M.R.O. 14-5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 174 Press ~~Mis.~~

25.26

Dated 10 — 2 — 1857.

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 10th February 1857.

No. 25. Read the following Memorial from the Native Inhabitants of Madras; TO THE RIGHT HONORABLE GEORGE FRANCIS ROBERT LORD HARRIS, Governor in Council Fort Saint George, dated 2nd February 1857.

THE HUMBLE PETITION OF THE UNDERSIGNED
INHABITANTS OF MADRAS.

SHEWETH,

That at the last Criminal Sessions of Her Majesty's Supreme Court of this Presidency, six prisoners, respectively named Soobaroya Graminy, Shunmoogum, Summundum, Chinnoo, Moonesawmy Naick, and Moonesawmy Moodelly, were arraigned for the wilful murder of one Narasoorajoo, resident in Shoolay, sometime during the night of the 6th of October last. That on this arraignment they were all found guilty, but having been recommended to mercy by the Jury, and also on account of much uncertainty in the evidence for the prosecution regarding the party by whom the fatal blow was struck, were not left for execution, but sentenced to transportation for life.

2. That the first prisoner is father of the second and third prisoners, the fourth prisoner, Chinnoo, their servant, and the fifth and sixth prisoners neighbours resident in the same street.

3. That Your Petitioners, having most attentively perused the published reports of the proceedings on the trial in Court, together with the depositions severally made by the witnesses for the prosecution before the Coroner and Police Magistrate, are firmly persuaded that the guilt of the capital charge was not brought home to the accused persons, and that the sentence of banishment for life is therefore much in excess of the penalty which should be exacted from them by justice, even allowing that they may have been somehow accessory to the death of the deceased.

4. That Your Petitioners accordingly crave leave to move Your Lordship in Council to use the prerogative of mercy vested in You by Act No. XVIII of 1855, for the purpose of proportionately mitigating the sentence of the Supreme Court, and in order to support their prayer on that behalf, would earnestly beseech Your Lordship in Council to weigh the following considerations, which prompt them to present it.

5. That the testimony whereupon the said prisoners were convicted by the Jury, was chiefly that of the mother, son, and brothers of the deceased, who alone gave evidence of that malice, either expressed or implied, which is essential to the constitution of the crime of murder, in the eye of the law, and that such evidence was not only defective in itself, but open to grave suspicion in some instances.

6. That Soobamah, the mother of Narasoorajoo, when examined by the Police Magistrate on the 31st of October, solemnly affirmed that she saw the six prisoners "strike her son with thick sticks," as they were dragging him through the street, and that "they left him in the street speechless," at which time "his head was covered with blood." On her examination in the Supreme Court, however, she not only omits that very material allegation, but denies all remembrance of having made it, when her deposition is read over to her. Her words on the latter occasion were these: "I went near my son. *I was quite close to him. A torch was near me. I did not see any blood on him; he was covered with his excrement, but I did not see any blood on him.*" This highly important discrepancy as to a point of so much moment, where the injury caused by a blow on the head from a stick or some other blunt instrument was the reputed sole means of death, is sufficient, Your Petitioners submit, to throw the greatest discredit on the rest of the woman's evidence, touching the violence with which the deceased was treated by the six prisoners, and that more especially when it is considered that her grandson Vurdarajooloo, who had stated nothing about "blood" in his evidence before the Coroner on the 11th of October, corroborated her testimony on the subject when examined by the Police Magistrate on the 31st of the month, having then twice spoken of "*blood and* filth," as covering the body of deceased, and likewise the hands of one of the prisoners by whom he was maltreated. This boy was also quite silent as to an effusion of blood when he gave his evidence in the Supreme Court, and Your Petitioners submit that it is only reasonable to suspect him in the second examination of collusion with his grand mother, in order to make out a stronger case against the accused. Had blood really flowed from Narasoorajoo's head as he lay

in the street, the circumstance could not have escaped his son's recollection when examined at the Inquest five days after. It is easy to understand why the allegation was not persisted in at the Sessions, though jointly made in the Police Court, for beside that the Surgeon's evidence proved the utter falsehood of it, the skin of the deceased's head not having been broken, the brother of Narasoorajoo himself distinctly affirmed before the Magistrate that "there was no blood on his person," when the Police Talliars came up and found the deceased stretched speechless in the street. Your Petitioners will have to call in question the veracity of Vurdarajooloo in several other particulars of moment, but they have thought it best to press this instance on Your Lordship's notice here, in connection with the palpable untruthfulness of the woman Soobamah.

