

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	221	Press Mis.
23-24		
Dated	17-2-	19/8/51

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 25th February 1859.

No. 23. Read the following letter from J. D. ROBINSON, Esq., Joint Magistrate of Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Soonksaul, 29th January, 1859, No. 34.

SIR,

1. I have the honor to submit for the consideration and orders of Government, a list exhibiting the names of the fugitives implicated in the late disturbances on the Soopa frontier, who have surrendered or are still at large up to date.

2. From this statement it will be seen that of 38 persons missing from their villages, 3 only have come in within the time prescribed in the Royal Proclamation and 4 others subsequent to its expiration.

3. The other 31 are still at large and supposed to be lurking in the Goa territory.

4. Government are already aware from my telegram of the 20th December, that the Royal Proclamation was not published in the Soopa district until the 14th December, so that the time of grace must have expired before the promise of pardon could reach the majority of those to whom it was addressed. To this circumstance as well as to a natural uncertainty respecting the precise terms under which pardon was guaranteed to them may doubtless be ascribed the fact that so few have taken advantage of the offer.

5. Government will perceive from the accompanying Return that of the whole number of fugitive delinquents there are perhaps only 3 (Nos. 1,* 13 and 14) who judged by their acts, would not come within the scope of the amnesty.

Extract Minutes Consultation, under date the 1st December 1858, No. 1696.
Extract Minutes Consultation, dated 7th January 1859, No. 19.

6. The others, one and all, would, as I read the Proclamation and the Governor General's subsequent commentaries thereon, be, but for the limitation as to time, entitled to free and unconditional pardon. In fact with the 3 exceptions above alluded to, the worst cases on the list are precisely those which concern 6 out of the 7 fugitives who have now come in.

7. Under the head of remarks, I have indicated those for whose apprehension rewards† were offered by Mr. Ballard and whose property had been declared forfeit. These rewards bear proportion of course to the importance of the capture they were designed to expedite and will aid Government in forming a correct estimate of the social position and individual criminality of the parties for whom they were offered.

8. Published on the 1st December and limited to one month, these offers with the exception of those for Gunba Shenvy and Sidy Bastian are now no longer in force. I would not under present circumstances recommend the renewal of any of these except that of Rupees 100 for the capture of Benaw, No. 14 on the list (Bastian's brother) against whom there is proof of murder on the records of the Commissioner's Court. The rewards for Gunba Shenvy and Bastian, Nos. 1 and 13 should I am of opinion, still be kept open.

9. Under the impression that the 3 first persons on the list are entitled to unconditional pardon and that coercion in the 4 other cases would be impolitic if not inimical to the spirit of the Royal Proclamation, I have abstained from placing these 7 persons under any species of restraint and have merely remanded them to their homes and villages there to remain until further orders. To have subjected these persons to an immediate judicial prosecution and the restraint inseparable therefrom would it appears to me, have had the effect of discouraging others from coming in and tended to weaken confidence in the good faith and authority of the Royal message—at best, I fear, but imperfectly understood and trusted.

10. In placing the subject once more before Government the points on which I beg respectfully to solicit their early instructions are the following :—

Fort St. George, Judicial Consultation, 25th February 1859.

1st. Does the fact of *not* having surrendered within the prescribed time necessarily subject all who may hereafter make voluntary submission to a judicial prosecution?

2ndly. Have my powers as Commissioner, not exercised since the 1st July, ceased, and are such prosecutions if directed by Government hereafter to be conducted by me as Joint Magistrate and Committing Officer to the superior Court?

3rdly. Acting in this latter capacity only, have I any discretionary power or must all cases however slight their treasonable colouring necessarily be committed for trial before the Court?

4thly. Must awards of confiscation recorded against parties who may have submitted subsequently to the 1st January, be executed irrespectively of any consideration suggested by Her Majesty's Act of Amnesty and subsequent commentaries thereon?

Paras. 13 and 14, Extract Minutes Consultation dated 7th January 1859, seem to prescribe the courses to be pursued in the 3 first cases on my list and to sanction the restitution of any property over which we may still possess control.

I have called for more detailed information than I now possess respecting these confiscation sentences, but of this much I am certain that beyond the fact of their being recorded, no steps have yet been taken towards giving them effect in any of the cases entered in my list.

I am just starting on my tour of the Soopah talook and shall have an early opportunity of making personal observations on the present state of matters in that part of my division, in the mean time I beg respectfully to be favored with the instructions of Government on the points above indicated or any others which the consideration of the subject may suggest.

