

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1615	Press
		<i>[Signature]</i>
Dated	9-10-18	

Not to be folded or roughly handled

No. 78. Read the following letter from the Acting Session Judge of Chittoor, to the Chief Secretary to Government, Fort Saint George; dated Chittoor 4th October 1867, No. 5.

I have the honor to forward, for the information of Government, copy of a letter received from the Superintendent of the Chittoor Jail, reporting upon an unfortunate accident which attended the execution of a Mahomedan, named Hyder Sahib, at Chittoor, on the 26th ultimo, owing to the rotten state of the gallows, which has long since been brought to the notice of the Public Works Department and Jail authorities, but hitherto ineffectually.

2. From Dr. Rule's letter it might be inferred that a short delay in the execution was the only inconvenience caused by the giving way of the ring bolt; but I think Government should be informed of the details of the accident, which have reached me through the Superintendent and other sources.

3. It appears that the preparations for the execution being completed, Hyder Sahib was placed upon the platform or drop, his arms bound, and the rope adjusted. When the catch which secured the drop was removed, and the drop lowered, the ring-bolt attached to the cross-beam at the top of the gallows, and through which the rope passes, gave way, owing to the rottenness of the cross-beam, and the unfortunate man, instead of being suspended in the air, fell heavily to the ground, a distance of about ten feet, and there lay until the rope could be removed and passed through another ring.

4. The platform or drop is reached by means of a narrow ladder, not broad enough to admit of more than one person ascending at the same time. Up this ladder Hyder Sahib had to walk a second time to his execution, but his strength failing before he reached the top, he was supported from behind, while the executioner ingeniously, but brutally, raised him on to the drop by passing the rope over the man's neck, and so assisting him. The execution was then completed.

5. It is much to be regretted that such an appalling spectacle should have accompanied this execution.

6. I have addressed you upon this subject, and put the whole facts before Government with a three-fold object:—

1st.—To obtain His Excellency in Council's orders to the Public Works Department, requiring the immediate construction of a new gallows at Chittoor.

2ndly.—To suggest that the new gallows may be so constructed that the unfortunate persons about to undergo the extreme penalty of the law may be decently assisted in their last moments; and

3rdly.—To direct the attention of Government to what seems to have been a grave neglect of duty on the part of the Department of Public Works or Jail authorities, in not having long since taken measures to provide a suitable gallows, when the want was urgently brought to their notice.

7. I find that the Session Judge of Chittoor was in communication with the Executive Engineer on this subject as far back as the year 1864; that, on the 21st November of that year, the then Executive Engineer, Captain Chrystie, addressed a letter to the Superintending Engineer, 4th Division, forwarding an estimate for a new gallows, and a second letter on the same subject in September

From Executive Engineer, to Superintending Engineer,
21st November 1864, No. 826.

From Executive Engineer, to Superintending Engineer,
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neer upon either letter. Again, in December 1866, a correspondence passed between Dr. deFabeck, the then Superintendent of Chittoor Jail, and the Assistant Engineer, when the latter Officer condemned the present gallows, and an urgent letter from Dr. deFabeck to the Inspector General of Jails was the result, but which letter has to the present elicited no reply.

8. Copies of the Engineer's letter to the Superintendent of Jail, and of the latter Officer's letter to the Inspector General, are herewith forwarded. The Government will observe that Dr. deFabeck requested the Inspector General's opinion as to whether future executions should be permitted upon the present gallows.

9. I trust that His Excellency in Council will see fit, upon this representation, to issue immediate instructions to the Department Public Works. The October Criminal Sessions commence on the 9th instant. Necessity may arise, and the gallows be again in requisition before the close of the current month, but, until a new gallows is erected, capital punishment must necessarily be suspended in Chittoor.

From the Assistant Engineer, Chittoor Range, to the Superintendent of the District Jail, Chittoor; dated Chittoor, 12th December 1866, No. 439.

As requested in your letter, No. 188, dated the 11th instant, I inspected the Jail gallows this morning. The wood-work is in a very advanced state of decay; and, although it may stand for some time longer, I consider it unsafe and dangerous in its present state.

2. The work cannot be repaired, and if the same description of gallows is to be continued, the present frame must be replaced by an entirely new one. The present platform and the iron work are fit for further use.

From Assistant Surgeon W. F. DeFABECK, Superintendent of the District Jail, Chittoor, to the Inspector General of Jails; dated Chittoor, 15th December 1866, No. 193.

I have the honor to forward a copy of the Engineer's letter, No. 439, of the 12th instant, giving his opinion upon the gallows.

2. The further use of this structure in so decayed a condition might be attended with danger. I would, therefore, request your early consideration on the subject, with a view to orders being passed for the construction of new gallows, and the removal of the old from the very objectionable position they now occupy, viz., within a few yards of the main road leading to Vellore, in a most public and exposed situation.

3. I have the honor also to request you will be good enough to inform me whether (considering the dangerous condition of the gallows) you agree with me in considering it would be unjustifiable, in the face of the enclosed opinion passed by the Engineer, to have recourse to the gallows when the next execution of hanging takes place.

From Assistant Surgeon S. RULE, M. D., Superintendent of the District Jail, Chittoor, to the Session Judge of Chittoor; dated Chittoor, 26th September 1867, No. 293.

I have the honor to inform you that the prisoner Hyder Sahib, in Case No. 73 of 1867 on the Calendar, was executed at 6 A. M. this day (26th September 1867).

2. He denied having committed the crime of which he has been convicted to the last. His remarks at the foot of the gallows were unimportant.

3. There were about 100 spectators, who, as far as I could observe, behaved in an orderly manner.

4. I regret to have to report that there was a mishap in the execution. You are doubtless aware that the rope by which the prisoner is suspended is rove through the eye of an iron bolt. This bolt at the upper part has a screw thread, it passes completely through the cross-piece of the gallows; it is, moreover, secured by a nut on the top.

5. As soon as the drop was lowered, the ring-bolt drew right through the beam. On examination, the nut was found securely attached to the top of the bolt, thus showing the extreme rottenness of the upper beam.

*Proceedings of the Madras Government, Judicial Department,
9th October 1867.*

6. The unfortunate prisoner was, however, within a few minutes again suspended and effectually executed.

7. I shall take immediate steps to have a new gallows built, and hope that I may rely on your support in case of any official resistance or delay.

8. I do not think any one was to blame in the matter. The state of the gallows was evidently unsuspected, and I myself saw a man hanging from the same ring-bolt about three months ago.

No. 79. ORDER THEREON, 9th October 1867, No. 1615.

Orders will be issued in the Department Public Works for the immediate construction of a new gallows, and on an improved plan, at Chittoor; and, in the same Department, explanation will be called for in regard to the alleged neglect of the Superintending Engineer of the 4th Division to forward the estimate for new gallows submitted to him by the Executive Engineer on the 21st November 1864.

2. The Governor in Council directs that the Inspector General of Jails will submit any explanation he may have to offer with reference to the statement made by the Acting Session Judge, that the state of the present gallows was brought to his notice in December 1866, but without effect.

(True Extract).

Chief Secretary.

To the Acting Session Judge of Chittoor.

„ Public Works Department.

„ Inspector General of Jails.

Exd. J. H. Burns.

PROCEEDINGS of the MADRAS GOVERNMENT.

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Order thereon No 1615 of 9th Dec 1864.

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W. H.

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To the Hon. Secy of the Govt.
Public Works Department
Inspector Genl. of Jails.

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File No. 179-180
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Dated 9 Oct 1966

PROCEEDINGS OF GOVERNMENT.

Medical 1865 Department
No. 1815