7. That Vurdarajooloo is the sole witness who speaks to the grave fact that the deceased was enticed away from where he slept, by the fourth and fifth prisoners and with the privity of the other four, in order to being taken to the scene of the injuries which proved fatal to him. As this is a most important feature of the case against the arraigned parties, it is necessary to receive with great caution the uncorroborated statement of the boy, whose testimony, as Your Petitioners are in course of shewing, is very doubtfully reliable. Vurdarajooloo affirms that when sleeping beside his father on the 6th of October, they were aroused by the fourth and fifth prisoners, who told Narasoorajoo that his former master, the first prisoner, wanted him. Naturally objecting to go with them at that late hour of the night, he replied that he would come in the morning, but on very slight urgency he agreed to accompany the prisoners then, and forbade his son who was following them, to be of the party. This story is highly improbable on the face of it, and that in a double sense. According to the evidence of deceased's relatives, there was a bad feeling existing toward him on the part of the 1st, 2nd and 3rd prisoners, who had spoken ill of him and even threatened to take his life, consequent on some jealousy regarding the wife of the elder of the three, yet notwithstanding his knowledge of their alleged hostility, he freely goes with their messengers alone, on a suspicious errand, to the house of his enemy, in the middle of the night,—and that too a dark night, if some of the witnesses stated truly, though others declared it to be moonlight! It seems hardly credible to Your Petitioners, that a man warned of danger would have acted thus rashly, for allowing that malice had been expressed by the prisoners, their sudden summons to him at such an hour and on a frivolous pretext, after he had been told never to approach their dwelling more, was suggestive of some preconceived evil design, whether murder as the prosecution made out to the Jury, or an intent to fix on Narasoorajoo a false charge of theft, as the learned Judge imagined was the truth. The unguarded conduct of the deceased, if he really did accompany those sent (as is said) to fetch him, strikes Your Petitioners as militating strongly against the imputation of malice on which the Counsel for the prosecution laid stress, and they would be disposed on that hypothesis to infer that he was not sensible of running any risk at the hands of the 1st, 2nd, and 3rd prisoners or their agents: a state of things which would materially shake confidence in the veracity of the two brothers of the deceased, who spoke to the fact of malice existing, and of his being aware of it. Your Petitioners candidly own, however, that they view Vurdarajooloo's account of the matter with considerable doubt. The pensioned Sepoy, Parasoorama Pillay, does indeed confirm in some sort the allegation that the deceased was wanted at the first prisoner's house, for he states that the second prisoner sought him about 10 o'clock, P. M. on the night of the catastrophe, and left a message that he should come over when he returned. At that time, if Vurdarajooloo has spoken truth, he and deceased must have been lying on the pial of the house just opposite that before which the Sepoy stood and talked with the 2nd prisoner in the street. The Sepoy knew not, he says, of their being there, nor yet of their recent practice of crossing the street to pass the nights, instead of staying at their own place, of which he was an inmate. It seems rather strange to Your Petitioners, that the Sepoy and 2nd prisoner should have been ignorant on that point, and yet the 4th and 5th prisoners so well aware of the spot in which deceased was to be found soon afterward! But if they *were* lying there when the 2nd prisoner came, it is far from improbable that Vurdarajooloo was either awake, or wakened by the sound of his father's name—he himself swears that he did not lie down until about *half-past nine o'clock*—and that the conversation between the Sepoy and 2nd prisoner may have suggested to him the idea of representing his father to have been subsequently decoyed away, when he found him detected in the act of an alleged robbery. Your Petitioners would further suggest to Your Lordship in Council, that as Vurdarajooloo has distinctly connected the first, second, and third prisoners with the supposed abduction of Narasoorajoo by the fourth and fifth ditto, where he states that Soobaroya Graminy stood on the steps of his house and called to Chinnoo, while Shunmogum and Summundum stood in the street—watching the issue of the colloquy, as is plainly meant—the public are required to believe that all five persons, though meditating the commission of some criminal act, needlessly and rashly exposed their concert to the son of the man against whom they were plotting evil; a supposition so opposed to all rules of rational action, that it seems every way more probable that the boy invented the tale to compromise his father's enemies, than that they thus wantonly and ostentatiously put it in his power to bear witness of their complicity. If they really meditated mischief, common sense would have taught them to keep out of sight as much as possible, instead of which, their whole course of procedure, including that alleged by Vurdarajooloo and others down to the moment of the arrival of the Police, for whom *they sent*, was that of men seeking the utmost publicity for the bloody buisness they had been about! But your Petitioners will go on to show Your Lordship in Council additional reasons as they deem them, for mistrusting the testimony of the boy in question.

8. They observe that he varied in his depositions at different times, in a way not consistent with his obvious sharpness, and the degree of mental maturity which Asiatic lads of his age usually attain, if he really meant to advance nothing but the truth. His original testimony before the Coroner, was far less hostile to the prisoners than that which he afterward emitted, and yet his recollection of events must have been much keener five days subsequent to the tragedy and his grief for the loss which he had sustained through their supposed agency more poignant, than either were likely to be when he appeared before the Police Magistrate and the Supreme Court. It is highly improbable that he would have kept back in the first instance, anything to their prejudice which he had really seen occur.