Should I have erred in my appreciation of the meaning of existing orders on the subject, I beg Government will transmit to me by Telegraph their instructions respecting the mode in which they would wish cases of this class dealt with.

I have heard nothing of the fate of the Sawant leaders since Mr. Ballard's departure, but have written to the Governor General of the Goa territories requesting he will inform me whether, as I understood it to be decided, they have been deported to Timoor. His Excellency's answer when received shall be transmitted for the information of Government. The field force having been broken up as already reported, has been replaced by a Detachment of the 51st Regiment N. I., from whose head quarters at Jugglebett the outposts of Tinnie, Koovesy and Koondul are furnished. This distribution I would not for the present disturb as there are yet at large stragglers who might give trouble and the maintenance of confidence is an all-important consideration.

Later in the year these outposts may perhaps be dispensed with and the whole force being concentrated at Jugglebett better provision be made for its comfort during the rains, without jeopardy to the good order and tranquillity of the surrounding districts.

Fort St. George, Judicial Consultation, 25th February 1859.

List of Fugitives implicated in the Soopah frontier disturbances who have surrendered or are yet at large.

No.	Names of Prisoners.	Charge.	Date of appearance before the Tahsildar.	Remarks.
1	2	3	4	5
1	Champoly Neelba Dessaye	Aiding and abetting rebellion and having on the 16th March 1858 led the gang of 14 men who attacked and looted the house of one Siddoly Govind Poy carrying him off prisoner on his refusal to pay a ransom of Rupees 200.	Surrendered to the Tahsildar on the 28th December 1858.	The prisoner states that bearing through his friends, when hiding in Konkan (Goa) that an amnesty had been proclaimed, he returned and voluntarily surrendered to the Tahsildar. This man's property is under forfeiture and a reward of Rs. 50 offered for his capture. Limit one month expired. No reward offered for his apprehension. States that he surrenders under the terms of the Proclamation.
2	Karunjoly Baba Mullick	Aiding and abetting rebellion by supplying provisions to the insurgent chiefs whose special confidence and favor he is said to have enjoyed.	do	do
3	Petoday Moorar Dessaye	Implicated and guilty to the same extent as No. 1.	31st December 1858.	A reward of 25 Rupees offered for his arrest. Limit one month expired. Property under attachment. Comes in under the terms of the amnesty.
4	Panjalay Ramah Dessaye	Aiding and abetting rebellion and having taken part with and assisted Govind Dessaye in the pillage of one Narraina Poy's house.	6th January 1859	Property not confiscated. Reward of 20 Rupees offered for his apprehension. Limit one month expired. Surrenders on the faith of the Proclamation.
5	Panjaley Neelba	do.	do.	do.
6	Murtoo	do.	do.	do.
7	Watlay Lahwar Gunnoo	Aiding and abetting rebellion without aggravating circumstances.	11th January 1859	No reward offered. Property not attached.

Roll of Fugitives who have not yet come in.

1	Tinnie Gunaba Shenry	Aiding and abetting rebellion, and having organised and led the gang which burned and plundered the villages of Singergaum and Goondray. Generally supposed to have been an instigator and agent in the murder of a peon and two others found mutilated on the road between Jugglebett and Tinnie.	Rupees 1,000 sanctioned by Government offered as a reward for his capture. Property has been confiscated.
2	Tinnie Gunaba Dessaye	Aiding and abetting rebellion	Property confiscated.

Fort St. George, Judicial Consultation, 25th February 1859.

