

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1386	Press ~~Mis~~
Dated 26 - 8 - 1918	

Not to be folded or roughly handled

4/5

[Handwritten signature]

17

*Proceedings of the Madras Government, Judicial Department,
26th August 1867.*

No. 321. Read the following letter from the Agent to the Governor of Fort Saint George in Ganjam, to the Chief Secretary to Government, Fort Saint George; dated Chetterpore, 12th August 1867, No. 75.

The Session Judge of Berhampore has supplied me with a copy of the Order of Government marginally noted, in view to my furnishing him with the records therein specified, as belonging to

Judicial Department, 30th July 1867, No. 1314.

the "late Court of the Agent to the Governor in Ganjam." Seeing, however, that the institution inadvertently assumed to be defunct is still in actual existence, I think it proper (as I have intimated to the Session Judge) to submit the necessary papers to Government, direct.

2. The records of the case are of enormous bulk; in many parts the ink has faded away, and there have been depredations of cockchafters or rats. The Agent's letter, however, referring the Record for the orders of the (late) Foujdary Udalt is in fair preservation, and as it contains a very full abstract of the trial, I venture to think that it will be found to supply the whole of the information required. I submit, at the same time, the translate of petitioner's examination before the Court. His age is put down at 20; further, he is described in the Agent's 25th paragraph as a "very powerful man," and (paragraph 21) as conducting himself, when put on his defence, "in a very insubordinate and disrespectful manner." There is nothing to indicate that he was a mere boy at the time, "under 16 years of age," as he now states.

3. The murder of the seven travellers for which prisoner and other Thugs were tried was not committed within the limits of this Presidency. Under the terms of Act No. XVIII of 1839, the Officers of the Thuggee Department elected to have the case tried in Ganjam, but the crime was actually committed at a place on the Mahanuddy, within the confines of the "Banky" Zemindary, one of the eighteen Tributary Mahals of Cuttack. A compliance with petitioner's prayer for pardon may, therefore, be beyond the prerogative of the Government of Madras, as limited by Section 1, Act No. XVIII of 1855. I venture to mention this, lest the point should be overlooked, and in the humble capacity of "*amicus curiae*" only.

4. Soliciting the return of the enclosures when no longer required, I have the honor to be &c.

No. 322. ORDER THEREON, 26th August 1867, No. 1386.

The petitioner, convict Madoosawn, will be informed that the Government have caused inquiry to be made as to his case, and have perused the records connected with the charge on which he was sentenced to imprisonment for life, as a Thug, and that they see no reason to remit any part of his sentence.

2. The original records submitted with the foregoing letter of the Agent to the Governor, Ganjam, will be returned to that Officer.

(True Extract).

Acting Chief Secretary.

To the Inspector General of Jails.

„ Agent to the Governor in Ganjam, with original enclosures returned.

Exd. J. H. Burns.

Carmichael as the power

Memorandum
to the Hon. Secy. of State

321-22

30-7-67

+ vide report of the Agent
of the Governor - 1840

There does not appear to be found
ground for remitting the remainder
of the sentence passed on the
Thug Madoosam in 1840.

The convict was then it appears
20 years old - "a very powerful
man" and conducted him-
self before the Court in a very
insubordinate and disrespectful
manner.

The crime of which he was con-
victed was a most brutal one
and it was, it appears, only
an act of mercy that he
was not hung.

2. If it be considered that the request
now made of the convict should
not be complied with, it will
be necessary to raise the
question advised to by Mr
Carmichael as to the power

at Carmichael meant
was it not set 1835
provides that the
a copy of the
has been
in respect of offences
committed within
such Territory

of Govt. remit a sentence passed
for an offence committed out
of British Territory - a right
limited as Mr. C. says by
Act XVIII - of 1835. Section I
of which says that the Supreme
Executive Govt. in each Presidency
has power to grant pardons
and reprieves in respect of
any crime or offence committed
within such Territory" says
not for crimes committed else-
where.

Read letter from Agent in Sangam - 12 Aug 1867 11/75
Order thereon 26 Aug 67 11/86.

The Petitioner, Convict Madoosawm
will be informed that the
Government have caused
enquiry to be made as to his
case, and have promised
the records connected with

The Chief Clerk of Civil
Agent to the P. in Sangam with
long elaboration and
dispute

MR

the charge which he was
sentenced to imprisonment
for life, as a Thug, and
that they see no reason
to remit any part of his
sentence.

2. The original records submitted
with the foregoing letter of the
Agent to the Governor, Sangam
will be returned to that
Officer.

3. The order passed with reference
to the request made by the
Convict Madoosawm obviates
the necessity for considering
the question raised in the
last paragraph of Mr.
Carmichael's letter.

FB

MR

32.1322.

Case of life-convict
Madoosawn.

Indict 1867 Sept 11th
H. 1388

Proceedings of the

Dated 26 August 1867