Before the Coroner, after relating how he was aroused by the cry of "torchlight robbers," he continued in his deposition thus:—" Then the witness Gopaul Rajah my uncle came and awoke me, saying 'they are beating your father and catching him, run, run'! I immediately ran to the house next the one on the pial of which my father had slept, and there I saw my father's arms tied behind his back, and Chinnoo, Summundum, and Moonesawmy were dragging my father down the staircase head foremost. Shunmoogum now present was kicking him on his two sides of the chest. Whilst they were bringing my father down stairs, Moonesawmy Naicker now present took the large stick *about an inch thick* and six feet long, which he had in his hand, and struck the deceased *on the back of his head*. * * * After that they brought him out to the yard of the house, and Summundum and Shunmoogum were beating him with the middle part of a cocoa-nut leaf in the chest and arms. Then they brought him to the pial of the street, and then Chinnoo shoved him by his back saying 'go away'. My father then fell down on his face on the ground and Chinnoo fell upon him. Then the deceased was dragged by Chinnoo, Shunmoogum, and Moonesawmy to Soobaroy Graminy's house. After taking him there, Moonesawmy Naicker took him by the hair of the head, lifted him up, and throwing him down again after giving abuse to his mother and caste, and saying 'how do you rob! how do you rob'! Then I undid the knot of the rope tying his arms. Then Summundum gave deceased slaps with his hand on both cheeks, saying you have been robbing away all the things from this house. About this time the Police Talliar No. 14 came, from Veeren's Garden Thannah, having been sent for by Soobaroy Graminy. * * * When I went to the house on first hearing that my father was beaten, I saw Soobaroy Graminy now present standing with a light in his hand and a cane, at the door. I *did not see him strike the deceased*. He was crying out, 'bring him out, bring him out'! * * Soobaroy Graminy was there all the time, and walking up and down with his cane in his hand, calling out 'bring him out.' " (He testified before the Coroner that Soobaroy carried "a cane" throughout, but a "cocoa-nut rib" is spoken of in his evidence before the Authorities of Police.)

In this evidence, Your Petitioners submit to Your Lordship in Council, there is nothing whatever to bring home to any of the prisoners the crime of murder, even allowing that the very dubious testimony of the witness relative to the enticing away of Narasoorajoo was correct. There is no proof that any of them used such instruments or such a degree of violence, as would be prompted by deadly malice or likely to occasion death. The 1st prisoner is specially acquitted of having himself struck the deceased, nor is any language imputed to him which can bear the construction that he instigated others to an illegal assault. The utmost alleged against him in Vurdarajooloo's whole deposition, is, that "he did not prevent deceased from being beaten." Your Lordship in Council will remark that the lad gave testimony far more criminatory when interrogated by the Police Magistrate. As regards the other five prisioners, it is particularly noticeable that only one of them is charged by the witness with having struck deceased on the *head*, and this with a stick no more than "*about an inch thick*," and while they were "*bringing him down stairs*." The blow is above represented to have been delivered on *the back* of the head, and nothing is said about its extreme violence and the immediate consequences that ensued. It is spoken of merely in the same terms as the other alleged blows given. A very different story was told at the Police office and in the Supreme Court, as Your Petitioners will now proceed to point out.

9. That, in his evidence before the Police Magistrate, on the 31st of October, Vurdarajooloo deposed as follows, after giving a preliminary account of the rousing and decoying away of his father by the 4th and 5th prisoners; in which account, Your Lordship's Petitioners may observe, he states that when he "followed, Chinnoo and Moonesawmy Moodelly, *both told me to go back to my place and sleep*," whereas in his desposition before the Coroner, taken only five days after the alleged murder, he spoke but of having been forbidden by the deceased:—"I asked my father to allow me to go with him. He refused to allow me, he went away with Chinnoo and Moonesawmy, and I fell asleep." Your Petitioners would not insist on this discrepancy as material in itself, but it bears on others which are so, where the credit of the witness is concerned, and especially when it is remembered that the 4th and 5th prisoners are charged with having enticed away deceased for some criminal object cherished by prisoners 1st, 2nd, and 3rd. Vurdarajooloo continued thus: "I returned to the pial and fell asleep * * *. I was awoke by a noise of 'gang robbers, gang robbers.' At the same time my uncle Gopala Rajah came to me, and from what he said I went to the adjacent house: there was a large crowd and plenty of lights. I saw my father tied up and being dragged from up-stairs of the house by the prisoners Chinnoo and Moonesawmy Moodelly. Shunmoogum and Summundum with sticks in their hands were pushing him along. The sticks were cocoa-nut-leaf ribs. My father was speechless * * *. My father was *dragged into the street*, and there he was struck several times with the sticks by Shunmoogum, Summundum, and Chinnoo, and Moonesawmy Moodelly had also a stick *as thick as my arm*, with which he struck my father 2 or 3 blows. *At this time* my father was on the ground with his arms tied and his head down. Moonesawmy Naick also had a stick *of the thickness of my arm*, and with it, *when my father was lying as already stated, gave him a severe blow on his head*, [*the seat of the blow not mentioned*], * *. *Just as my father received it, his head and body turned round.* On seeing this I went toward my father crying out 'Nina, Nina' (father, father), but he could not speak. All this time the prisoner Soobaroya Graminy was present calling out 'bring the fellow forward—*strike him well, strike him well*'! Further evidence of violence is given, and then Vurdarajooloo proceeds to say:—"after this, Soobaroy Graminy struck at my father's side with the cocoa-nut-rib."

Your Lordship's Petitioners submit that the discrepancies apparent in the evidence of the son of the deceased, as given before the Police Magistrate on the 31st of October, are amply sufficient, when his then deposition is compared with that emitted before the Coroner on the 11th of the same month, to render him a witness on whose testimony no Court or Jury could safely rely, where the lives, liberties, and fortunes of the arraigned persons were cast into the balance.

