M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1331. 1337 Press ~~Mis.~~

73-76

Dated 28-5-~~19~~1938

Not to be folded or roughly handled

Read the following letters.

No. 73. From G. A. BALLARD, Esq., Special Commissioner, North Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated Jugglebett, 20th September 1858, No. 74.

SIR,

On the 16th July last, I had the honor of submitting a Statement of my judicial work as Special Commissioner up to that date. The Statement subjoined shews the result of my proceedings since.

Prisoners remaining on the 16th July...		13
Received since...		7
		— 20
Sentenced to death...	1	
,, to transportation for life...	3	
,, to 14 years' imprisonment...	1	
,, to 10 years' ,, ...	1	
,, to 8 years' ,, ...	2	
,, to 7 years' ,, ...	1	
,, to 4 years' ,, ...	3	
		— 12
To find security...		2
Unconditionally released...		6
		— 20

2. The prisoners mentioned in the correspondence noted* were duly executed. Prisoner Babili on the spot where the murder he was concerned in was committed.

*Special Commissioner, to Chief Secretary, July 13th, 1858, No. 42, and July 15th, 1858, No. 43, and Extract Minutes Consultation, No. 1094, dated 10th August 1858, and No. 1101, dated 11th August 1858.

3. I regret to state that prisoner Dajeeba effected his escape from the temporary Jail (under Sepoy guard) on the night of the 22nd August 1858. I immediately offered Rupees 100 for his re-apprehension and delivery, but nothing has since been heard of him.

4. The transportation prisoners have been sent to the Magistrate at Mangalore, with copies of Extract Minutes of Consultation, Nos. 1094 and 1144, under dates 10th and 19th August 1858, respectively, and he has been requested to transmit them to the Commissioner of Police, Madras.

5. Gunaba Shenvy, Bustian and one or two others, are the only Canara rebels of any note that have up to the present time succeeded in eluding all efforts made to capture them. Efforts will not be relaxed however, and these miscreants if captured, must be rigorously dealt with.

6. There are other individuals whose names have been mentioned in various cases, as having been with the Bund, but they are men of no importance, and I should not be inclined to molest them, even if I heard they had returned to their villages, as a sufficiently stern lesson has, I think, already been read to the people of this Talook.

7. It is a matter for real regret, that the heads and instigators of these disturbances are still at large, and no pains must be spared to bring them to condign punishment. If they escape, the punishments on the minor insurgents may almost be looked upon as inflicted in vain.

8. An abstract shewing the total punishments inflicted in connection with the disturbances is subjoined.

Prisoners brought to trial..... 201

	In Mr. Robinson's Court.	In Mr. Ballard's Court.	Total.
Sentenced to death.....	6	*5	11
,, to transportation for life.	7	†16	23
,, to 14 years' imprisonment	11	12	23
,, to 7 years' and upwards.	16	19	35
,, to 4 years' ,,	6	5	11
,, to 1 year ,,	...	3	3
,, to 4 months	...	1	1
,, to give security.....	10	9	19
Total sentenced.....	56	70	126
Unconditionally released...	27	48	75
			201

Remarks.

*One sentence commuted to transportation for life. Vide E. M. C. dated 19th August 1858, No. 1144. Prisoner escaped.

One sentence under reference. Vide Special Commissioner's letter, to Chief Secretary, Sept. 10th, 1858, No. 75.

One sentence remitted.

†Vide E. M. C. dated 11th August 1858, No. 1099.

NOTE.—Sentence of forfeiture of all property passed on 85 of these prisoners.

Total value of all moveable property hitherto attached in consequence, is estimated at Rs. 996-13-4, that of landed property attached at Rs. 555. In a few cases attachment have not yet been executed. Some of the Convicts had no property, others very trifling amounts, undoubtedly a great portion has been concealed or made away with.

No. 74. From G. A. BALLARD, Esq., Special Commissioner, North Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Jugglebett, 20th September 1858, No. 76.

SIR,

* 13th September 1858. This forenoon I received a demi-official* from Lieutenant Way of the Sawanth Warree Corps in reply to a note from me, apprizing him of the information conveyed to you in my letter of the 9th Instant, No. 71.

2. Lieutenant Way thinks, I must have been misled about Tulgam Car Nana's exact position. Perhaps the truth lies between his information and my own.

† About the end of June last. 3. He proceeds "soon after I gave over charge† of the frontier, Colonel Auld received a letter from His Excellency the Governor General, telling him the Sawanths had sued for pardon, and wishing to know our Government's views on that point. To this communication the Colonel under instructions from Government replied, that their lives should be spared if they submitted to the British; but that, if they gave themselves up to his Government, we could not agree to their being restored to their former position; but would be glad in that case, if His Excellency would dispose of them as he did of the rebels in the North Con-

i. e. Banished for life. can, who were taken in Damaun; pointing out, at the same time, that their followers Nana Tulgam Car, &c. &c., should be disposed of in like manner. This arrangement possibly did not meet the Sawanths' views, for nothing more was heard regarding pardon, or indeed regarding their movements till His Excellency reported the submission of Nana Tulgam Kar and Co. saying "that they had presented themselves before the Commandant of Phonda, praying for the safety of their lives, and to be permitted to live in the Portuguese Territory," promising obedience, &c. &c., but that he had retained them under a strong guard, and placed them under such restraint that they will never be able to commit hostilities again either against Portuguese or British subjects, &c. &c. In answer to this, Colonel Auld gave his opinion that it would be the best policy to retain the parties in safe keeping *at present* but urged His Excellency most strongly *to banish them the country*, reminding him of their past faithlessness and assuring him that the peace and tranquillity of both countries could only be secured by doing so.

