EAST INDIA (26th NATIVE INFANTRY).

RETURN to an Address of the Honourable The House of Commons, dated 28 July 1859—for,

"COPY of a LETTER from Sir R. Montgomery to Lord Stanley, of the 29th day of April 1859, and of a STATEMENT of FACTS connected with the EXECUTION of the 26th NATIVE INFANTRY, forwarded therewith."

India Office, 98 July 1859. J. W. KAYE, Secretary in the Political and Secret Departments.

My Lord,

Lahore, 29 April 1859.

By the most recent intelligence from home, I learn that the propriety of the punishment inflicted on the late 26th Native Infantry has been seriously impugned in the House of Commons.

Believing that the course pursued on that occasion will be found capable of justification, I have lost no time in preparing a memorandum of the real facts and circumstances of the time, in order to set them forth clearly.

On behalf of the Punjab Government, I have to thank your Lordship for the considerate manner in which you spoke of the affair in Parliament; and I shall esteem it an additional favour if your Lordship will cause the narrative I now enclose to be laid before Parliament, or to be made public in such manner as may be most fitting.

I feel that the official accounts of the affair which were given at the time did not contain all the facts and considerations which really existed, and which necessitated such severity towards the 26th mutineers.

I regret exceedingly to find that a hasty private note of mine, indited under the spur of those terrible moments, has been published and commented on as the deliberate expression of my sentiments. Whilst I have striven to act with vigour against murderers and mutineers, I trust I have not forgotten the duty of Christian forgiveness even towards the worst of our heathen enemies.

I remain, &c.

(signed) R. Montgomery.

The Right Honourable Lord Stanley.

STATEMENT of FACTS connected with the EXECUTION of the 26th NATIVE INFANTRY.

1. On the 13th of May 1857, the 8th Light Cavalry, 16th, 26th, and 40th regiments Native Infantry were disarmed, in consequence of the civil and military authorities being in possession of strong presumptive evidence of their disloyalty and of their being engaged in plotting against the State. The native troops, at this time, mustered at Lahore about 3,800 of all ranks. After their disarming they were exorted to remain quietly in their lines, and were told that if they did so, their arms would probably be restored to them at a future period. They exhibited, however, great sullenness, and were evidently much exasperated on finding that their evil designs were known and anticipated. Rumours were rife as to the evil intentions of the disarmed Sepoys, and it was necessary to watch them by day and by night. To do this, some 400 European soldiers and a few raw Sikh levies were available. The duty was most harassing; they were on guard day and night. They were weary and worn out. This continued for five months. Such was the uneasiness caused by the deportment and bearing of these men, that it was considered advisable that the ladies of the station should..."
seek refuge in an artillery barrack, where they could be protected by a small guard of Europeans or Sikhs. In like manner, the women and children of the European regiment were collected in one or two buildings, and thus they all remained for months, during the hot season, in the utmost discomfort and misery. The Sepoys were allowed to remain in their lines unmolested, their officers remaining with them.

2. In this state did affairs remain at Mean Meer until the 30th of July following, when, without the slightest provocation or apparent cause, the 26th Native Infantry rose, murdered their commanding officer, Major Spencer (who, hearing that some excitement prevailed, had gone into their quarters to recall the men to their duty), and the sergeant major of the regiment, proceeded to the neighbouring houses, where they expected to find their officers, searched those houses with evident intent of killing any European persons, or plundering any European property that might be there, and, favoured by a dust storm which concealed their movement, made off in a body unmolested. Fortunately, they found none of their officers in the houses; but an officer of the regiment, who had ridden down to the lines, on hearing that the commanding officer had gone there, was eaten by the Sepoys to enter the lines, and had it not been that a warning voice bid him beware, he would have shared Major Spencer's fate. As it was, he was stabbed, blows were aimed at him from all sides, his coat was laid open by a sword cut, and he escaped with the utmost difficulty. The wife of the clergyman of the station, with another lady who had in the day time gone to their houses from the barracks, had but time to leave by one door as the ruffians poured in by another. The murder of Major Spencer was wanton and cold-blooded. Not a Sikh or European soldier had approached the lines, not a shot had been fired, when, in the midst of his men, in whose loyalty and good faith he imposed implicit confidence to the last, and with whom he had served for 30 years, he was cut down and barbarously mutilated, as were the sergeant major and the native havildar, major of the regiment, who accompanied him, and were doing all they could to pacify and soothe the men. It was not until these frightful murders had been committed, and the main body of the regiment had got clear off from cantonments, that the horse artillery, European infantry, and Sikhs reached the lines, and that a few stragglers were shot. So completely had the fugitive regiment got away, that it was deemed unsafe to pursue, for it must be remembered that upwards of 2,000 sepoys still remained in the cantonment, ready and anxious (as it was well known they were) to take advantage of any opportunity for a successful rising. If our European troops had been drawn away from cantonments in pursuit of the 26th Native Infantry, hundreds of helpless women and children would have been left at the mercy of men, whose brethren, at Cawnpore, Delhi and elsewhere, had spared neither age nor sex. It was ascertained further that the rising was preconcerted; the 26th were to have given the signal at noon, and were then to have been joined by the other disarmed troops, i.e. 16th and 49th Native Infantry and 5th Light Cavalry. The 26th and the two other Native Infantry regiments had prepared portable food to last them for several days. Had these troops made good their movement, they would have been joined by other disarmed troops at neighbouring stations, and would have created a fatal disturbance in the heart of the Punjab, and marched to reinforce the insurgents at Delhi. And it must be remarked that the 26th Native Infantry were not entirely disistute of arms. For in many instances they were armed with swords, which previous to the outbreak had doubtless been concealed.

