

MADRAS RECORD OFFICE.

Government of Madras.

Jurial DEPARTMENT.

G.O. No.	1307	Press
22-23		~~Mis~~
Dated	24-9-1958	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 28th September 1858.

No. 22. Read the following letter from J. J. COTTON, Esq., Commissioner of Masulipatam ; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, dated 10th September 1858, No. 49.

SIR,

1. The final orders of Government conveyed in Extract from Minutes of Consultation, dated 30th July 1858, No. 1031, confirming the capital sentences recommended by me against the 6 Rohilla Convicts alluded to, were carried into effect, at Juggiahpettah as directed, on the 23rd Ultimo, and information on the subject was publicly proclaimed throughout the district, and has been communicated to the Resident at Hyderabad, with a view of the whole of the sentences passed against the 26 Rohillas convicted before me, being similarly promulgated far and wide throughout the territories of His Highness the Nizam, and more particularly in those portions of the country where such marauders as those lately punished are known to congregate.

2. In further reference to the above Extract, I feel that some explanations are due upon the remarks contained in the 3rd para. which seem to imply that I was hardly justified in selecting any (in particular) of those convicted of the crimes charged for capital punishment, but might have extended the catalogue of those sentenced to the extreme penalty of the law to the whole, or at least to "many more" than I did.

3. From the 11th para. of the Extract from the Minutes of Consultation, dated 1st July 1858, I confess I was not prepared for the above remarks, particularly as the Government saw "no reason to interfere with the other sentences" of transportation and extended terms of imprisonment passed by me against other 20 convicted Rohilla prisoners ; for if the penalty of death recommended by me against the 6 Rohillas lately executed was considered equitable and just at that time, when the sentences against the rest of the gang were approved of, it was reasonable to expect that the remarks in para. 3 of the Minutes of Consultation now under reference, would have followed on those of para. 11 of the former Minutes.

4. My reasons for recommending capital punishment in 6 cases out of the number convicted are already recorded, viz., that a signal and terrible punishment appeared to me necessary under the circumstances, and I conceived that the number named was sufficient for such a purpose. Indeed, I only had doubts whether, judging from the results of such cases referred for final decision to another high tribunal at the Presidency, I might not have been accused of too great severity in my sentences, especially as there were no actual eye-witnesses of the fact, that any of the prisoners sentenced was a principal in the first degree on the charge of killing the Government Sepoys ; for which alone, I believe, a capital sentence would have been approved of and confirmed by that Court. Nor was I prepared to recommend a capital sentence against "every man" concerned in the lawless attack on the town of Juggiahpettah, when some of the Treasury guards were shot, (but in which, as far as I have been able to ascertain on the spot and elsewhere, no horrible atrocities or outrages were committed upon the people as is too commonly the case in the more ordinary gang robberies.) Moreover, hitherto only some 26 of the gang of 6 or 700 delinquents have been brought to punishment and if the extreme penalty of the law had been passed on those lately sentenced, in strict justice, a similar punishment awaited the whole of the remainder of the gang on their apprehension, a construction which I conclude the Government could never have meant to apply to the law quoted.

5. In the sentences recorded and now confirmed by Government, in the cases of these Rohilla prisoners, I have conscientiously endeavoured to act with unswerving justice tempered with even the higher attribute of mercy ; and I trust therefore that the explanation now submitted may meet with the unqualified approval of Government, which next to that of my own conscience, I must always appreciate.

No. 23. ORDER THEREON, No. 1507 ; dated 24th September 1858.

Ordered that the foregoing letter be recorded. *Mr. Cotton* will be informed that he is mistaken in supposing that the orders of Government he refers to intended any reflection upon

Fort St. George, Judicial Consultation, 28th September 1858.

him. The Government meant merely what they said, viz., that in the absence of any shades in the degree of guilt between all those who did not take a subordinate part in the Juggiapettah outrage, they would not have declined to authorize the execution of several of those sentenced to transportation, had the Commissioner passed the extreme sentence in such cases.

(Signed) T. PYCROFT,
Chief Secretary.

Judicial Dept

No 1307

Ref. 24th September 1858

Read letter from the
Comdr. Gyllat Mankipatan, } here enter
under Act XIV of 1857 } No. 49
S/10th Sept/58.

W. H.

W. H.

ordered that he foregoing letter be recorded. Mr. Gyllat will be informed that he is mistaken in supposing that the orders of Govt. is refer to intended any reflection upon him. The Govt. meant merely what they said, viz. that in the absence of any shades in the degree of guilt between all those who did not take a subordinate part in the Juggiapettah outrage, they would not have declined to authorize the execution of several of those sentenced to transportation, had the Comdr. passed the extreme sentence in such cases.

To follow Comdr. under Act XIV of 1857. } (Dispt. 28th)

Mankipatan

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