	Aiding and abetting rebellion.	Property under attachment.
3 Tinnie Baboo Dessaye	do.	do.
4 Do. Mahar Venko	do.	do.
5 Coondul Luxoomun Dessaye	do.	do.
6 Jalawaly Krishna Dessaye	do.	do.
7 Kantely Jeewah Dessaye	do.	do.
8 Godesett Krishnaje Devaly	do.	A reward of 20 Rupees offered for his arrest. Limit one month expired. Property not confiscated.
9 Kaverly Devaly Gunnoo	do.	Property confiscated. A reward of 25 Rupees offered. Limit one month expired.
10 Virunjoly Bhickoo	do.	A reward of 20 Rupees offered. Limit expired. Property not confiscated.
11 Do. Tanoo Devely	do.	do.
12 Karumbly Bablee	do.	do.
13 Siddi Bastian	Aiding and abetting rebellion and proved guilt on the records of the Commissioner's Court, of murder and other heinous offences.	A reward of 500 Rupees offered for his arrest. No limit as to time. No property.
14 Siddi Bennove	do.	do.
15 Cooveshy Kolkar Luxoomanah	Aiding and abetting rebellion whilst in Government employ.	A reward of 100 Rupees offered for his arrest. Limit expired. Original reward of Rupees 20 still open. A reward of 20 Rupees offered for his arrest. No limit as to time. Property not confiscated.
16 Do. Sookdojee	do.	do.
17 Sangurly Kankonkar Govindah	Aiding and abetting rebellion without aggravating circumstances.	Property not confiscated. No reward for his arrest.
18 Sangurly Bhickoo	do.	do.
19 Kalunghy Narainah	do.	do.
20 Chavoorly Soikar Vittoo	do.	do.
21 Manaye Bhundary Gopal Goolkar	do.	do.
22 Manaye, Goolkar Ramah	do.	do.
23 Nephew of Manayee Venkoo Gowdah	do.	do.
24 Umboly Appoo Dessayee	do.	do.
25 Bhickoo Havely	do.	do.
26 Gangoday Shaba Dessayee	do.	do.
27 Godesett Kristajee	do.	do.
28 Noojkar Baloo	do.	do.
29 Bhamunia Yessoo	do.	do.
30 Keverly Devely Gunnoo	do.	do.
31 Purdany Solekar Gunnoo	do.	do.

(Signed) J. D. ROBINSON, Joint Magistrate.

Joint Magistrate's Office, on Circuit, Soonsaul, 29th January 1859.

Fort St. George, Judicial Consultation, 25th February 1859.

No. 24. ORDER THEREON, No. 221; dated 17th February 1859.

It appears from this letter, that, at the date given—29th January last—there were 31 parties, implicated in the recent out-break on the Soopa frontier of the Canara District, still at large. Of the remaining seven fugitives from justice, 3 surrendered before the 1st of January, the limit assigned in the Royal Proclamation, and 4 subsequently to that date.

2. In reporting as above, Mr. Robinson enquires, *first*, whether “the fact of not having surrendered within the prescribed time necessarily subjects all who may hereafter make voluntary submission, to a Judicial prosecution.”

3. The Government answer, “certainly not.” It has been ruled by the Governor General, that mutineers and rebels, not included in any of the three excepted classes, are still, notwithstanding that they have not surrendered themselves by the 1st January, and so lost all rightful title to benefit by the provisions of the Amnesty, to be treated in accordance with the spirit of Her Majesty's Proclamation. Parties, not being of the excepted classes, who may surrender to Mr. Robinson hereafter, or who have surrendered subsequently to the 1st January, will not be brought to trial, but released on their personal recognizances. Those, on the other hand, not being of the excepted classes, who surrendered before the 1st January, should be released unconditionally. Three of the fugitives, it is observed, do belong to the excepted classes. The rewards for their apprehension should be kept open, and when taken, they should be brought to trial before the Special Commissioner, whose duty it will be, if conviction follows, to report the case and “await the orders of Government before carrying into execution the sentence passed, whether it affect the life, liberty or property of the criminal.” The rewards for the apprehension of other parties need not be renewed.

4. The 2nd question is, whether Mr. Robinson's Commission now ceases? *Answer*—It will not cease till the Act No. XIV of 1857 ceases to have effect, which will be with the close of the current year.

5. 3rd question—Mr. Robinson asks whether, when he ceases to be Commissioner, it will be his duty as Magistrate to commit to the ordinary Courts, all cases, however slight, of rebellion against the State? The Government consider that no prosecution should be so instituted without their consent. A reference should be made to them in each case.

6. Mr. Robinson enquires, fourthly, whether awards of confiscation that may be awarded against parties who may have submitted after the 1st January, are to be rigidly executed? The Government have already pointed out, that of those who failed to surrender by the 1st January, it is only the excepted classes who are amenable to a prosecution, and further that, in the event of conviction following, no sentence of the Commissioner, whether it affect “the life, liberty or property of the offender,” is to be carried out without the express orders of Government. This answers the question.

7. In regard to other cases of confiscation, it will be the duty of the Commissioner not only to restore the property of those (not being of the excepted classes) who may have come in before the 1st of January, as he has already decided to do, but also the property of those (not being of the excepted classes) who may surrender subsequently to that date; it being the injunction of the Governor General, as already observed, that “the spirit of the Amnesty be still adhered to in all ordinary cases.”

8. The distribution of the Troops should be maintained as at present. Their location later in the year will be considered as the season advances.

