

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No. 1081.A.
B.P. No.

Press
Mis.

Dated 3. 9

18.7
195

Not to be folded or roughly handled

No. 1081A.

Extract from the Minutes of Consultation, under date the 3rd September 1857.

The Right Honorable the Governor in Council resolves to record the circumstances under which Government were induced to bring Act XIV of 1857 into practical operation in this Presidency, by their orders noted in the margin.

No. 882,	Dated 27th	July 1857.
" 937	" 1st	August "
" 1081	" 25th	" "

This Act was passed by the Governor General on 6th June 1857 in consequence of the disturbed state of India, and had two main objects.

1st. The immediate punishment by Court Martial of mutinous conduct on the part of the Native Troops, and of attempts to excite them to mutiny. For this purpose the Governor General was empowered to authorise by an order in Council all Officers in Command of Troops to summon Court Martial for the trial of the above offences and carry there sentences into immediate execution.

2nd. The immediate punishment of treason, sedition, and other offences against the State, and heinous crimes against person or property when committed by parties who were not liable to be tried for the same under the articles of War. To conduct these trials the Executive Government of each Presidency was empowered to appoint Commissioners in any district, whether such district had been proclaimed in a state of rebellion or not.

Europeans, being the subjects of Her Majesty, and their children were exempted from the operation of the act.

The outbreak occurred at Meerut and Delhi on the 13th May, and the intelligence reached Madras by Electric Telegraph from Agra on the 15th Idem.

It was at first hoped that Delhi would be taken when the European force appeared before it; but instead of the outbreak being thus suppressed, the mutiny spread to station after station of the Bengal Army, and it became evident that the revolt could only be fully extinguished after the arrival of powerful re-inforcements of troops from England.

It was therefore necessary to consider what effect this prolonged struggle and the temporary existence of a Mahommedan Sovereign at Delhi, was likely to produce in this Presidency, and what precautions it was advisable to take to prevent attempts against our authority.

This course was the more necessary because the Military resources of Government were most seriously weakened by the absence of the greater portion of its European Regiments. The cause which led to this state of things need not here be dwelt upon. It is sufficient to observe that omitting Secunderabad which possessed the 3rd Europeans, a young and not powerful Regiment, the entire Presidency, including the large States of Nagpore and Mysore, contained two Infantry and half a Cavalry Regiment. These were distributed in Wings at Madras, Bangalore, Cannanore, and Jackatallah. The Northern and Southern Divisions of the Army, Bellary and the Ceded Districts adjoining the Nizam's frontier, and the large Kingdom of Nagpore were thus left entirely destitute; while Mysore, the Presidency Division and the Provinces of Malabar and Canara had only half their usual complement of European troops.

Circumstances of a political nature tended to increase the anxiety caused by this Military weakness. Nagpore had only been recently annexed and contained many disaffected persons of influence. Hyderabad is always inflammable and was sure to be deeply excited by the course which events had taken in the North West in the proclamation of a Mahommedan Government at Delhi and invitations to join in a holy war against the Infidels. Our Provinces of Kurnool, Cuddapah and Malabar contain a large Mussulman population which would participate in these feelings, and at Madras itself and the towns of Arcot, Vellore and Trichinopoly animosity was

felt in consequence of the extinction of the Nawabship of the Carnatic. Moreover the continued abeyance of our authority in the Bengal and Agra Presidencies was likely everywhere to give ambitious hopes and confidence to those who cherished recollections of former wealth and greatness. Even if these circumstances would have otherwise escaped the attention of the Native Community, prominent notice was drawn to them by the Press. The proceedings of Government in its general administration, as well as in Military and Political matters, and the supposed discontent caused thereby, especially among our Native Soldiery, were largely discarded upon,—our want of strength was pointed out, and most injudicious subjects were discussed. Thus one newspaper entered into lengthened arguments to prove that greased cartridges of objectionable materials had really been issued to the Bengal Army, and another turned into derision Sir H. Lawrence's address to the troops at Lucknow, and published a supposed speech from the mouth of a Sepoy in refutation of it. These publications, unfortunately, do not reach English readers only. They are re-published in the Vernacular newspapers and thus have a deleterious effect on the Native Community. The policy of annexing Native States on the failure of lineal male heirs may in particular be noticed as having been discussed in very inflammatory language.