3. The main body of the 26th Native Infantry having thus escaped, fled northwards, altering slightly on the spur of the moment their original design, and probably intending to raise that part of the country which was occupied by Hindostanee troops alone, or to take refuge in the hills, or indeed to take any steps against the British Government which circumstances might suggest. After a time they were met by the police, with whom they engaged in conflict. Having been defeated in the conflict, they took refuge in an island in the Burze, where they were surrounded by a small force under Mr. Cooper, Deputy Commissioner of Umbirpur, and captured. On the morning of the following day they were executed.

4. Such were the men of the 26th Native Infantry, whose fate is deplored by Mr. Gilpin and General Thompson. Now, under the facts above stated, there arise three questions:

First—
EXECUTION OF THE 26TH NATIVE INFANTRY.

First.—Were the men legally and morally liable to the punishment of death? Second.—Was this punishment, under the circumstances, necessary as well as just?

Third.—Was it possible, under the said circumstances, to select men for various degrees of punishment, or to wait for a formal trial?

On each of these questions a few words may be said.

5. First, then, were they legally and morally liable to the punishment of death? Now it will have been seen that they were murderers, mutineers and rebels, in the broadest sense. As such they were taken in flagrante delicto, and for such an offence the punishment of death is adjudged both in law and morals. The whole body were directly or indirectly participating in the murders, the mutinous rising, the escape, the resistance. If this be so, then the whole body were justly executed. Where many blows were struck, it was impossible to say which hand was most guilty. Subsequent inquiries seemed to point to a particular man, as having dealt a fatal blow to Major Spencer; but at the time the whole regiment were banded in one accord, and none would inculpate the other. They stood, acted, and fell together.

6. Secondly, was the punishment necessary, as well as just? Now at that moment the Lalore Government was literally in extremity. Its last available European troops had been despatched to Delhi. There was but one weak European regiment to guard the whole Lahore division, containing the two capitals of Lahore and Umritsur. Within this circle there were three disarmed regiments at Lahore (besides the 26th), and two at Umritsur. At Goordaspore, some 40 miles distant from Umritsur, there was an armed regiment of Irregular Cavalry, which, though still obedient, might easily be tempted by the spectacle of successful mutiny. There were disarmed troops at the neighbouring stations of Noorpoor and Hooshyarpur. The Punjab population, both Sikh and Mahomedan, was known to be in a feverish state. The country was drifting or tending towards rebellion, as was afterwards evident from two partial insurrections which actually did take place. British power at Lahore was in the air, with no support either above or below, or on any side. When therefore any rising took place, it was absolutely necessary to strike any blow that could be struck. The crisis did not admit of any leniency being shown to mutineers; things were at such a stage, that either the mutineers must be executed or else the lives and honour of the English must be sacrificed. When the 26th Native Infantry broke out, the English believed themselves to be in imminent danger; none knew to what extent the disaster might spread; all apprehended a general rising of the disarmed troops, which could hardly be put down, and which, if not put down, must lead to a general insurrection and the ultimate destruction of British power in the Lalore Division. When therefore the English heard of the destruction of the 26th Native Infantry, they felt joy and gratitude for the deliverance which Providence had vouchsafed. The circumstances were perfectly known to all at the time, and none doubted the necessity and justice of the retribution which had befallen the mutineers.

7. Thirdly, was it possible for Mr. Cooper at the moment to select men for various degrees of punishment, or to wait for a formal trial? Now, it is to be remembered that the place of capture was thirty miles distant from the nearest station, Umritsur. How was he to guard and transport thither the mutineers, when he had scarcely sufficient men to seize and execute them summarily? Of the force he had with him, some were untrustworthy, and had to be sent back to Umritsur. The few raw Sikh levies that remained were hardly numerous enough for the short and sad duty that had to be done. If Mr. Cooper had tried to transport the prisoners to Umritsur, they might very probably have overpowered their guard on the march; and then all the evils mentioned in the preceding para. would have been precipitated. If he had chanced to succeed in transporting them to Umritsur, then there was no gaol large enough to hold them; there was a large body of Hindostanee comrades ready to fraternise; there was no available European force; and the risk of an outbreak at the most critical point, namely, the religious capital of the Sikhs, would have been extreme. Therefore, the immediate execution of the men was almost unavoidable; in fact, had Mr. Cooper, through dread of responsibility or any other reason, attempted any other course than that he actually pursued, the attempt would probably have failed, and failure might have brought on the most disastrous consequences. That some of the prisoners died in confinement during the brief interval which

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preceded the execution was an unhappy and unforeseen accident. Had the crisis been less perilous, had there been European troops at hand to uphold the law, then of course they would have been tried, and selections would have been made for various degrees of punishment; but this was, in the case under discussion, simply impossible. In all times and in all countries, the complexion of guilt and the severity of punishment are affected by the circumstances of the moment; and at that time, death was in justice and necessity awarded to all mutineers. Those of the 26th who were captured separately and tried by court martial, were sentenced to the same punishment as that inflicted by Mr. Cooper on their comrades.

8. From this explanation, the true character of the affair will be understood. The necessity of inflicting such stern justice on so large a body of criminals is to be lamented; but it was justice nevertheless. Though Mr. Cooper's acts may be well vindicated, yet the style of his narrative is much to be regretted; his conduct could only be justified by necessity. Supposing (of course erroneously) that the circumstances would be understood everywhere, he omitted to explain fully in his narrative the necessity which really existed, and to express adequately the sense which he doubtless felt of the sad and painful nature of the task which had fallen to his lot. His error lay not in the act itself, but in the way of describing it; and it is hoped that his countrymen will, after learning all the facts, show a just consideration towards a British officer who evinced great energy and moral resolution under circumstances of extraordinary trial and difficulty.

R. Montgomery,
Lieutenant Governor, and formerly
Judicial Commissioner of the Punjaub.

Lahore, April 1859.