4. I have given this extract at length because the views of the Bombay officials appear so different from those which I have entertained, that I beg to submit some remarks on the matter.

5. At a distance from the scene of these disturbances, it must appear strange that a small party of lawless vagabonds should be able, if not to set Government at complete defiance, at any rate to keep together in an armed band, and elude all attempts at capture. I do not here enter into any explanations. The fact that they have, from whatever causes, been able to do so, is conclusive proof that, insignificant as they may appear, they are not very easily dealt with; and the deduction clear that after we have had so much trouble, and have now means and opportunity at hand, most thorough and effective measures should be taken to put a recurrence of such disturbances as far as possible out of the question.

6. With this impression, I have from the commencement advocated a decided course against Deeparana. If our provinces are disturbed, it matters little whether the spark kindles on this or the other side of the border, we must shew that we can quench it on either; for it is no use disguising the fact that the Portuguese on such occasions as the present are, and will be, found wanting.

7. A difference of opinion, however, as to the degree of severity with which we should treat such a case as Deeparana's might exist, but I confess, I conceived there could be little amongst British Officers as to the course we should pursue towards the Sawanths, until I received Lieutenant Way's letter.

8. It must be remembered that these Sawanths after living for years in tranquillity and comfort close to our border, made a sudden and utterly unprovoked irruption into this District; that they choose a time when they believed the British Government hampered in the north, and in the southern Marahta country; that they alleged (however absurdly) connection with Nana of Bithoor, that they drew some, and forced many of our people to join their gangs, which were guilty of the murder of several of our peons and subjects; of burning Government stations; of forcibly collecting sayer; of muleting our ryots and of other heinous crimes.

Such are the counts, and under them, I am respectfully of opinion that granting *any* terms, or requiring any thing short of *unconditional* surrender from the three chiefs, is impolitic in itself, and unworthy of our power.

9. About 100 individuals have been sentenced in the Special Commissioner's Courts in this District (besides others in Belgaum,) to death, transportation for life, and long period of imprisonment. Justice and policy alike demanded severity, but much more do they demand it in the case of the chiefs and instigators than in that of their ignorant followers. Consistency alone should make us visit the former with condign punishment.

10. Had these views been acted on by all parties, the Portuguese, I am convinced, would have done all we wanted. They would have made a show with their forces; and to a certain extent have checked the rebels, and kept them from supplies. They were willing, nay anxious, that we should enter their territory and settle the Bund our own way; and if any of the leaders, hard pressed, had given themselves up unconditionally, as I think it not unlikely they would have done at the last to the Portuguese, they would have made them over to us without demur.

11. I have written to Lieutenant Way, and requested him to convey my unchanged opinion to Major Auld, though I cannot expect he will adopt it, and matters have perhaps gone too far to pursue the course I have advocated.

12. Now that conditional surrender has been mooted, and no point made of the chiefs being made over to us; the Portuguese, always prone to vacillation and anxious to get rid of present troubles as speedily as possible, would probably demur at a change to stronger measures. They will lay themselves out for the surrender of the chiefs and the latter will probably come in. Unless carefully watched, the Goa Government will then place them under a nominal surveillance, in reality allow them gradually to recur to very much the same position they occupied before their gratuitous attack on us. I do not overlook that Colonel Auld has urged their banishment. I only say that to secure it the Portuguese must be kept up to the mark by us.

13. But if it must be that the Sawanths be admitted to surrender on guarantee of life, I would rather urge that the Portuguese Government in the event of their surrender, be pressed to make them over to us, so that the punishment should be sure and certain from our hands. It was against us that these men first and principally offended; and from us they should meet their due or as much of it as conditions sanctioned by us allow us to impose.

I have written to Lieutenant Way on this point; and beg the early intimation of the views of Government upon it.

14. To shew how necessary it is that the Portuguese should be watched, I beg to call your attention to the extract from the Governor General's letter quoted by Lieut. Way. His Excellency writes "they* had presented themselves before the Commandant of Phonda, praying for the safety of their lives, and to be permitted to live in the Portuguese territory, promising obedience, &c., &c., but that he had retained them under a strong guard and placed them under such restraint that they will never be able to commit hostilities again either against Portuguese or British subjects."

*i. e. Tulgam Car Nana and others.

