M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1144 Press ~~Mis.~~

33-34.

Dated 19—8—~~19~~1858

Not to be folded or roughly handled

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1144

Fort St. George, Judicial Consultation, 24th August 1858.

No. 33. Read the following letter from G. A. BALLARD, Esq., Special Commissioner, North Canara; to T. PYCROFT, Esq., Chief Secretary to Government, dated Camp Jugglebett, 31st July 1858, No. 47.

SIR,

1. I have the honor to forward herewith proceedings and translates in No. 1 of 1858, of this Court's file.

2. The prisoner is one of the two taken in the dour from this place on the 8th May last; I have considered it my duty to sentence him to death; but I would respectfully request the sanction of the Right Honorable the Governor in Council, to commute this sentence into one of transportation for life.

3. The crime of rebellion, and the fact of the prisoner's reckless resistance, in my opinion render him clearly amenable to sentence of death; but as considerable delay* has occurred before sentence could be passed, and as the political call for the execution of the last penalty of the law in this case, does not appear urgent, I think the Government may be pleased to commute the sentence as above suggested.

* As explained in the note appended to the sentence.

No. 34. ORDER THEREON, No. 1144; dated 19th August 1858.

The Government approve of the mitigation of punishment suggested in this case. The prisoner *Dájeeba*, like all other prisoners sentenced to transportation under Commissioners' sentences, will be sent to Madras by sea if a favorable opportunity should occur, otherwise by land under a sufficient guard, to the custody of the Commissioner of Police, for final shipment to the Penal Settlement at the *Andamans*.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

The 1st Wikiep an officer and
the

The Deposition of St. George Caulfeild, Lieutenant, 35th Regt. M.N.I., taken upon oath before me, George Alexander Ballard, Commissioner & Ag. Joint Magistrate of Canara, in the Presidency of Madras, the 9th day of May 1858 -

I accompanied Captain Leggatt and his party in his dour on the rebels in the vicinity of Combiely, yesterday, the 8th May. When we approached the ground where the rebels were I was detached with the left flanking party. I posted my men, and proceeded with my orderly Segoven, till I met Lieut Cox, who had headed the right flanking party. I then went back some way, when I saw 2 or 3 men breaking accross the open ground. My orderly fired. We both followed up the fugitives. My orderly out stripped me. On overtaking him I found him engaged in a desperate struggle with the Prisoner Dajeeba, now before the Court. An other rebel between 7 and 10 yards from Segoven, and perhaps 20 yards from me, was aiming with a loaded gun at the Sepoy, but apparently refrained from firing from fear of striking his (the rebel's) comrade. I fired quickly at the man who was

The 1st Wikiep an Officer and
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taking aim, and as he fled with his gun, I fired my second barrel; on which he dropped. I proceeded to the assistance of Lengowin who was still struggling with his antagonist. I desired the Prisoner to cease struggling, and give up the sword with which he was armed. I spoke in Hindustanee. He did not obey, but continued struggling. So I struck him over the head with the butt of my gun, thereby breaking the stock. He still struggled. I threatened to shoot him with my revolver if he did not give up his sword; and as he would not do so, I struck him again with my barrels, on which his grasp relaxed, and the orderly wrenched the sword from him. We then secured him, and brought him in. After his capture on my asking him who he was he replied in Hindustanee that he was not a "Chor". I may mention that on looking for the rebel who I had shot down, when he was running, after aiming at Legowin as above described, I found that he had disappeared leaving his musket.

Q Did you hear the Prisoner call on the oth[illegible] rebel to fire?	I did not. I did not hear the Pris address the other man at all.

(Signed) S G Caulfeild Lieut 35th Regt N I.

The Prisoner had no question to ask.

(True copy) G. A. Ballard Sp Comr

Statement made by Shevugovind a sepoy of G. Company, 35th Regt. M. N. I., son of Sheevuduth, a Suruwuriya Brahamin, aged about 28 years, before G A Ballard Esquire, Commissioner & Ag. Jt. Magistrate of Canara, on the 9th May, 1858, at Jugglepett

Memo. The witness was put on solemn affirmation agreeably to 40.

Memo. The Prisoner Dajeeba was shown.

