

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1099	Press
1-2	~~Mis.~~
Dated 11-8-1918	1918

Not to be folded or roughly handled

No. 1. Read the following letter from G. A. BALLARD, Esq., Special Commissioner, North Canara; to T. PYCROFT, Esq., Chief Secretary to Government, dated Jugglebett, 16th July 1858, No. 44.

SIR,

On the 4th June last, I had the honor of submitting a statement of my judicial work as Special Commissioner to that date. More than I then expected, has arisen since, and a good deal has fallen to my share which belonged to Mr. Robinson's division as his Court has ceased working.

2. The statement subjoined shews the result of my proceedings to this date.

Number of prisoners remaining on the 4th June.....24
Received since. 30
—54

Sentenced to death.	2*
„ „ transportation for life. ...	6
„ „ imprisonment for 14 years...	6
„ „ do 12 do. 1	1
„ „ do 10 do. 1	1
„ „ do 8 do. 2	2
„ „ do 7 do. 4	4
„ „ do 4 do. 2	2
„ „ find security or to imprisonment for 1 year	4
	—28

Unconditionally released.	13
Undisposed of.	13†
	—54

3. Section 14, Act XIV of 1857, declares that this Act shall continue in force for one year, and the Act is dated 6th June 1857; but not having received instructions to the contrary, I presume my Special Commission remains in force till further orders. Its operation is certainly almost as much required now as it was some months ago.

4. Section I, Act XI of 1857, directs that all persons guilty of aiding and abetting rebellion shall be liable to death, transportation, or imprisonment; “and shall also forfeit all their property and effects of every description.” The latter Clause renders sentence of forfeiture imperative, and leaves no discretion to the sentencing Officer. Where the criminals are very poor, however, and the property very trifling, I respectfully request permission at discretion to omit sentence of forfeiture, as it some times presses hardly on wives, children, or innocent relations of criminals.

5. I may here mention that one of the prisoners, entered among the 8 sentenced to transportation in my letter of the 4th June, when under trial, ran away from two peons who were supposed to be guarding him, but who had allowed him to go a little distance into the jungle to get stones for cooking. Two days after the prisoner came of his own accord to my house with Rupees 8 in his hand, laid them before me, stated that they had been given him by Captain

*Note.—Awaiting final instructions of Government on letters of Special Commissioner to Chief Secretary, Nos. 42 and 43, dated 13th and 15th July 1858 respectively.

†This head includes the 2 prisoners mentioned in para. 4 of Special Commissioner's letter to Chief Secretary, No. 42, dated 13th July 1858.

dated 13th & 15th July 1858 respectively.
This head includes the 2 prisoners mentioned in para. 4 of Special Commissioner's letter to Chief Secretary No. 42 dated 13th July 1858.

Fort St. George, Judicial Consultation, 17th August 1858.

Schneider for service against the Bund, with a promise that his (prisoner's) then suspected connection with the rebels should not be enquired into, declared he had merely run away to get this proof of having served Government, and that he was now willing to submit to what might be determined with regard to him.

6. I immediately wrote to Captain Schneider to know if he had promised prisoner that he should not be punished, but meanwhile proceeded with the case in which prisoner was concerned, and sentenced him and another to transportation, the evidence against prisoner shewing that he had gone about armed on several occasions with the rebels in the vicinity of Myra, &c., and on one, demanded Sayer to a trifling amount from some merchants.

7. Some days after I received Captain Schneider's reply in which he said that he had promised the prisoner immunity, and begged that he might be set at liberty. At that time I had several emissaries out, and was not without reasonable hope that through the agency of some of the minor rebels, I might have the opportunity of striking a blow at the chiefs. As an officer's word had been passed to that effect, I considered the prisoner free, and as I thought the effect might be very beneficial, I got together some of the Tinnei people, and before them told the prisoner that, though he deserved, and would certainly have received, punishment, under other circumstances, yet, as the sanctity of a Sahib's word was of more importance than the punishment of a dozen such as he, he was pardoned. He was accordingly released.

No. 2.

ORDER THEREON, No. 1099; dated 11th August 1858.