The continuance of the rebellion began accordingly to have a marked influence in Southern India, as weeks slipped by and Delhi still remained in the hands of the pretended Sovereign.

Kamptee.—At Kamptee as early as the 14th June the irregular Troops mutinied, and plots were discovered for the massacre of the English in which the people of the City also were concerned. This led to executions and disarmings, and to various measures of Military defence.

Hyderabad.—From Hyderabad the Resident Telegraphed on 12th June, that the news from the North West had caused much excitement and had led seditious persons to preach in the Mosques a holy war against the English. An increase of 6 guns and a squadron of Cavalry had therefore been made to the Residency guard. He had previously reported (on 10th June) that seditious emissaries had been trying to tamper with the 1st Regiment Native Infantry, and on the 19th Idem he announced that it had been necessary to bring Act xiv of 1857, into operation. On the 29th June information was sent of the mutiny of a part of the Cavalry of the Contingent Force at Aurungabad, and on the 9th July the Resident reported the outbreaks at Indore and Mhow.

These events were followed, on the 17th July, by a fanatical attack on the Hyderabad Residency, in reporting which the Resident mentioned that the Minister distrusted the Contingent Force and thought that a general rising of the Mahommedan population was intended.

On the 20th July the Resident made an earnest application, at the Minister's request, for more European Troops, and urgently requested that they might be immediately despatched so as to aid in preventing an outbreak during the approaching Mohurram and a consequent rising throughout Southern India.

Southern Mahratta Country.—The Southern Mahratta Country which adjoins Mysore and our Provinces of Canara and Bellary, soon also became in so excited a state as to cause much anxiety, and serious events have since happened at Kolapore, Sattarah, Belgaum and other places. It is sufficient, however, here to mention that in confirmation of the signs of intended disturbances, the Political Agent at Belgaum sent intelligence on the 28th July of the discovery of a serious Mahommedan conspiracy the ramifications of which extended to Mysore, Kurnool, and Madras generally. He mentioned that two emissaries (one named Zain ool ab Deen) had started for Madras, and urged efforts for their apprehension and vigilant measures of precaution. The Resident of Hyderabad afterwards forwarded one of Zain ool ab deen's intercepted letters which was of the most treasonable tenor. It mentioned that preparations would soon be complete, that around Belgaum influential men and the Native Regiments had been gained, and that soon the

English would be exterminated, root and branch. Information of these plots and treasonable preparations reached the Governor of Goa, who warned this Government of the impending danger in a letter dated the 25th July. The tide of mutiny and rebellion had thus approached all our Northern frontier, and in our own provinces many signs appeared of excitement and conspiracies among the Mussulman population. In the middle of June bands of armed Rohil-lahs crossed from the Nizam's Country into the Kurnool and Cuddapah District, and remained lurking there in the jungles for some time, but committing no acts of plunder except to procure supplies, so that their incursion had evidently a deeper object. They were apparently connected with the party who made the attack on the Hyderabad Residency, as the Chiefs endeavoured to escape to them after their repulse and if that attack had met with any success it would have seemingly been followed by outbreaks elsewhere.

In Mysore shortly before the Bukreed festival, or about the middle of July, the Commissioners found it necessary to despatch some European Infantry and guns to overawe the Mahommedans near Seringapatam and Mysore.

At Masulipatam where the Mahommedan population has much connection with Hyderabad, a green flag and a highly treasonable proclamation, urging the slaughter of the English, were seized on the 10th July, and the Acting Magistrate afterwards reported (15th August) that prayers for success of the King of Delhi were offered up in the Mosques.

In Cuddapah the Acting Magistrate reported on 20th June that many Mahommedans had disappeared and were understood to have gone off towards the North to join our opponents.

In Bellary seditious rumours unfavorable to our Government began to be spread abroad in June, and fires of grain stacks along the frontier were reported by the Collector, on 10th June.

