M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1748-49 Press ~~Mis.~~

15-16-17

Dated 16-12- ~~19 .~~

Not to be folded or roughly handled

No. 15. Read the following letter from WILLIAM FISHER, Esq., Magistrate of Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Gokurn, 3rd December 1858, No. 72.

SIR,

1. The Government have no doubt been apprized long ere this of the surrender to the Portuguese authorities of Hanamunth and Baba Sawunt.

2. As yet however a portion of their followers are at large, and there appears to be no information before the Special Commissioner, which will enable him to decide whether they still hold together, or have dispersed.

3. In copy of a letter addressed by Mr. Ballard to Brigadier Fitzgerald, which reached me this morning, I find that I am expected to offer an opinion as to arrangements now necessary in consequence of the surrender of the Sawunt brothers, and I have the honor to enclose copy of my communication addressed this day to the Brigadier.

4. I trust the immediate disposal of the Sawunts will be insisted on, and that the force now in Soopah may remain there until these people have left the shores of India.

5. Otherwise, the opinion among Natives will be that this Government has been outwitted, and that the Sawunts will in the course of a few years, be again in position to annoy a power from which they have now for the second time escaped, by a surrender to the Portuguese.

6. Already there are reports that the transportation of the Sawunts will not take place, and that in reality they are in the hands of those who can frustrate the designs and intentions of the Governor General, however good these may be.

7. I may be wrong in supposing that the presence of the force now in Soopah will determine the plans, or hasten the arrangements of the Portuguese; but I am unwilling that they should retire until their mission is accomplished, and the Sawunts are deprived for ever of the power of giving further annoyance. I respectfully request therefore, that every influence which this Government can exert, may be promptly exercised in bringing about the immediate fulfilment of those promises, which induced it to listen to the offer of terms of any sort, to miscreants, who are far more worthy of condign punishment than their followers and abettors, who have already suffered.

8. Indeed the severity which was justly exercised in the cases of those convicted of aiding the gang in any way whatever, seems to accord but ill with the punishment meted out to the principal delinquents; and there are probably many severe sentences on individuals, the complexion of whose crimes was altogether derived from the circumstances of the moment on the then state of the country; and the mercy of Government might be extended to many by a partial remission of the sentences imposed, now that unconditional surrender of the instigators and leaders of the revolt has not been insisted on.

9. The Commissioners themselves would I believe unite with me in making this request under existing circumstances, and I have therefore the less hesitation in pleading for those who were indeed guilty, but to whom mercy may be extended, on tranquillity and confidence being secured by the deportation of the Sawunts within whose influence they were drawn.

From W. FISHER, Esq., Magistrate of Canara: to Brigadier J. FITZGERALD, Commanding Malabar and Canara, Soopah, dated 3rd December 1858.

SIR,

A copy of Mr. Ballard's letter to your address (No. 104) dated 27th November 1858, has just reached me. Mr. Ballard's opinion seems to be, that as the Sawunts have surrendered, further Military operations are unnecessary, unless such of their followers as are still at large should keep together, in which case he would hunt them down in the manner about to be adopted, had the Sawunts not given themselves up to the Goa authorities. In this policy I concur, but I think the field force should not be broken up until the Governor General of the Portuguese territories has fulfilled his promise, and the Sawunts are ascertained to be on their way to Timoor.

2. The surrender of these individuals has not yet been made known to me officially, but I heard from Mr. Ballard on the subject when the intelligence of their having come in, reached him.

3. Admitting then that their surrender is an established fact, I think it of the utmost importance, that they should be at once despatched to Timoor. The idea among Natives seem

to be that this promise on the part of the Portuguese will not really be kept, and that these men will simply be detained in custody more or less close. As long as Hanamunth and Baba Sawunt live, or have the slightest chance of regaining their freedom, the people of Soopah will never feel any confidence in the stability of that peace and quiet, which the death or transportation of these men will alone secure; and until the objects of this Government are attained, I think that the field force should be kept up, and the inconvenience and expense of the arrangement be urged on the Goa Government, in order to bring about the immediate and due disposal of these men.

4. As to the posts at which our Troops whether few or many should be placed, I have no opinion to offer, but would draw your particular attention to Jugglebett as a central position, from which I imagine the Goa frontier may be watched, and Troops despatched to any point that may be threatened.

5. If the Sawunts were in our hands, or satisfactorily disposed of, the rest of the gang might be safely left to the Police, backed by a Military force at Jugglebett.