In his original evidence at the Inquest, Vurdarajooloo affirmed that the blow struck at his fathers's head by the 6th prisoner, was aimed during the dragging of the deceased down the stairs of the unoccupied house, and with a stick "about an inch thick." In his subsequent evidence at the Police Office, he declared that the stick was of "the thickness of my arm," and that the stroke was given when his father lay senseless in the public street: also that the injury inflicted was immediately testified by the convulsive movements of the stricken man,—about which nothing was spoken when the Coroner examined the witness just after the event!

Further, Vurdarajooloo having originally testified before the Coroner, that the 1st prisoner did *not* strike the deceased during the tumult, and that he merely said to those more directly engaged with him, "bring him out, bring him out," does not hesitate to tell the Police Magistrate that Soobaroya Graminy "struck" or "poked" his father's side with the cocoanut-rib, and directed his alleged accomplices, twice over, to "*strike him well!*" This last discrepant allegation, whatever may be said of the other discrepancies adduced, is one of the gravest kind as it affects the 1st prisioner, against whom the witness (in the absence of it) proves nothing more than that Soobaroya Graminy was present in a crowd attracted by his report of robbery effected on his premises, and exhorted those who had the thief in custody, to bring him out of the empty premises in which he had found refuge! Your Lordship's Petitioners will presently show that the 1st prisoner, according to evidence adduced for the prosecution, directed those same parties to do him no harm, but they must first dispose of the testimony of the chief witness, Vurdarajooloo.

10. Your Lordship will have seen that when examined by the Coroner, he declared the blow on his father's head which he attributes to the 6th prisoner, and which (by an after thought) he represented as of so deadly a nature before the Magistrate and in the Supreme Court, to have fallen on "*the back*" of that organ, whereas when questioned by the learned Judge who presided at the trial of the prisoners, he affirmed that the blow "fell on his father's head *on the right side across the top*;" a statement which he illustrated by uncovering his own head and pointing to the part on which the blow fell: on the right side across the top. Had he been less precise and positive on the 19th of January, this discrepancy would have had less weight than Your Petitioners attribute to it, but the variation from what he described just after the occurrence of the so called murder, seems to them far from unimportant. That his representations were in either case untrue, appeared by the evidence of the Surgeon who performed the post mortem examination of the body of the deceased; the fracture which caused death, and which the witness obviously sought to bring home to the 5th prisoner, as the Judge avowedly understood, having resulted from an injury on the *left side* of the head. Even though Vurdarajooloo should be acquitted of wilful falsehood, it must be allowed that his testimony on the point is nothing worth. He took on himself to state a particular circumstance on which depended the life of one of his fellow creatures at the Bar,—for the learned Judge remarked when passing sentence on the prisoners, that he should have left Moonesawmy Naidoo for execution, had he been perfectly satisfied that *his* hand struck the fatal blow described by Vurdarajooloo,—and whether his doing so falsely was the fruit of malice or of ignorance, the fact gives another blow to the boy's much shaken evidence. But his testimony as to that point is not only discredited by himself, it is virtually contradicted by that of his uncle Gopaul Rajoo, who was present when Soobaroya Graminy unlocked the door of the empty house, followed him in, saw the deceased being dragged downstairs, and was a spectator of all that happened until the Police came to the spot. This witness, a man of mature age, who speaks to sundry blows and pokes inflicted by the prisoners, distinctly affirmed before the Coroner, "*I did not see him receive auy blows on his head.*" This declaration, Your Petitioners submit to Your Lordship in Council, would of itself nullify Vurdarajooloo's tale about the terrible stroke levelled at Narasoorajoo by the 5th prisoner—or by the 6th as he avouched at the Police Office—even if his own trustworthiness were not so glaringly open to objection. As the whole matter stands, Your Petitioners are humbly of opinion that the evidence of the lad should be put out of Court, whereinsoever it is uncorroborated by that of more reliable witnesses. Yet in the absence of proof of those grave facts sworn to by Vurdarajooloo, and by him only, it seems to Your Lordship's Petitioners impossible to fix the capital charge on any one of the six prisoners now lying under sentence of transportation. That Narasoorajoo met his death by violence in the crowd assembled by the alarm of thieves on the night of the 6th of last October, is a point about which there can be no manner of doubt, and that some of the prisoners struck, pushed, and dragged him about, when discovered in the empty house, is affirmed by his mother, son, and brother. The testimony of the two former at any rate, as Your Petitioners trust they have by this time made apparent to Your Lordship, is open however to serious exception, and even were it worth far more than it is, could hardly suffice to bring home anything beyond a charge of manslaughter to the accused. As the case now stands, Your Petitioners submit that the capital crime was neither morally nor legally proved against any of them, and that their "awful sentence," as the learned Judge most truly styled it, of civil and social death, is

