

MADRAS RECORD OFFICE.

Government of Madras.

Indial DEPARTMENT.

G.O. No.

39

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*Proceedings of the Madras Government, Judicial Department,
10th January 1865.*

Read the following papers :—

No. 61. From J. ROHDE, Esq., Inspector General of Jails, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Ootacamund, 5th December 1864, No. 364.

I have the honor to forward two petitions to Her Majesty the Queen, from State prisoners confined in the Jail at Cuddalore, together with the letter of Mr. Ellis the officer in charge of the Jail.

Syed Cassim.
Madoosowen.

From G. ELLIS, Esq., Session Judge of Cuddalore; to J. ROHDE, Esq., Inspector General of Jails; dated Cuddalore, 18th November 1864, No. 11.

I have the honor to forward, herewith, two petitions, addressed to Her Majesty, by the two State prisoners noted in the margin, praying for liberation from confinement. The applicants' conduct in Jail has always been good.

To HER MOST GRACIOUS MAJESTY ALEXANDRINA VICTORIA,

Queen of the United Kingdom of Great Britain and Ireland, and of the Colonies, Dependencies thereof, in Europe, Asia, Africa, America, and Australia, Defender of the Faith, London.

The humble petition of SYED CASSIM, a convict undergoing imprisonment for life, in the Zillah Jail at Cuddalore, in the East Indies, in Calendar No. 6 of 1840, of Court of the Agent to the Governor of Fort Saint George in Guntoor.

MOST HUMBLY SHEWETH,

That with every sentiment of humility, respect, and veneration due to you Majesty's august person, your petitioner ventures the liberty of addressing your Majesty on a subject which he trusts will speak for itself.

2. That in the year of our Lord 1840, your petitioner was charged, with eight others, with belonging to gangs of thugs in the District of Guntoor, in the East Indies, and sentenced, by the late Court of Fouzdary Udalt of Madras, to be imprisoned for life, in the Cuddalore Zillah Jail, with hard labor in irons.

3. That your petitioner was a peaceable cultivator of Soonampaur, a village in the Taluq of Mylarum, in the Zillah of Guntoor, in the East Indies. That your petitioner, with all the principal inhabitants of the village, was decoyed away from their homes by the subordinate Officers of the Revenue Department, with a view to the identification of some thugs who escaped from the hands of the Magisterial authorities. That neither the Collector of that District nor any of his subordinate officers, before whom petitioner and the aforesaid inhabitants were paraded, were able to recognize any thugs among them, whereupon petitioner with the inhabitants aforesaid, were sent to the Resident of Hyderabad for recognition, where there was apprehended a thug, who promised to point out to the Resident those who shared the pillage of thuggee with him. On arriving at Hyderabad, petitioner, and about twenty other inhabitants, were paraded before the Resident, and the captured thug was brought to point out who were with him. He pointed out five Mussulmen thugs, who acknowledged their guilt, and sentence of imprisonment for life was passed on them. All the other inhabitants were acquitted, save nine ryots, including petitioner, who were suspected of thuggee and kept in prison in Hyderabad, pending apprehension of other thugs. That your petitioner was kept in prison under trial, for a term of six months, after the expiration of which period, no other thugs were captured. During the

interim, the six aforesaid thugs were sent to Vizagapatam, for the purpose of recognizing other thugs, for whom diligent search was being made all over the country. Pedlars, jugglers, pilgrims, and a variety of other suspicious travellers, were arrested and paraded before these thugs for identity, and about one hundred were pointed out as having committed thuggee with them; but, the authorities not crediting their statements, the one hundred persons were acquitted. Then, the nine ryots, including petitioner, who were in prison in Hyderabad, were brought to Vizagapatam, and when again the aforesaid thugs were questioned as to whether the nine before them were also thugs, they answered in the affirmative, but that they entrusted plundered property to petitioner's father, and that, like his father, petitioner also will become a thug: whereupon, no time was lost by the authorities to make a diligent and scrutinizing search of petitioner's house, for the plundered property aforesaid, and nothing was found; but notwithstanding, upon the bare evidence of these six thugs, the whole of the nine prisoners, including petitioner, were sentenced, by the late Court of Fouzdary Udalut of Madras, to imprisonment for life, in the Cuddalore Zillah Jail, with hard labor in irons.