I see the Prisoner Dajeeba, and will explain the circumstances that took place about him. The gentlemen here being informed that the robbers had come to a jungle near Cimbety, went thither with sepoys &c, and there formed 3 parties, - the first under Captain Legget, the 2nd under Lieut Cox, and the 3rd under Lieut Caulfeild, and went on three different sides. Mr Caulfeild stationed 2 men in one place, 2 men in an other, and one man in a third; and taking myself, Ram Prusad, and an other man, with him went forward. I went forward about 300 steps in front of Mr Caulfeild when I saw 3 robbers running at the distance of 100 steps from me, and fired at them; and as they still ran, I followed them with great speed to attack them. When I was only at the distance of

The 1st [illegible] an Officer and
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t 3 steps from the Prisoner he turned and struck me with a sword. The blow I received on my gun, the wooden part of which was broken by the same. He gave a second blow which struck the fingers of my left hand. I seized the lock of hair of the Prisoner with one hand, and put th other hand on his buttocks (to push him down). Another man of the bund then cocked his gun, and raised it to fire at me. I held the Prisoner opposite to him. The Prisoner then told the man to shoot at me, and began to beat acros with his sword, when one of the blows struck below my left year, and the other my left hand. When he was again beating with the sword I held it with my hand. I turned keeping the Prisoner always opposite to the other Bundwalle who kept also turning to shoot at me. Then Mr Caulfeild came running, and fired at the other man who fell, but after left the gun and ran off. When I & the Prisoner were both struggling Mr Caulfeild came and told him to leave the weapon; still the Prisoner di not leave the weapon, but continued struggling when Mr Caulfeild struck the Prisoner with the butt of the gun; still he did not leave, then Mr Caulfeild struck him with the barrel; upon which the Prisoner gave up struggling. Then the sword was wrested from him and he was seized and brought. This is all that happened

Memo. The Prisoner put no question.

I heard what was read to me it is correct

(Signed) Shevagovind.

(True Translation)

G. A. Ballard

The 1st Wikiep an Officer and
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Statement made by Rajoo Valeef, son of Bhiso Valeef, Cunby Caste, aged about 28 years, a Cultivator, residing at Cudney, in Dongervada, Soopa Moguney, in Soopa Talook, before G A Ballard Esquire, Special Commissioner, North Canara, on the 10th May 1858 at Jugglepett in Soopa Talook.

Memo The witness was put on solemn affirmation under Act V of 1840

Memo. The Prisoner Dajeeba was shown.

I do not know the name of the person present before the court. On asking him, he says that his name is Dajeeba. I never saw him before any where. When I was taken to Hunumunth Sawunth as a Cooly I did not see this man with Hunumunth Sawunth during the time I was there. But I do not know whether he was with Hunumunth Sawunth's men who had gone out to villages, or how —

I heard what was read to me it is correct.

× Mark of Rajoo Valeef

(True Translation)

G A Ballard
Sp Comr

The 1st Witness an Officer and
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Statement made by Ooyero Ghády, son of Jeru, Gunuby caste, aged about 32 years, residing at Cudney in Dongrivadey village Soopa Moguney in Soopa Talook, before G A Ballard Esquire Special Commissioner North Canara, on the 10th May 1858 at Jugglepett in Soopa Talook.

Memo. The witness was put on solemn affirmation under Act V of 1840

Memo. The Prisoner Dajeeba was shown

I saw the Prisoner Dajeeba, present before the Court. I am not acquainted with him. I never saw him before. When I was taken by the Bundwallas, and was with Hunumunth Sawunth's gang, I did not see this man. I do not know whether he was with the Bundwallas, or how I came to know his name now only.

What I have stated is correct.

Mark of Ooyero

(True Translation)

G A Ballard

Sp: Comr.

The 1st Witneſs an Officer and

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Statement made by Vittoba Ardrekar, son of Doolba Rao, Marata caste, aged about 30 years, residing at Sudey in Bidi Talook Belgaum district, before A Ballard Esquire Special Commissioner on the 27th May 1858 at Anmode in Soopa Talook.

Memo. The witness was put on solemn affirmation under Act V of 1840.

1	Do you know the Prisoner before the Court?	I know him since 4 or 5 years, he is called Tatobah
2.	When did you see him last?	I saw him at Sudey 3 months prior to this day. I did not see him after that. I do not know where he was after I had seen him 3 months before. I have not seen him after that.

Questions put by the Prisoner.

3.	Did I not ask you for a cloth & jewel 1 month after the (27th Feby) Hoaly feast?	I do not recollect it. I saw you 3 months before, but not after that.

Prisoner put no further question.

Question put by the Court.

4	Is Prisoner called Dajeeba or how?	I have heard him called Tatoba I do not know whether he has the name Dajeeba or how.

I heard what was read to me it is written as I stated.

× Mark of Vittoba Ardrekar.

The 1st Witness an Officer and
the

(True Translation)

G A Ballard
Sp. Comr.