Mr. Ballard will be informed that Act No. XIV of 1857, under which he holds his Commission, did not expire on the 6th June last, as he anticipates, its provisions having been continued in force, along with Acts XVI and XVII, to the close of the present year by Act No. XXII of 1858.

2. The Government see no objection to the omission of the additional sentence of forfeiture of property and effects, in such cases as those alluded to in para. 4.

3. The release of the prisoner referred to in para. 5, &c., is approved, his immunity from punishment having been guaranteed to him by Captain Schneider, the Officer employed in the suppression of the insurrection on the Bombay frontier of the District.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

144.

Camp July 9th 1858
16th July 1858

2

From G. A. Ballard Esqre.
Spl Commissioner North Canara
Lo. J. Pycrafft Esqre
Chief Secretary to Govt.
Madras.

On the 4th June last I had the honor of submitting a statement of my judicial work as Spl Commissioner to that date. More than I then expected has arisen since, and a good deal has fallen to my share which belonged to Mr. Robinson's division as his Const has ceased working.

2. The statement subjoined shews the result of my proceedings to this date.

N ^o of Prisoners remaining on the 4th June	24
Received since	30
Sentenced to death	2
" " Transportation for life	6
" " Imprisonment for 14 years	6
" " do 12 "	1
" " do 10 "	1
" " do 8 "	2
" " do 7 "	4
" " do 4 "	2
" " found security or to unprisonment for year	4
Unconditionally released	13
Indisposed of	13
	54

* Note - awaiting final instructions of Government on letter of Spl Commr to Chief Secretary N^o 42843 dated 13th & 15th July 1858 respectively.
* This head includes the 2 Prisoners mentioned para. 4. of Spl Commr's letter to Chief Secretary N^o 42843 dated 13th July 1858.

Handwritten note: *Handwritten note: This is in my custody*

3 See Act XIV of 1857 declares that this act shall continue in force for one year, and the act is dated 6th June 1857; but not having received instructions to the contrary I presume my Special Commission remains in force till further orders. Its operation is certainly almost as much required now, as it was some months ago.

4. See Act XI of 1857 directs that all persons guilty of "kiding and abetting rebellion shall be liable to death, trans portation, or imprisonment;" and shall also forfeit all their property and effects of every description". The latter clause renders sentence of forfeiture imperative, and leaves no discretion to the sentencing officer. Where the criminals are very poor however, and the property very trifling, I respectfully request permission at discretion to

Link
Read the following letter from G. A. Ballant, Esq., Comptroller under Act XIV of 1857 in North Canara.

Judicial Dept
No 1099
E. M. S. 11 August 1858.

} here enter No 44.
S/16 = July/58.

W
W
Mr. Ballant will be informed that Act No XIV of 1857, under which he holds his Commission, did not expire on the 6th June last, as he anticipates, its provisions having been continued in force, along with Acts XVI and XVII, to the close of the present year by Act No XXII of 1858.

2. He has no objection to the omission of the additional sentence of forfeiture of property & effects, ^{in such} ~~as the exceptional cases~~ ^{as those} alluded to in Para 4.

3. The release of the Prisoner referred to in Para 5 &c is approved, his immunity from punishment having been guaranteed to him by Captain Schneider, the officer employed in the suppression of the insurrection on the Bombay frontier of the district.

JP
D. G. 29-7-58.

To J. A. Ballant Esq.
at the Court of North Canara
3 Sept 1858

Ms A. 9. 2 v. 6 p. 17
Judicial 1850 before Dr.

2 Dec 1899

Extrache Mind: offered

26.11.11. Leipzig 1858

W. 1858
May 31st

California Ave Oakland

March 23rd 1872
 I have been the XIX of my pension
 which the holder has commutation and
 my wife's on the 1st June last
 she has been admitted at Parisian
 nursing school continued in force.

1732 Having been continued in force,
along with Act XVI & XVII.

the close of the movement than
by Oct. 1877

ALL of 1868 was no
distant to the summer of

The additional evidence of
 the nature of the matter

on turn back and make a round

to my dear and approve of

Ed
The release of Captain Anderson
refused to.

c 30 July
R 10 Aug 5