In Madras itself the state of feeling in Triplicane, the Mahommedan quarter, became so suspicious that, on the 29th June, Military posts were established in different parts of the town, Volunteer Corps enrolled, and other precautions taken. Triplicane is the head quarters of the Mahommedan population connected with the Nabob of the Carnatic and the recent extinction of the Nabobship had increased their ill-feeling towards our Government. Among other signs of dis-affection proclamations and seditious letters were seized urging the Nizam and his Minister to begin a holy war in which they were ready to join, and both here and in the surrounding provinces letters of the Magistracy showed that much seditious language and correspondence was going on. The approaching downfall of our power was openly talked of, and a general feeling expressed that it would be overthrown by a rising during the approaching Mohurram festival.

In Chingleput some seditious plotting was discovered, in which a Mahommedan servant of the Court took a leading part. The attention of the Civil and Session Judge was drawn to these proceedings from his observing that a Carnatic pensioner, connected with the royal family of Delhi, went there from Madras and was received with much deference. In the opinion of the Judge the object in view was to prepare the prisoners in the Jail for a rise and make them useful as auxiliaries when the outbreak occurred.

Another sign of the times was the presence of seditious foreign emissaries and Bengal Sepoys in various parts of the Presidency. These strangers entered our provinces in large numbers, and there was no room to doubt their mischievous designs of trying to tamper with our Sepoys and excite mistrust and dislike towards our Government by false and malevolent rumours.

Two circumstances unfortunately facilitated the efforts of those who sought to spread discontent and disaffection in our provinces. The state of the finances obliged Government to stop the Public Works, and the order issued for this purpose on 17th July threw large numbers out

of employment at a time when for want of rain and large exportations of grain, food was unusually dear. Artful persons spread abroad rumours attributing this scarcity to secret designs on the part of Government, and thus added to the public uneasiness which soon found vent at some places, Vizagapatam, Mangalore &c., in grain riots.

Such were the circumstances in which Government found itself placed when the great Mahomedan festival was coming on. The withdrawal of the European Regiments for service elsewhere had deprived it of its main strength, and disaffection and ambitious excitement prevailed every where among the Mahomedan population. The great mass of the Hindoo community showed itself loyal and orderly, but there are always numbers of persons who have more to gain than lose by civil disturbances and who would be ready to join for the sake of plunder in any emeute when it once broke out.

In considering therefore what precautionary steps it was in their power to take previous to the Mohurram, Government saw fit on 27th July to issue Commissions under the provisions of Act XIV of 1857 for the prompt trial of offences against the State, and those heinous crimes against person and property which unhappily abound whenever the power of the ruling authority is shaken. This step appeared the more advisable as one portion of the Act had already been extended to this Presidency by an order of the Governor General, empowering all Commanding Officers to convene summary Courts Martial for the trial of offences connected with the Native Soldiery, and the existing laws for the punishment of sedition and treason in the non-Military portion of the Community were cumbersome in execution and not sufficiently comprehensive.

As, however, Government wished to alter the ordinary course of law as little as possible one Commissioner only was appointed in each Province, and the Session Judge, before whom prisoners are ordinarily brought for trial, was selected for the office. Instructions were given that capital sentences were not to be executed without the orders of Government except under emergent circumstances, and that as long as the general political state of a District remained undisturbed, the Commissioner was to try offences against the State only, heinous crimes against person and property being left to the ordinary criminal tribunals. One exception only was made to this course as regards dacoity or gang robbery by armed bands with open violence. In consequence of the dangerous nature of this offence, the frequent use made of it as a commencement of public disorders, and the violent manner in which it disturbs the peace and sets the law and Government at defiance, Magistrates were vested with a discretion to commit offenders of this description for trial before the Commissioners or the Criminal Court as they saw fit.

By these arrangements the prompt punishment of any political offences arising out of the peculiar state of the country was provided for, and the knowledge that the local Officers of Government were vested with authority for this purpose appears to have had a beneficial influence in preserving order during the Mohurram. At the same time the Commissioners were all men who possessed Judicial experience, and were not directly connected with Magisterial and Police duties.

(True Extract.)

Acting Chief Secretary.

- Memo -

It has struck me that it may be advisable to place in front of the Commission under Act 14 of 1857 for the trial of offences against the State & heinous crimes - for although the circumstances which called for the measure are now well known, they will soon be imperfectly remembered -

This statement has accordingly been drawn up by me for approval in case it should be deemed advisable to record the circumstances under which the Commission were issued.