Statement made by Appa Desai, son of Nagappa Desai, Marata caste, aged about 36 years, a cultivator, residing at Sudey in Bidi Talook Belgaum District, before G A Ballard Esquire Special Commissioner & Ag. Joint Magistrate North Canara on the 27th May 1858 at Anmode in Soopa Talook.

Memo The witness was put on solemn affirmation under Act V of 1840.

Memo The Prisoner Dajeeba was shown.

1 Do you know the Prisoner before the Court?	I saw the Prisoner present before the Court, I know him his name is Tatoba, and I know that his father's name is Dajeeba.
2 When did you see him last?	I had seen this Prisoner 20 days prior to the Shigmey Poornumy (27th Feby). I did not see him after that, and I do not know where he was after that

Prisoner put no question

I heard what was read it is correct.

× Mark of Appa Desai

(True Translation)

G A Ballard
Sp. Comr.

The 1st Chief an Officer an
the

The following questions were put in the Marata language to Dajeeba, son of Tallo, Marata caste, aged about 20 years, of the village of Sudey, in Bidi Talook, Belgaum district, before Geo Ballard Esquire Special Commissioner North Canara on the 9th May 1858 at Jugglepett in Soopa Talook

(Here enter charges) to which the

Prisoner pleads not guilty.

I heard the charges now read and understood the contents thereof. As the bund people brought me by force I was in their gang. I had no sword. I did not strike with a sword. This is all the answer I have to give.

I heard what was read to me it is correct.

After the depositions of witnesses had been taken in the presence o the Prisoner these were again read over to him and he is asked.

You have heard the depositions of witnesses now read over to you, whose evidence establishes the charge of rebellion against you.	I heard the examination of witnesses, but nothing happened as stated by the witnesses. About 11 days ago when I was going to

The 1st Wikiep an Officer and
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Have you any thing further to say about this?	to Telawadee from Jambotti the bund people seized me near the river Madaye, and brought me with them. Consequently I came with that gang which halted at Kombiely jungle. Being surrounded by Company's men, the sepoy (2nd witnesses) seized me when I and others were in flight; and put me down on the ground, and sat on my back. In the mean time the gentleman came, and some one beat me with the butt of a gun, I did not see who it was; and I did not strike the 2nd witness with the sword. I had no sword. This is all that I have to state. I have no evidence what ever to prove that I did not strike with the sword. That I was in Suddey village 11 days before is known to Appaje Desai son of Nagappa Desai of Sudey, and also to Vittoba Ardrekar of that village. If these 2 men be examined it will be evident that I was in my village 11 days before. This is all that I have to say.

× Mark of Dajeeba

The Prisoner Dajeeba was questioned on the 27th May 1858.

Look at the 2 persons, before the Court who are they?	I looked at them these are the 2 persons viz. Vittoba Ardrekar and Appa Desai whose evidence I wished for

I heard what was read to me it is correct.

× Mark of Dajeeba

The Prisoner was again questioned on the same date

You have heard the statements of the 2 witnesses you had cited. Have you any thing to say further?	Both of them have told false hood. I do not know why. I have other witnesses.

I heard what was read it is correct

Mark of Dajeeba

(True Translation)

E. A. Ballard
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The Prisoner denies the char
The 1st Witness an Officer and
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No 1 of 1858.

Prosecutor Government Versus Prisoner Dajeeba (alias Tutoba

Witnesses

1 St. George Caulfield
Lieutt 35th Regt M.N.I.
2 Segovind
Sepoy 35th Regt M.N.I.
3 Ragoo Valeef
4 Royero Ghady
Prisoner's Witnesses
5 Vittoba Ardrekar
6. Appa Desai

Charge.

The Prisoner Dajeeba is charged with having, at about 3 or 4 P.M. of the 8th May 1858, in the jungles of the Village of Cumbelly, in the Talook of Soopah, and district of Canara, been guilty of rebellion, by forming one of an armed gang, then and there in arms against Government, being himself armed with a sword.

2nd The Prisoner is further Charged with having, at the same date and place, in a desperate struggle with Segovind, a Sepoy of the 35th Regt M. N. I., engaged in the discharge of his duty, wounded him in the left hand with a sword with which the Prisoner was armed.

Remarks.

The Prisoner denies the charge

The 1st Witness an Officer and the

the 2d Witness, a Sepoy of the 35th Regt. M. N. I., depose that they were engaged in a sour against a party of rebels in the jungles of Combely, on the 8th May 1858; that they saw the Prisoner running off with other fugitives; that the 2d Witness first overtook and seized him; that the Prisoner resisted violently; that on the 1st Witness coming up, and ordering Prisoner to cease struggling, and give up his sword, Prisoner refused; and was only reduced to submission by 1st Witness breaking the stock of his gun over Prisoners head, and again striking him with the barrel.