one which peculiarly calls for the exercise of the prerogative of mercy vested in Your Lordship. Your Petitioners do not go the length of soliciting Your Lordship to *pardon* these unhappy men, because it seems too probable that some of them were unintentionally accessory to the sad fate of the deceased. The whole affair, however, is enveloped in so much mystery, that Your Petitioners believe it improbable that it can ever be ascertained precisely in what manner or through whose instrumentality Narasoorajoo came by his death,—whether by designed or chance blows, a fall in a scuffle or accidentally, or through injury sustained when he was dragged downstairs. It is conclusively shown by the evidence for the prosecution, that he was speechless and insensible when brought into the court yard of the empty house where the prisoners found him. However it might have been inflicted, the fatal hurt had taken place previous to that time, and even granting that all which Vurdarajaloo related about a blow given in the street were true, *that* violence could not have occasioned the injury which caused death, as the learned Judge himself believed and intimated to the Jury. It might have produced a second fracture, but the Surgeon found only the one mortal injury when he examined the head of the deceased. Your Petitioners consider this a highly important point, and therefore desire leave to press it especially on the notice of Your Lordship in Council. As the cause of death *preceded* the acts of violence to which the witnesses for the prosecution spoke, and there is not a tittle of evidence to show in what manner and by whom the presumed blow was given, it seems to Your Petitioners evident that the Jury had not legitimate ground for presuming that the prisoners were certainly responsible for it. Gopaul Rajoo, the deceased's brother, deposed before the Coroner that "*a large crowd*" went with Soobaroya Graminy into the empty house, when he unlocked the door and entered it—he also swore at the trial that "*there were many persons on the terrace*" of it—and how can it be decided, in the absence of any testimony whatsoever on the point, but that some other than one of the six parties now lying under sentence of transportation, was the real author of the fatal mischief? It strikes Your Petitioners as a remarkable circumstance, to which they are surprised that no reference was made at the trial, particularly by the Counsel for the defence, that of the "large crowd" present during the scene in the vacant house, not one party unconnected with the slain man was summoned to give evidence, either at the Inquest or before the Police Magistrate. Some perfectly impartial witnesses might surely have been traced out, instead of allowing the liberties—very possibly the lives even—of six individuals to depend on the testimony, too sure to be more or less prejudiced, of the nearest relatives of the deceased! Your Petitioners must think that the want of other evidence was a great misfortune, and but too probably the cause of that painful uncertainty which hangs around the history of the case.

11. That Your Petitioners esteem the verdict and sentence especially exceptionable as they affect the 1st prisoner, who it was proved not only did not himself assault the deceased—for Vurdarajooloo's story about the blow or poke with the cocoa-nut-rib was contradicted both by his uncle and himself—but further bade his companions do the man no hurt. Soobaroyloo Naick swore to this both in his deposition before the Coroner and again in the Supreme Court. His words on the last occasion were;—"The 1st Prisoner told the people, 'if it is Narasoorajoo, don't do any harm to him.'"—In the face of these exculpatory facts, Your Petitioners are astonished at the finding of the Jury against that Prisoner, and were Your Lordship in Council pleased to remit his punishment altogether, they think that Your clemency would be justified, but that he should suffer transportation as a murderer, seems to them downright injustice.

12. That Your Petitioners would draw the attention of Your Lordship in Council to that part of the evidence of Dr. Kelly, in which he clearly shows that the statements of the mother, brother, and son of the deceased, relative to the amount of violence to which he was subjected by the prisoners, irrespective of the fatal injury done to his head, must have been in a great measure untrue. "On examining the body," said that Medical Officer at the trial, "*I found no sign of beating or poking with sticks, or of kicking on the back with the knee.*" Had the relatives of Narasoorajoo come near the truth in their narration, Dr. Kelly would have had a very different account to give. The few "very trifling" marks which he *did* find on the corpse, prove that the deceased could not have been roughly handled, save and except as to what occurred prior to his being dragged down the stairs, and this circumstance again tends to discredit the testimony of the mother, son, and brother, at large; for they were doubtless not more regardful of accuracy

in other particulars, than in this. Further, it must, Your Petitioners think, be conceded, that the absence of marks of violence in general is an evidence, that the prisoners could not have cherished toward the deceased that enmity which is attributed to them. If they had borne him malice, and decoyed him into their power at midnight for the purpose of taking revenge, they would surely have used their sticks more freely than they are shown to have done. The fracture of the skull does in no respect militate against the hypothesis of their having harboured no malignant intention, for it seems to be admitted on all hands that it was accidental, and not of malice aforethought. Both the learned Judge and the Counsel for the prosecution, unreservedly expressed their belief that no deadly injury was meditated; that the hand which dealt the fatal blow, if blow it was, shed blood without design. This remark of course applies equally if death was caused by any other violence, such as hurling the man from the roof of a higher house to a lower, knocking him down stairs, or so forth. The sad mischance might very well have happened in various ways, in the alarm and indignation which are ever awakened by the sudden detection of a thief in the night, and particularly in this country, where robbers are treated without any mercy, if they fall into the hands of a body of people strong enough to wreak vengeance. In Europe, an unresisting culprit would not be maltreated by a crowd after apprehension, except in peculiar cases, but every person acquainted with India knows that here it is far different; that the first impluse of every Native is to fall pell mell on the offender. Since Narasoorajoo was considered a thief, and justly so as Your Lordship's Petitioners consider, he met, when caught, with thieves' ordinary treatment, only—save as regards the *one* great injury—of a much milder kind than usual. Your Petitioners do not for a moment mean to extenuate the illegal violence which led to the death of that ill-fated individual; they are merely pointing out to Your Lordship what appears to them the true character of the disturbance in which he lost his life. As to that lamentable event, whatever was the manner of the infliction of,the death-blow, and whoever was the agent, Your Lordship's Petitioners humbly trust that they have afforded reasons solid enough to warrant their conclusion, that the six prisoners—Soobaroya Graminy more particularly—ought not to have been convicted of and sentenced for the crime of *murder*, and likewise to justify them in applying for the exercise of Your Lordship's delegated prerogative.