4. That from the facts of the case and the evidence recorded in the proceedings of the trial, it will appear that petitioner was not a thug, and never committed thuggee, but that the aforesaid thugs simply foretold that petitioner would, like his father, become a thug, and the Court, apprehending that the predictions of the thugs may probably be realized, accordingly, sentenced petitioner to the same punishment as a thug.

5. That the administrators of your Majesty's Government in India have always looked upon the Natives of India as a nation of professional liars, and yet, upon the prophecies of such a race, those administrators have not scrupled to condemn to perpetual slavery many an innocent man, such as petitioner.

6. That your petitioner, after condemnation, having been suddenly deported to a distance of 500 miles from his own Native country, to a prison, where he could not make himself well understood, speaking a different language from that spoken there, precluded petitioner from making any appropriate representation to your Majesty's Government, for his liberty.

7. That your petitioner was thirty years of age when he was transferred from the Vizagapatam to the Zillah Jail at Cuddalore, and that of the eight others, who were condemned to the same punishment, all have perished in prison.

8. That your petitioner's general demeanour, for the last 25 years he has been in prison, has been unexceptionable, as may be ascertained from the Jailers and the Officers who have been in charge of the Jail during that period.

9. That in the 8th Clause of your Majesty's gracious Proclamation, dated 1st November 1858, when your Majesty was pleased to take upon Your Majesty the Government of India, Your Majesty was pleased to assure the Natives of India that your Majesty was bound to them by the same obligations which bind your Majesty to *all your Majesty's other subjects*, and that those obligations, by the blessing of Almighty God, your Majesty shall faithfully and conscientiously fulfil.

10. Relying upon this assurance of your Most Gracious Majesty, petitioner would most humbly represent that, in the Code of Penal laws for India, crimes of a far less heinous nature than thuggee require a trial by jury, and that European thugs in these days, otherwise known as "garotters," both in England and Australia, have been always tried by juries; whereas, in the days petitioner was tried, no jury whatever sat to give a verdict upon so aggravating a charge as petitioner was accused with, and petitioner's case was quietly disposed of under Thornton's Code of Laws on thuggee. But petitioner here, with your Majesty's permission, would most humbly and deferentially venture to ask, what British subject in England, or elsewhere, would be so lawlessly doomed to imprisonment for life for any crime, without a trial by jury? But it will appear manifest to your Majesty, that the law has not taken the same unjust course in the case of a British subject, as it has taken in petitioner's case, and that, conformably to your Majesty's Gracious Proclamation, petitioner has been most illegally condemned, by those who carried on the administration of India in those days.

11. That your petitioner was sentenced in the time of the Government of the late Honorable East India Company, at a time when the Indian tribunals were in their infancy, and but ill-constituted, and, as that Government has now passed away, and the Government of India has been assumed by your august Majesty, petitioner trusts in an Almighty being, that as your Majesty's Government has ever been looked upon and esteemed as the highest in civilization, freedom and justice in the world, that your August Majesty, who rules the destinies of tens of thousands of human creatures all over the universe, under whose banner, oppression and tyranny have trembled for a thousand years, under whose banner thousands of slaves have had their freedom, that your August Majesty would deign to look down with sympathy and clemency upon your Majesty's humble and innocent petitioner, who has been handed down to your Majesty's Christian Government, virtually, a slave, and has been so for the long space of 25 years, making a quarter of a century, and is now nearly on the brink of going to his grave, and that your August Majesty will be graciously pleased to allow petitioner to breathe the air of freedom, a blessing which God hath made for the happiness of man, and, accordingly, authorize his release from captivity; for which act of charity and humanity, petitioner, as in duty bound, shall ever pray.

CUDDALORE ZILLAH JAIL, 12th November 1864.

TO HER MOST GRACIOUS MAJESTY ALEXANDRINA VICTORIA,
Queen of the United Kingdom of Great Britain and Ireland, and of the Colonies, Dependencies thereof, in Europe, Asia, Africa, America, and Australia, Defender of the Faith, London.