(Signed) T. PYCROFT,
Chief Secretary.

Ext. F. Cartledge.

in the 4 other cases would be impolitic if not inimical to the spirit of the Royal Proclamation, I have abstained from placing these 7 persons under any species of restraint and have merely remanded them to their homes and villages there to remain until further orders. To have subjected these persons to an immediate judicial prosecution and the restraint inseparable therefrom would it appears to me & have had the effect of discouraging others from coming in and tended to weaken confidence in the good faith and authority of the Royal message at best, I fear, but imperfectly understood and trusted.

9. In placing the subject once more before Government the points on which I beg respectfully to solicit their early instructions are the following.

1st Does the fact of not having surrendered within the prescribed time necessarily subject all who may hereafter make voluntary submission to a judicial prosecution?

2nd Have my powers as Commissioner, not exercised since the 1st July, ceased and are

5-
are such prosecutions if directed by Government hereafter to be conducted by me but joint Magistrate and committing officer to the Superior Court?

3rd Acting in this latter capacity only have I any discretionary power or must all cases however slight then treasonable colouring necessarily be committed for trial before the Court?

4th Must awards of confiscation recorded against parties who may have submitted subsequently to the 1st January, be executed irrespectively of any considerations suggested by Her Majesty's Act of amnesty and subsequent commentaries thereon?

Paras 13 & 14 Ex. M. C. dated 7th January 1859 seem to prescribe the courses to be pursued in the 3 first cases on my list and to sanction the restitution of any property over which we may still possess control.

I have called for more detailed information than I now possess respecting these confiscation sentences but of this much I am certain that beyond the fact of their being recorded no steps have yet been taken towards giving them effect in any of the cases

entered in my list.

I am just starting on my tour of the Soopah Talook and shall have an early opportunity of making personal observations on the present state of matters in that part of my division, in the mean time I beg respectfully to be favored with the instructions of Government on the points above indicated or any others which the consideration of the subject may suggest.

Should I have erred in my appreciation of the meaning of existing orders on the subject, I beg Government will transmit to me by Telegraph their instructions respecting the mode in which they would wish cases of this class dealt with.

I have heard nothing of the fate of the Sawant leaders since Mr. Ballard's departure but have written to the Governor General of the Goa territories requesting he will inform me whether, as I understood it to be decided, they have been deported. His Excellency's answer when received shall be transmitted for the information of Government. The field force having been broken up as already reported, has been replaced

by a detachment of the 51st Regt. N.I. from whose Head Quarters at Jugglebett the outposts of Finnie, Hoovesy, and Hoondah are furnished. This distribution I would not for the present disturb as there are yet at large stragglers who might give trouble and the maintenance of confidence is on all important consideration.

Later in the year these outposts may perhaps be dispensed with and the whole force being concentrated at Jugglebett better provision be made for its comfort during the rains, without jeopardy to the good order and tranquility of the surrounding districts.

I have the honor to be.

Sir,

Your Most Obedient Servt.

D. C. in Com
Joint Magistrate

The same course should be pursued
with respect to the prisoners who are
paroled or released, you need the firm deter-
mined afterwards - but to make
some distinction between the cases of
those of the three first, the former might be
required to enter into their personal
recognizances for further good behavior.
The latter should be done as regards

See letter from Govt of
India 20 Dec 58 with
making this point clear

1860-1861
M. L. L. L.

253

the 31st at Larn / excepted. 1.12.14)
as they come in or make their appearance
in the village - all proceedings against them
on their property should be prepared on the
viewing their personal belongings for
future good conduct -

The three accepted men 1.12.14
on the absolute list should be tried
and disposed of by the Commission
in the usual way when they are appre-
hended - The court used for the appre-
hension should be kept open - Those
for the others should not be removed -

5. The proceedings of the Com. in para 8
should be approved -

6. The manner of the statement to the friends

in para 9 should be the same -

July 1 - No. The first has a decision
- in which they have exercised as a body
to prosecute or not -

2. No. In Rippon, in Political cases,
that is cases connected with the late rebellion
- are still in force and will continue
so until revoked or until Act XIV. 57
expires that is until the end of the year /59/.

I think however that his Commission
extended to the trial of other officers & if
so that part of it might be retained &
these officers left to the operation of the
ordinary law -

3. Assumed partly already in the Com. mit.
will act only in ordinary
cases the rest of the law should be preserved

case and in the ordinary way -

~~by the ordinary way -~~

23.