In saying thus much, Your Petitioners have not the faintest notion of reflecting on the Jury by whom the verdict was pronounced, nor yet on the learned Minister of justice who gave effect to their decision. They have the fullest confidence in the perfect uprightness and intelligence of the first, and in the high judicial qualifications, integrity, and humanity of the latter, whose approaching departure from this Presidency, they, in common with the rest of the community, heartily deplore. Your Petitioners only seek to repair what they esteem the defects of the line of procedure taken at the trial, which prevented the full merits of the case from being brought out. Had these been before the Supreme Court on that occasion, Your Petitioners have little doubt that the result would have rendered this appeal to Your Lordship in Council altogether unnecessary. It seems to your Petitioners, that, even allowing the death stroke was given by one among the prisoners, *which is still a matter of extreme incertitude*, the circumstances of the case were such as reduced the crime to manslaughter of a dye by no means sufficiently aggravated to demand a severe sentence. The ill-usage of a thief, or one supposed to be such, was in perfect accordance with the practice of the country, and Your Lordship's Petitioners submit that there is *no evidence* of malice, whether the facts be looked at in a legal or a moral light. The testimony of Narasoorajoo's brothers relative to the enmity cherished toward him by the family of the 1st Prisoner, and their allegations about threats uttered, lie open to considerable suspicion, more especially that of Gopaul Rajoo, who when questioned at the Inquest as to the *cause* of the ill-will described by him, professed his entire ignorance on the subject. "I do not know (he said) why he left Soobaroy's employ." "When Shunmoogum threatened him, I asked what he meant. He did not tell me. I do not know the cause of offence given by the deceased." The other brother, however, Ramchundra Rajoo, deposed before the Police Magistrate that he *did* know "the cause of offence;" that the same prisoner openly declared it to him, when threatening deceased, and that it was jealousy regarding that individual and the females of Soobroya Graminy's house. Now Your Petitioners submit to Your Lordship in Council the great improbability of Gopaul Rajoo's being unaware of this fact, if there is any truth in the story told by the two surviving brothers. Even granting that the 2d prisoner, who volunteered an explanation to Ramchundra Rajoo, refused to give one when asked for it by Gopaul Rajoo—a thing not very likely to have happened—it is most improbable that the two witnesses, living together in the same house with deceased, would have had no conversation about so serious a matter as threats affecting his life, or that, conversing on the subject, the cause of enmity known to the *one*, should have remained concealed from the *other*. The absurdity of such a supposition is apparent on the face of it.

But further, as it was likewise stated by Ramchundra to the Police Magistrate, that the jealousy of the prisoners had reference to the supposed seduction by Narasoorajoo of Soobaroya Graminy's wife, the inherent weakness of the whole story must, Your Petitioners think, be at once admitted, when it is remembered that the female in question is an elderly person and the mother of eleven children! That she should have carried on any intrigue with the young man her husband's servant, is incredible altogether, and Your Petitioners are well assured that there never was the least foundation for any suspicion of the kind. The tale of the two brothers of deceased is therefore doubtless a mere concoction of their own, to strengthen the case against the old man and his sons.

13. That Your Petitioners having thus dissected the evidence for the prosecution, and, as they venture to hope, shown to Your Lordship in Council its utter insufficiency to sustain the *capital* charge against the six prisoners under sentence, whatever may be thought of its bearing on their conviction of manslaughter, would crave permission to close their appeal with a few observations regarding the far greater probability that the tragic affair originated in a robbery committed by the deceased on the premises of the 1st prisoner, as urged by the Counsel for the defence at the trial, instead of being the result of some conspiracy between the six persons for whom Your Petitioners invoke Your Lordship's mercy. With all deference to the learned Judge who expressed a contrary opinion, Your Petitioners, taking a review of the whole circumstances of the case, while they freely admit that a veil of mystery hangs over it, are led to believe that Narasoorajoo *did* enter the 1st Prisoner's house with a dishonest purpose on the night of the 6th October,—that his having for a few nights previous adopted the novel practice of leaving his own dwelling and going to sleep on the pail of the house opposite, was connected with his meditated offence,—that he *did* carry away the articles said to have been stolen,—that his accidentally dropping one or more of them in his passage across the roofs of the houses, led to an alarm being given and the assemblage of a crowd with lights and sticks,—and that deceased, taking refuge or being driven into the house which he knew was unoccupied, was followed thither, detected, and by some means unknown or uncertain received the injury which caused his death. This chain of circumstances is perfectly natural, of an ordinary character, except in the fatal result, and consistent with the probabilities of the case, so far as they can be gathered from such portions of the evidence as seem to your Petitioners deserving of reliance. On the other hand, if this rational presumption of deceased's larceny is rejected, the only way of accounting for his presence in the empty house where he met his death blow, is that which his relatives succeeded in impressing on the Supreme Court and Jury as the truth; a tale, with all its collateral circumstances, so strange, improbable, and in many particulars repugnant to common sense, that Your Petitioners humbly consider it impossible to believe it on such untrustworthy evidence as was alone produced in support of it. Had the defence fully brought out the many grave objections to the case shown by the prosecution, as Your Petitioners have set them forth now, they cannot but think that the Jury woul have found a very different verdict.