6. It is only the name that the Sawunts have acquired in consequence of their having a second time escaped from our hands, that makes the gang formidable. Natives will never believe that they are rid for ever of these turbulent brothers, unless they are publicly executed or deported under the eye of a British Officer. Every hour's delay is of consequence, as it gives additional strength to the opinion of Natives, that the Sawunts are now simply in the hands of those without whose connivance they could not have entered British territory. The intentions of the Governor General of Goa may be all we can desire, but Natives know that His Excellency is nearly powerless, and that his wishes and plans may be frustrated by those about him. I am therefore anxious to press by all means in our power, the immediate fulfilment of the promises, on faith of which the Government were pleased to allow the Sawunts their lives, as this is absolutely necessary for the restoration of tranquillity and confidence on the frontier.

(True Copy.)

(Signed) WM. FISHER, *Magistrate.*

No. 16. ORDER THEREON, No. 1748; dated 16th December 1858.

The Government are not prepared to order that the force now in Soopah remain there until the Sawunt brothers have been deported from India. The arrangements to be made respecting that force will have to be determined by Brigadier FitzGerald, in communication with the Magistrate, and on general considerations connected with the peace of the country irrespective of the actual deportation of the Sawunts.

2. At the same time the Government are fully alive to the importance of these men being sent into banishment as early as possible. It is remarked, that all Political negotiations with His Excellency the Governor General of Goa are in the hands of the Special Commissioner Major General Jacob, whose attention will no doubt be given to this important subject. A copy of Mr. Fisher's letter and enclosure will, however, be forwarded to the Government of Bombay.

3. A copy will also be furnished to the Commissioner Mr. Ballard, who will be at liberty to make recommendations in accordance with the views expressed in paras. 8 and 9, should any such appear to him to be called for.

(Signed) T. PYCROFT,
Chief Secretary.

Ordered that the following letter be despatched.

No. 17. To the Secretary to the Government of Bombay, dated Fort St. George, 16th December 1858, No. 1749.

SIR,

I am directed by the Right Honorable the Governor in Council to forward for the information of the Government of Bombay, the accompanying copy of a communication from the Magistrate of Canara, dated 3rd December Instant, respecting affairs in North Canara, and of the orders passed upon it.

2. The Bombay Government will no doubt fully agree with that of Madras in their anxiety, that the banishment of the Sawunt brothers should be carried out as speedily as possible.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cortledge.

Judicial Depart.t

No. 1748

Extract from the Minutes of Consultation
Dated 16th December 1858

Read the following
letter from the Magistrate
of Canara

Here enter 3d Dec.r 1858 No. 724

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to make recommendations in accordance with the views expressed in Paras 8 & 9 should any such appear to him to be called for.

Ordered that the following letter be despatched.

To

The Secy to the Govt. of Bombay

(Here Enter &c.)

The Mag of Canara
Cpt Ballard Sup. N.C. North Canara
Military Depart.

Dept. 18 to 3 & 25

Judl Dept. Letter to Govt. of Bombay
No. 17 of 1858. Para 2.

Judl Dept. Govt. of Bombay
Judicial 18th Decr 1858. No.

7th 12252

No. 17 of 1858

Subject Mission from Canara

Dated 16th December 1858.

Dup 18th

46

Judicial Department

No. 17 of 1858.

To,

The Secretary to the
Government of Bombay

Sir,

I am directed by the Right Honorable the Govr. in Council to forward for the information of the Govt. of Bombay, the accompanying copy of a communication from the Magistrate of Canara dated 3d December instant, respecting affairs in North Canara and of the Orders passed upon it.

2. The Bombay Govt. will no doubt fully agree with that of Madras in their anxiety that the banishment of the Sawunt Brothers should be carried out as speedily as possible.

I have &c.
H Cole

Fort St George
16 December 1858

Monarch

Thos Aplin

Ind.ª L.ª to Engd. 15th Feby.
No.7 of 1859 Para 2.

6-6-12

In Dy. to Govt. 21 Decr.
Judicial 1858 Dept.

No. 1749.

To,
The Secy. to the
Government of
Bombay.

Dated 16th Decr. 1858.

Forwards copy of a communication from the Magte. of Canara respecting the affairs in North Canara and of the Orders passed thereon. and that that Govt. will agree that the banishment of the Sawunt brothers should be carried out as speedily as possible

P.D. 22 52
— 5 1859.

C/11 Decr 15 @ 17.
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