The humble Petition of MADOOSOWEN, a convict undergoing imprisonment for life in the Cuddalore Zillah Jail, in the East Indies, in Calendar No. 47 of 1840 of Court of the Agent to the Governor of Fort Saint George in Ganjam.

MOST HUMBLY SHEWETH,

That, with every sentiment of humility, respect, and veneration due to your Majesty's august person, your petitioner ventures the liberty of addressing your Majesty on a subject, which he trusts will plead for itself.

2. That in the year of our Lord 1840, your petitioner was charged, with six others of his household, with belonging to gangs of thugs in the District of Ganjam, in the East Indies, and sentenced, by the late Court of Fouzdary Udalut of Madras, to be imprisoned for life, in the Cuddalore Zillah Jail, with hard labor in irons.

3. That your petitioner was a peaceable agriculturist of Shikkoo, a village in the Taluq of Coordha in the Zillah of Ganjam, in the East Indies. That, during a direful famine which existed in 1840, in the country around Shikkoo, there collected together hordes of savages from the surrounding villages, who, under the dissimulation of proceeding on a pilgrimage to Ramaseveram, sojourned in the village of Shikkoo aforesaid, where they formed themselves into gangs, and committed thuggee on the highways. From information obtained from the villagers and themselves, petitioner pointed out to the authorities two thugs, who escaped from a gang, which was arrested in another part of the country, where they were summarily tried, convicted, and sentenced to be hung along with six others.

4. To revenge this act of petitioner, they (the two thugs) resolved, by some stratagem, to bring petitioner into trouble, and, accordingly, prior to their execution, they solicited an interview with their children, which was granted by the Government Agent, but what transpired, at that short interview, has never been brought to light. At that remarkable interview, they conjured their children, three lads, between 15 and 18 years of age, that, as petitioner, in having given information which led to their arrest and conviction, was the cause of their execution, to swear that petitioner, and six others of his household, had a share in the spoils of their depredations, and belonged to their gang: and after their execution, when further investigation was made as to whether there were any more concerned in their gang, the children aforesaid, remembering their father's vindic-

tive edict, and feeling certain that the same would procure conviction, perjured that petitioner and six others of his family did also belong to their gang; whereupon, the late Court of Fouzdary Udalut of Madras, in their finding, arrived at the conclusion that petitioner and six others did belong to the gang of thugs, and, accordingly, sentenced petitioner and six others to imprisonment for life, in the Cuddalore Zillah Jail, with hard labor in irons.

5. That at the trial which took place in Ganjam in petitioner's case, in the Court of the Agent to the Governor in Ganjam, petitioner spoke a dialect of the Oorayah language, which was neither understood by the presiding Judge nor his Interpreter. The proceedings were conducted in Telugu, a tongue which petitioner did not understand, and the defence made by petitioner was quite unintelligible to the Court.

6. That the administrators of your Majesty's Government in India have found, from long and dear bought experience, that the Natives of India generally are a nation of liars, and yet upon the vindictive and preconcerted falsehoods of petitioner's enemies, faith had been placed upon them by the late Court of Fouzdary Udalut of Madras, simply because their evidence tallied with each other's, and petitioner was remorselessly condemned to imprisonment for life.

7. That your petitioner, after condemnation, having been suddenly deported to a distance of 800 miles from his own Native country, to a prison where he could not make himself properly understood, speaking a different language from that spoken there, precluded petitioner from making any appropriate representation to your Majesty's Government for his release.

8. That your petitioner was a lad of eighteen years of age when he was transferred from the Ganjam to the Cuddalore Zillah Jail, and that of the six others of his relatives, who were condemned to the same punishment, all have perished in prison.

9. That petitioner's general demeanour, for the last 24 years he has been in prison, has been unexceptionable, as may be ascertained from the Jailers and the officers who have been in charge of the Jail during that period.