14. That the story told by the principal witnesses against the prisoners, requires the public to believe that men who up to the 6th of October had borne an excellent reputation, entered into some sort of conspiracy to punish Narasoorajoo illegally for an offence which appears never to have been committed, and in which the 5th and 6th prisoners could have had no interest whatever even though it had been, since they were unconnected with the family of Soobaroya Graminy and were neighbours merely. That having formed this design, they set about the execution of it in the most irrational manner possible, taking steps which could have no other effect than that of immediately bringing home to them whatever crime they meant to commit. That the 1st and 2nd prisoners gave notice of their malicious intentions to the brothers of their destined victim long before the event. That when the time of its fulfilment

came, the father and his sons, without an attempt at concealment, decoyed Narasoorajoo away by a frivolous pretext from the place where he and his son were lying late at night. That this man, who had been thrice warned of their evil inclinations, was foolhardy enough to accompany them to the house of one of the conspirators—it does not appear which—and would not even allow his boy to be of the party. That he suffered himself to be enticed or forced into the said house, and either there or elsewhere assaulted murderously, without raising any alarm. That he was dragged or driven across the roofs of intervening dwellings to that of the empty tenement, and received his death blow from one of the prisoners, at some stage of this extraordinary course of outrage! That the prisoners having, undesignedly it is presumed, dealt the death stroke, straightway raised a clamour which drew all the neighbourhood to come and see what they had done, and then in the presence of numbers, the man's own relatives being among them, combined in offering further violence to the senseless victim of their previous brutality. That the parties most conspicuous in cruelty, were the two neighbours of the 1st prisoner, who, as Your Petitioners above pointed out, could have had no interest in his alleged quarrel with Narasoorajoo, nor any motive to assist in his revenge! And that, after all these acts of the tragedy were over, and the moribund wretch lying before the door of the house which he was falsely accused of robbing, the 1st prisoner wound up the unparalleled course of folly of which he and his companions in crime had been guilty, by actually *bringing out of his own dwelling the articles said to have been stolen and dropped on the housetop of the 5th prisoner, and laying the same beside the body, in the presence of a multitude of people!* That any six men in possession of their senses, and who had at stake everything that was dear and valuable to them in the world, could have played the suicidal parts attributed to these prisoners, appears to Your Petitioners so utterly incredible, that nothing less than evidence of the amplest and most reliable kind would suffice to make them receive the story. But looking at the scanty, partial, and indisputably untruthful nature of that testimony upon which the whole prosecution was built, Your Petitioners have no hesitation in declaring their firm conviction that the charge of murder was altogether unsustained.

15. That they therefore close their Petition with a most earnest prayer to Your Lordship in Council, to step in on behalf of these unfortunates and their deeply afflicted families and friends, and by exercising the sacred prerogative which has been committed to Your Lordship's benevolent hands, to mitigate the bitter calamity by which they have been unjustly overtaken.

And Your Petitioners

WILL EVER PRAY,

(Signed) CONNOOR IYAHSAWMY, Moodelliar.
(„) T. SUBAPUTTY, Moodelliar,
and several other Native Inhabitants of Madras.

MADRAS, 2nd February 1857.

No. 26. Ordered that the following letter be dispatched.

From the Government; to the Honorable Sir W. W. BURTON, Knight, Puisne Justice of Her Majesty's Supreme Court of Judicature at Madras, dated 9th February 1857, No. 174.

HONORABLE SIR,

We do ourselves the honor to forward to you, the accompanying Memorial, which has been presented to us by certain Native Inhabitants of Madras, praying for a mitigation of the Sentence passed upon Soobaroya Graminy, and others, who were convicted at the last Madras Sessions, of the murder of one Narasoorajoo.

2. We beg to ask, whether in the opinion of your Lordship, there exist any grounds for entertaining the application of the Memorialists.

We are, &c.,
(Signed) HARRIS,
(„)
(„) WALTER ELLIOT,
(„) H. C. MONTGOMERY.

Exd. F. Cartledge.

in his passage across the roofs of the houses, led to an alarm being given and the assemblage of a crowd with lights and sticks,—and that deceased, taking refuge or being driven into the house which he knew was unoccupied, was followed thither, detected, and by some means unknown or uncertain received the injury which caused his death. This chain of circumstances is perfectly natural, of an ordinary character, except in the fatal result, and consistent with the probabilities of the case, (so far as they can be gathered from such portions of the evidence as seem to Your Petitioners deserving of reliance. On the other hand, if this rational presumption of deceased's larceny is rejected, the only way of accounting for his presence in the empty house where he met his death blow, is that which his relatives succeeded in impressing on the Supreme Court and Jury as the truth; a tale, with all its collateral circumstances, so strange, improbable, and in many particulars repugnant to common sense, that Your Petitioners humbly consider it impossible to believe it on such untrustworthy evidence as was alone produced in support of it. Had the defence fully brought out the many grave objections to the case shown by the prosecution, as Your Petitioners have set them forth now, they cannot but think that the Jury would have found a very different verdict.