J. H.

of each Presidency was empowered to ap-
-point Commissioners in any districts where
-then such districts had been proclaimed
in a state of Rebellion or not.

- of being the subjects of the King's
- Europeans & their children were exempted
from the operation of the Act. -

The outbreak occurred at Meerut & Delhi
on the 13th May, and the intelligence
reached Madras by Electric Telegraph
from Agra on the 15th June. -

It was ~~long~~ ^{at first} hoped that Delhi would
be taken when the European force appeared
before it, but instead of the outbreak being
thus suppressed, the mutiny spread to station
after station of the Bengal Army, and
~~was not~~ ^{swell} ~~checked by~~ ^{it became} ~~withstand~~
evident that ~~the~~ ^{swell} could only be fully
- ~~suppressed~~ ^{extinguished} after the arrival of
powerful reinforcements of troops from En-
-gland. -

- It was therefore necessary to consider
what effect this prolonged struggle &
the temporary existence of a Mohammedan

Sovereign at Delhi was likely to produce
in this Presidency, and what precautions
it was advisable to take to prevent at-
-tempts against our authority.

- This course was the more necessary be-
-cause the military resources of Govt were
most seriously weakened by the absence
of the greater portion of its European ^{Regt} ~~forces~~
- The causes which led to this state of things
need not here be dwelt upon. It is suf-
-ficient to observe that existing ~~circumstances~~

which ~~reduced~~ ^{reduced} the 3rd Europeans, a young
& not powerful Regt; the entire Presidency
including the large state of Mysore & Mysore
contained ~~two~~ ^{only a} ~~small~~ ^{small} Infantry & ~~was~~ ^{was} cavalry
Regt. - These were distributed in wings at
Madras, Bangalore, Cannanore & Jachetallah.

- The Northern & Southern Divisions of the
Army, Bellary & the Ceded Districts adjoining
the Mysore frontier, & the large English
of Mysore were thus left entirely destitute
while Mysore, the Presidency Division &
the Provinces of Malabar & Canara had
only half their usual complement of Eu-
-ropean troops. -

- Even if these circumstances would have
 otherwise escaped the attention of the ^{active} ~~active~~
 - true community, permanent ~~attention~~ ^{attention} was
 drawn to them by the Press. - The proceed-
 ings of Govt ^{in Military & Political matters} and the supposed discontent
 caused thereby, especially among our Native
 Soldiers, were largely disseminated upon - our
 want of strength was pointed out, & most
 injudicious subjects were discussed. - These
 one newspaper entered into lengthened argu-
 ments to prove that pressed cartridges, ob-
 -jectable material, had really been issued
 to the Bengal Army, & another turned into
 a decision in H. Lawrence's address to the troops
 at Lucknow, and published a supposed speech
 from the mouth of a Sepoy in refutation of it.
 These publications, unfortunately, do not reach
 the English readers only - they are republished
 in the Vernacular newspapers, & thus have
 a deleterious effect on the Native Community.
 The policy of annexation states on the failure of local
 male heirs may in particular be noticed as having been disapproved
 in every inflammatory paragraph.
 - The continuance of the rebellion began ac-
 -cordingly to have a marked influence
 in Southern India as well as stopped by
 and Delhi ^{remained} still in the hands of the
 Pretender Sovereign.

Kamptee.

[illegible]

Hyderabad - From Hyderabad the Resident telegraphed on 12th June that the news from the North West had caused much excitement & had led seditionaries to preach in the mosques, a holy war against the English - An influx of 6,000 men & a Squadron of Cavalry had therefore been made to the Presidency guard. He had previously reported (on 10th June) that seditionaries emissaries had been trying to stir up the 1st Regt. N. I. - and on the 19th Idhar he announced that it had been necessary to bring Act XIV of 1857 into operation. On the 29th June ^{the information was sent of} the deserting of a part of the Cavalry of the Contingent Force at Burhanpur. - had ~~been reported~~, and on the 9th July the Resident reported the outbreak at Lucknow & Allahow.

These events were followed on the 17 July by a fractional attack on the Hyderabad Re-sidency, in reporting which the President

mentioned that the Minister distrusted the
Congressional Force & thought that a general re-
-sizing of the Mohammedan population was
intended. -

intended. -
On the 20 July the Resident made an earnest
application at the Ministers request for
more European troops, & urgently requested that
they might be immediately despatched so as
to aid in preventing an outbreak during the
approaching Moharram & a consequent
rising throughout Southern India.