10. That in the 8th Clause of your Majesty's Gracious Proclamation, dated 1st November 1858, when your Majesty was pleased to take upon your Majesty the Government of India, your Majesty was pleased to assure the Natives of India that your Majesty was bound to them by the same obligations which bind your Majesty to all your Majesty's other subjects, and that those obligations, by the blessing of Almighty God, your Majesty shall faithfully and conscientiously fulfil.

11. That relying upon this sanguine assurance of your Most Gracious Majesty, petitioner would most humbly represent that, in the Code of Penal Laws for India, crimes of a far less heinous nature than thuggee require a trial by jury, and that European thugs, in these days, otherwise known as "garotters," both in Europe and Australasia, have been always tried by juries: whereas in the gloomy days that petitioner was tried, no jury whatever sat to give a verdict upon so grave an accusation as petitioner was charged with, and petitioner here with your Majesty's permission, would most humbly and respectfully venture to ask, what British subject in England or elsewhere, being a minor, would be so lawlessly doomed to imprisonment for life, for any crime, without a trial by jury? And it will appear evident to your Majesty that the law has never taken the same unjust course in the case of a British subject, as it has taken in petitioner's case, and that, agreeably to your Majesty's Gracious Proclamation, petitioner, though innocent, has been most illegally condemned, by those who carried on the administration of India in those days.

12. That your petitioner was sentenced in the time of the Government of the late Honorable East India Company, at a time when the Indian tribunals were so ill-constituted, as shewn in paragraph 4 of this petition, and as that Government has now passed away, and the Government of India has been transferred over to your August Majesty, petitioner trusts in an Almighty Being, that as your Majesty's Government has ever been looked upon and esteemed as the highest in civilization, freedom, and justice in the world, that your August Majesty who rules the destinies of tens of thousands of human lives all over the universe, under whose banner oppression and tyranny have trembled for a thousand years, under whose banner thousands of slaves have had their freedom, that your August Majesty would deign to look down with some sympathy and com-

miseration upon your Majesty's humble and innocent petitioner, who has been handed down to your Majesty's Christian Government, virtually, a slave, and has been so, for the long space of 24 years, nearly a quarter of a century, and has manfully withstood every misery and suffering that humanity is capable of enduring, surviving six others in his case, who have perished in prison, and that your August Majesty would be graciously pleased to allow petitioner to breathe the air of freedom, a blessing which God hath ordained for the happiness of man, and accordingly authorize his release; for which act of charity and humanity, petitioner, as in duty bound, shall ever pray.

CUDDALORE ZILLAH JAIL, 12th November 1864.

No. 62. From G. ELLIS, Esq., Session Judge of Cuddalore, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Cuddalore, 22nd December 1864, No. 233.

With reference to your Memorandum, No: 666, dated 20th instant, I have the honor to state that Syed Cassim and Madoosowen, therein alluded to, are the same prisoners whose petition is recorded in the Proceedings of Government of 16th May 1861, No. 647, and that they have been inadvertently designated "State prisoners," instead of "Banished prisoners," in my letter to the Inspector General of Jails, dated 18th ultimo.

No. 63. ORDER THEREON, 10th January 1865, No. 39.

The Session Judge of Cuddalore is requested to inform convicts Syed Cassim and Madoosowen, that their Memorials have been transmitted to the Secretary of State.

(True Extract).

Chief Secretary.

To the Inspector General of Jails.

„ Session Judge of Cuddalore.

Exd. J. H. Burns.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters —

From the Inspector Genl.
of Sails — Enter 5th Decr. '64 N^o 364.
" the Sessions Judge
of Cuddalore — 22nd do — " 233.

Order — 10th January 1865 N^o 39

The Sessions Judge of
Cuddalore is requested
to inform Convicts, Syed
Coping & Madoos-owen
that their memorials
have been transmitted
to the Secretary of State.

The Inspector Genl. of
Sails.
" Sessions Judge of
Cuddalore.

16/1/65

*Recd. L. H. C. 10th
Jany. 22. 10th 1865
Dep't of State*

L. H. C.
1865. Department.

No. 10

PROCEEDINGS OF GOVERNMENT.

*Recd. L. H. C. 10th
Jany. 22. 10th 1865*

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Dep't of State