Kandy 29th January 1858.

Record of following Cases from the Assistant Commissioners under Act No XII of 1854 in Galle & Chilaw } here entered 29th Dec 57.

1. The Prisoner here was tried for "Sedition", in having on the 7th Oct. in a public street in the town of Ranegeet openly used highly contemptuous & inflammatory language concerning the measures of Govt.
2. The charge has been fully established by the evidence of certain pensioned Sepoys, & the A.S. Comm. recommends a sentence of six months Imprisonment with hard labour in Irons under Regn XX of 1802. i.q. Act No V of 1841.
3. The Govt observe that it was extremely [illegible] to defer passing sentence, pending their orders. As Goldie was holding a Court under Act XIV of 57 & should have proceeded under Sect IX to have passed "any sentence warranted by law" for the crime of which Pris. was convicted. He will now do do.
4. The Govt consider the punishment pro-

To Rich. D. Goldie Esq. Govt Agt Comr of Chilaw — with 15 Enclosures

Jud. Dep. to Govt. 12th Jany
Judicial 1858 Separate

Jud. Dept. to Engr. 30th June
No 9 of 1858 - Para 8

No 38

Extract Letter from Govt

9th January 1858

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