The 1st Witness mentions that when he came up, another rebel was aiming with a gun, afterwards found loaded, at the 2d Witness, then engaged with Prisoner; and the 2d Witness states that Prisoner not only struck at him several times with a sword, wounding him slightly in the left hand, but called on the other rebel, above mentioned to shoot him (2d Witness). The 1st Witness prev[illegible] this by firing at and wounding the said rebel, who then dropped his gun and fled.

It is known that the gang to which Prisoner belonged (vide No. 2 of 1858 of 2d Sp. Commission in file) was sent into this district by the notorious rebel Hanmantha Sawanth to further the cause of rebellion; and that it fired on the Government party that attacked it. And it is proved that the Prisoner made a violent resistance before his capture.

The 3d & 4th Witnesses, parties who some months previously had been seized by Hanmantha Sawanth's band, and kept with them some time as Coolies, were questioned as to whether they had ever seen Prisoner with the band. They reply in the negative.

The Prisoner states that he was seized by the rebels some

some 12 days previous to his capture at Combily; and that he was forced to come with them against his will. He denies that he was armed with a sword. He declares that two Witnesses named will prove that he was quietly in his Village a few days previously.

Had it really been established that Prisoner had no prior connection with the rebels (and the depositions of the 3rd & 4th Witnesses gave room for supposing that this might have been the case), as no charge had been brought against him save in the matter of his capture; notwithstanding his stubborn resistance, his case might perhaps have been leniently considered. His Witnesses accordingly were called and examined. They depose to having seen the Prisoner some time about the middle or end of February last, not since; and consequently give no support to his case.

The Charges here brought are fully proved against the Prisoner, and he has failed to establish the truth of his statements in his defence

Sentence

Under the powers of the Commission issued to me under Sec 7 Act XIV of 1857 and the provisions of Sect I Act XI of 1857, the Prisoner Dajeeba (alias Tatoba) is hereby sentenced to be hanged by the neck until he be dead, and to forfeiture of all his property and effects of every description.

Signed G. A. Ballard
Spl Commr

Spl Commissioner's
Court Juggelbitt
July 31st 1858

Note. Sentence will not be executed until

until the pleasure of Govt on the letter to the Chief Secretary of this days date (No 47) covering copy & translation of the proceedings and depositions in this case, and submitting that the sentence be commuted to one of transportation for life, be known.

Note. Whilst this case was pending, and previous to the Examination of Prisoner's Witnesses a second charge was brought against Prisoner of having been one of a party of rebels who assaulted a Shanbogue and peon near Shirugury, a village of Soopah on the 26th February 1858 – reference had to be made to Belgaum and Warree regarding the deponees. The last communication was only received yesterday the case has been dismissed. This number was kept open until the other case could be closed, which accounts for the delay in passing sentence.

Signed/ G. A. Ballard
Spl Commr

Spl Commrs Court
Jugglebett
July 31st 1858

/ True Copy /

G. A. Ballard
Spl Commr

Jud. 10520 Dept.
Inc No 1426.

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Judicial Depart

No 1426

From the Special Commissioner North Canara
Dated 31st July 1858

For orders

Send act on the Com's recommendation

The enclosures of the letter to be copied.

10/8/58

Judicial Dept

No. 1144

Extract dated 19 Augt/58

Read letter from Mr. Ballard, Commr. for North Canara, under Act No XIV of /57 } here enter No 47 D/31st July/58.

The Govt. approve of the miti-gation of punishment suggested in this case - The prisoner Dajeeba, like all other prisoners sentenced to transportation under Commissioners' sentences, will be sent ~~[illegible]~~ to Madras, to the custody of the Commr. of Police, for final shipment to the Penal Settlement at the Andamans.

by sea if a favorable opportunity should occur - otherwise by Land under a sufficient guard.

W M

D. C. 16/8/58

The enclosures of the letter to be lodged.

To J A Ballard Esqr. S. Comr. N. Canara
" Comr of Police - Madras } Dispd 25th

Judl. Lr. to Engd. 13th. Decr.
No. 2 of 1858.
Paras 3@7

6-6-12 ✓

c. No. 1-2

1-6-58

In Dr. to Cons. 24 Augt.

Judicial 1858 Deptt.

No. 1144.

Extract Mins: Cons:

Dated 19 August 1858.

[illegible] Incl.

Feb 1732

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