Now the Commandant of Phonda (by a translation, I have procured) writes in reply to my request that Tulgam Car Nana be made over to me—

"It is true that Nana has given himself up and his brother Amrut Row and Ramchendra Rana and nephew Tata Sawanth, but not unconditionally. Under the authority given to me by my Government, promise was given to these men, and they have accordingly come up to us."

* * * * * *

"I beg to request that for the above reasons, and as promise is given to them, it is neither possible to make over the said individuals to you, nor have I authority from my Government to do so."

The first extract unmistakeably implying that Tulgam Car Nana gave himself up unconditionally, the second stating that "promise" had been given him previously after communication with the Goa Government, and orders received from it on the subject.

15. Tulgam Car Nana as I have before mentioned was a truculent leader of the Bund in Canara. I have received no reply to my formal† request to the Governor General that he may be made over, but after that authority's correspondence with Colonel Auld (which has now only come to my knowledge) of course the reply will be a refusal.

†Dated 9th September 1858, No. 70, copy was sent with my letter to your address of same date, No. 71.

16. I have just received a report that Deeparana has gone to give himself up to the Governor General at Goa; and as I know negotiations have been going on, I am inclined to believe it.

17. I mentioned the movement of Troops towards the frontier in the beginning of this month. On the 9th Instant, I wrote‡ to the Governor General of Goa, requesting formal permission for a Detachment to enter his territory, to take up a post or posts near the rebels, and attack them if opportunity offered. I have not heard from him in reply, and a fresh burst of wet weather has prevented the spare Troops moving on from this. If it clears soon, however, I shall request their advance shortly.

‡14th September 1858, No. 73.

18. I go to the frontier as soon as some revenue work here will permit me, and will report regarding Deeparana, as soon as I can get any reliable information.

No. 75. ORDER THEREON, No. 1336; dated 28th September 1858.

Ordered that the following letter be despatched.

(Signed) T. PYCROFT,
Chief Secretary.

No. 76. To the Secretary to the Government of Bombay, dated Fort St. George, 28th September 1858, No. 1337.

SIR,

With reference to my letter under date the 18th Instant, No. 1285, I am directed by the Governor in Council to forward, for submission to the Government of Bombay, the accompanying copy of a letter from Mr. Ballard, Commissioner in North Canara, dated the 20th Instant, No. 76, and to state that this Government concur generally in Mr. Ballard's views and consider his reasoning especially in para. 9, to be deserving of serious attention.

I am desired to add that since the letter in question came to hand, the Government have heard by Telegraph from Mr. Ballard, to the effect that it was understood that the Sawanth brothers had been guaranteed their lives if they surrendered, and suggesting that it be strongly urged on the Bombay Government that the surrender should be purely unconditional.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

No. 1732 & 1733

From

G. A. Ballard Esqr.
Special Commissioner
North Canara.

Dated 20th September 1858.

For Orders.

Mr Ballards letter should be forwarded to Bombay with thanks & Mr Manby's requested delay & Mr Ballard's para 9 should also that a Telegram has just been received from him to the effect stated in ¶ 15

Governor in Council to forward, for submissio

Inclosure in the letter
to Bombay Govt (21)

Judicial Department.

(No 1536)

Extract from the Minutes of Consultation.
Dated 28th September 1858.

Read the following letter
from G. A. Ballard Esqr.
Special Commissioner, South
Canara.

(Store Enter 20th Sept 1858 No 7670)

Ordered that the
following letter be dispatched.

To
The Secy to the Govt
of Bombay

(Store enter 28th Sept 1858 No 7837)

Under Secy

(Stamped 28th Sept. with Judicial Seal.)

Judicial Letter No 1332

To His Excellency the Governor in Council

Sir,

I have the honour to transmit herewith certified copies of Minutes of Council of the 28th instant, and of Proclamation thereby directed to be issued, for the purpose of declaring the Colony of Vancouver Island a free port, and for the establishment of Customs Districts and Ports of Entry therein.

I have the honour to be,
Sir,
Your most obedient humble Servant
Wm. A. G. Young
Colonial Secretary

Judicial Letter from Colonial Secretary, dated 28th September 1858, No. 1332.

Enclosing Extract Minutes of Council, dated 28th September 1858, and Proclamation, dated 28th September 1858.

Judicial Letters from Colonial Secretary, 13th Dec. 1858 to 2 of 1858.
Page 307.

75.

I am desired to
add that since the
letter in question came
to hand the Govt have
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from Sir Ballard
to the effect that it
was understood that
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-dered, and suppose-
-ing that it be strongly
urged on the Bombay
Govt that the surren-
-der should be purely
unconditional

Fort St George
28th Sept 1858

Copy to Sir Ballard. Disp 28th "

Ellis

Judicial Letter to Engld 13th Decr. No 2
of 1858

Paris 307

In Consn 28 Septr
Judicial 1858 Dispatch
No 1337

To,
The Secretary to the
Government of
Bombay.

Dated 28 Septr 1858.

Forwards copy of a letter
from the Consul dated 20th inst. 78
respecting one Mr Gaillard
Canvas in North Canara.