Belgaum } - The Southern Mahratta Country which adjoins here
Southern Mahratta Country } - The Southern Mahratta Country which adjoins here
} & our provinces of Canara & Bellary, some
as become in so excited a state as to cause
much anxiety, and serious events have since
happened at Kolapore, Sattarah, Belgaum &
other places. - It is sufficient however here
to mention that ^{in confirmation of the signs of intended disturbances} ~~on the 20th July~~ the Political
Agent at Belgaum sent intelligence of the
discovery of a serious Mahomedan conspiracy
the ramifications of which extended to Hydrabad
Kurnool & Madras generally. - He mentioned
that 2 emissaries (one ~~was~~ named Zaimoolab
deen) had started from Madras, and urged
efforts for their apprehension & vigilant
measures of precaution. - The Resident
of Hyderabad afterwards forwarded me of

Jainoolabdeen's intercepted letters, which was of the most reasonable tenor. He mentioned that preparations would soon be complete, that around Belgam's influence men & the Native Regiment had been gained & that soon the English

would be exterminated root & branch. Information of these plots & the reasonable preparations reached the Govt of Goa, who passed the Govt of the impending danger in a letter dated the 25th July. The tide of venturing & rebellion had thus approached all our Southern frontier, and

in our own provinces many signs appeared of excitement & conspiracies among the Mussulman population. In the middle

of June bands of armed Rohillas dropped from the Mysore country into the Karavali & Cuddalore District, & remained lurking there in the jungles for some time but committing no act of plunder except to procure supplies, so that their incursion had

undoubtedly a deeper object. They were apparently connected with the party who made the attack on the Hyderabad Residency, as the chiefs despatched to escape to them after their repulse & if that attack had met with any success it would have seemingly been followed by outbreaks elsewhere.

Shortly before the Bhood festival, about the middle of July, in Mysore the Government found it necessary to despatch some European infantry & guns to overawe the Mohammedans

near Srirangapatam & Mysore -

At Masulipatam where the Mohammedan population has much connection with the English, a green flag & a highly reasonable proclamation ^{arguing} for the slaughter of the English were seized on the 10 July - and the act might afterwards reported (15 Aug.) that prizes for the success of the King of Delhi were offered in the Mosques.

up in the Mosques. In Cuddalore the act might reported on 20 June that many Mohammedans had disappeared & were understood to have gone off towards the North to join our opponents.

In Bellary seditions rumours unfavorable to our Govt began to be spread about in June & fires of grain stacks along the frontier were reported by the Collector on 10 June.

In Madras itself the state of feeling in the Mohammedan quarter became so suspicious that on the 29 June military posts were established in different parts of the town, Volunteer Corps were called out & other precautions taken. In the head quarters of the Mohammedan population connected with the Nabob of the late notice of the recent extinction of the Nabob had increased their ill feeling towards

Among other signs of disaffection Judah's
our Govt. - A seditious letter was seized
urging the Regent & his minister to begin
a holy war in which they were ready
to join, and both here & in the surround-
ing provinces the letters of the Majesty
showed that much seditious language
& correspondence was going on. The ap-
proaching downfall of our power was
openly talked of, and a general feel-
ing expressed that it would be overthrown by
a rising during the approaching Ashura
festival.

[illegible]

This sketch appeared the same ad-
dition of

our portion of the Act had already been brought into operation, and was

all Commanding Officers to convene
Summary Courts Martial for the
to with the

Native soldiers, and the existing laws in the punishment of sedition in the community.

- As however Gov. wished to alter
the ordinary course of law as little

the Sepim Judge, before whom the prisoners
were brought for trial was

the general political state of a dis-

to the ordinary Criminal Tribunal.
It only was made to the Court

In consequence of the danger as nature
the frequent use made of it

By these arrangements the freight pay-

- By means of political offices
- inherent in the political state of the country
- out of the peculiar knowledge

Comm. 8th Sept^r

Judicial 1857 Sept^r

N^o 1081 A.

Extract Minis. Cons.

Dated 3rd Sept^r 1857-

57
58