For the confessions should be as fresh
as the case of No. 1. 13. 10 of

the for absence, should they himself
be confined.

5. The arrangements history in the
country, taking the time of disturbance.

7. Should for the present be maintained.

12. The position as to the future can be decided
as to the most successful may be

considered hereafter.

10-2-59

I approve

H

H. J. Miller

Judicial Dept

No. 221

EmC. 5/17 February 1859.

List

Read the following letter

from the Joint Chiefs of Canada

} Here enter

No. 34

of 29 Jan 1859

It appears from his letter, that,
at the date given - 29 Jan 1859
last - there were still 31 parties,
implicated in the recent outbreak
on the Sopsa frontier of the Canada
district, still at large. Of the
remaining seven fugitives from jus-
tice, 3 surrendered before the 1st
of January, the limit assigned in
the Royal Proclamation, and 4
subsequently to that date.

2. In reporting as above, Mr Robin-
son enquires, first, whether the fact
"that 23 surrendered within the
prescribed time necessarily reflects
"all who may hereafter make volun-
"tary submission, to a judicial prose-
"cution."

3. The Govt answers, "Certainly not."
It has been ruled by the Govt Genl. that
"mutineers & rebels, not included in
any of the three excepted classes, who
are still, notwithstanding that they
have not surrendered themselves by

EmC. No. 36

of 12 Jan 1859

the 1st Jan^y & so lost all right-
ful title to benefit by the provisions
of the Amnesty, ~~and~~ he treated
in accordance with the spirit of
the Proclamation. Parties,
not being of the excepted classes,
who may surrender to Mr Robinson
hereafter, or who have surrendered
subsequently to the 1st Jan^y, will
not be brought to trial, but relea-
sed on their personal recognizances.
Those, on the other hand, not being
of the excepted classes, who surren-
dered before the 1st Jan^y, shall
be released unconditionally.

Three of the fugitives, it is observed,
do belong to the excepted classes.

The rewards for their apprehension
shall be kept open, & when taken,
they shall be brought to trial before
the Special Commissioner, whose
duty it will be, if conviction fol-
lows, to report the case & "assist"
the order of Gov^t before carrying
into execution the sentence passed,
"when it affects the life, liberty
or property of the Criminal."

The rewards for the apprehension
of other parties need not be re-
newed.

4. The 2^d question is, whether Mr
Robinson's Commission now ceases?
Answer. It will not cease till the
Act No. ~~XXV~~ of 1857 ceases to have
effect, which will be with the close of
the current year.

5. 3^d Question. Mr Robinson asks
whether, when he ceases to be Commis-
sioner, it will be his duty as Magistrate
to commit to the ordinary Courts,
all cases, however slight, of rebel-
lion against the state? The Gov^t
considers that no prosecution shall
be instituted without their
consent. A reference shall be made
to them in each case.

6. Mr Robinson enquires, formally,
whether awards of confiscation that
may be awarded against parties
who may have embarked after
the 1st Jan^y, are to be rigidly execu-
ted? The Gov^t have already pointed
out, that of those who failed to
surrender by the 1st Jan^y, it is only
the excepted classes who are ame-
nable to a prosecution; and
further that, in the event of con-
viction following, no sentence

of the Comfr., whether it affect
"the life, liberty or property of the
"offender", is to be carried out
without the express orders of
Govt. This answers the question.

If Govt. regard to other cases of
confiscation, it will be the duty of
the Comfr. not only to restore the
property of those (not being of the
excepted classes) who may have
come in before the 1st of Jan^y, as he
has already decided to do, but also
the property of those (not being of the
excepted classes) who may surren-
der subsequently to that date; it
being the instruction of the Govt. Genl.,
as already observed, that "the spirit
of the Amnesties be still adhered to
"in all ordinary cases."

8. The distribution of the Troops shall
be maintained as at present. Their
location later in the year will
be considered as the season advan-
ces.

J. F. C. 15/2/59.

To J. D. Robinson Esq. Secy of Genl.
Magistrate of Calcutta
Military Department

Settled 21st 10

Field of 800 acres
2200 ft x 359 ft x 570

On 29. 6. 1903. Today
autoclaved. — 1000° 20 min.

1897

Executive Committee

[illegible]

Philosophy is to contain
questions put by the fair to
Masters of Science in his letter
of the 29th January 1751 relative to
the application of the provisions
of the University to certain privileges
conferred on the Bacheliers;
there was the Apostolic Doctor,
and the term of Mr. Robinson;
Censorship under the Act
of 1751.

23 424.