14. That the story told by the principal witnesses against the prisoners, requires the public to believe that men who up to the 6th of October had borne an excellent reputation, entered into some sort of conspiracy to punish Narasoorajoo illegally for an offence which appears never to have been committed, and in which the 5th and 6th prisoners could have had no interest whatever even though it had been, since they were unconnected with the family of Soobaroya Graminy and were neighbours merely. That having formed this design, they set about the execution of it in the most irrational manner possible, taking steps which could have no other effect than that of immediately bringing home to them whatever crime they meant to commit. That the 1st and 2nd prisoners gave notice of their malicious intentions to the brothers of their destined victim long before the event. That when the time of its fulfilment came, the father and his sons, without an attempt at concealment, decoyed Narasoorajoo away by a frivolous pretext from the place where he and his son were lying late at night. That this man, who had been thrice warned of their evil inclinations, was foolhardy enough to accompayn them to the house of one of the conspirators—it does not appear which—and would not even allow his boy to be of the party. That he suffered himself to be enticed or forced into the said house, and either there or elsewhere assaulted murderously, without raising any alarm. That he was dragged or driven across the roofs of intervening dwellings to that of the empty tenement, and received his death blow from one of the prisoners, at some stage of this extraordinary course of outrage! That the prisoners having, undesignedly it is presumed, dealt the death stroke, straightway raised a clamour which drew all the neighbourhood to come and see what they had done, and then in the presence of numbers, the man's own relatives being among them, combined in offering further violence to the senseless victim of their previous brutality. That the parties most conspicuous in cruelty, were the two neighours of the 1st prisoner, who, as Your Petitioners above pointed out, could have had no interest in his alleged quarrel with Narasoorajoo, nor any motive to assist in his revenge! And that, after all these acts of the tragedy were over, and the moribund wretch lying before the door of the house which he was falsely accused of robbing, the 1st prisoner wound up the unparalleled course of folly of which he and his companious in crime had been guilty, by actually *bringing out of his own dwelling the articles said to have been stolen and dropped on the housetop of the 5th prisoner, and laying the same beside the body, in the presence of a multitude of people*! That any six men in possession of their senses, and who had at stake everything that was dear and valuable to them in the world, could have played the suicidal parts attributed to these prisoners, appears to Your Petitioners so utterly incredible, that nothing less than evidence of the amplest and most reliable kind would suffice to make them receive the story. But looking at the scanty, partial, and indisputably untruthful nature of that testimony upon which the whole prosecution was built, Your Petitioners have no hesitation in declaring their firm conviction that the charge of murder was altogether unsustained.

15. That they therefore close their Petition with a most earnest prayer to Your Lordship in Council, to step in on behalf of these unfortunates and their deeply afflicted families and friends, and by exercising the sacred prerogative which has been committed to Your Lordship's benevolent hands, to mitigate the bitter calamity by which they have been unjustly overtaken.

And Your Petitioners
WILL EVER PRAY.

MADRAS, 2nd February 1857.

Cornore Iyah Sawmy Mood.r
C. Runyapillay
C. Arroomoo Mood
C. Soobroy Chetty
C. Rommiat Chetty
B. V. Latchmiah
P. Sevarauyah Mood.r
P. Aroomoogum Moodelly
M. Muniyapah
N. Nagapah Chitty
A. Ruthnavaloo Chitty
P. Raja Chitty
P. Vasoodavah Mood.r
C. V. Iyasawmy Mood.r
S. Parthasaradey Mood.r
P. Rajagopaul Mood.r
V. Vencatakistnamah Naidoo

C. Maselawmany Moodelly
T. G. Cunnyah Naidoo
P. Soobaroya Moodly
P. Periasawmy Mood.r
M. Annasawmy Moodelly
C. Runjiah Naidoo
Annavenay Pillay
J. Hatavaloo Moodely
P. Narasoo Moodeliar
M. Govindarajooloo Naidoo
P. Vencatasawmy Naidoo
P. Ulagasoory Naidoo
P. Kathiroosawmy Pilly
M. Sabaupathy Moodeliar
C. Rajaruthnum Moodeliar
T. Namosevoy Moodeliar
V. Ruthnum Mood.r
M. Yagambara Mood.r
Annasawmy Mood.r
Soobarey
C. Soondarajooloo Naidoo
D. Ramasawmiah
M. Vasaguthnagelu Naidoo
V. Soobarayaloo Naidoo
Nagamony Moodeliar
C. Chengulroya Moody
P. Audiappah Moodely
P. Chinnacaranth Mood

T. Soobaraya Moodliar
M. Moodoosashia Moodely
C. Thapuroomalle Naidoo
C. Soobramaniyen Moodely
A. Sashachelum
Ellapillay
A. Moorgasawmy Chetty
C. Narrainsawmy Naidoo
C. Davanaicum Naidoo
P. Aroonachellapillay
C. Ettarajooloo Naidoo
Mootoosawmy Moodr
D. Ramasawmy Naidoo
N. Sevaramoo Moodely
N. Audinarainah Chetty
C. Sawmy Mood.r
S. Rungasawmy
Iyaswah Naidoo
Nachiappa
S. Sindoorroy Mood.r
Coopiah
M. Ramesawmy Naidoo
Narasawmy Naidoo
C. Valappah Chitty
Achimoo Kistnah
M. Moonooswamy Mood
Sabapathy Mood

M. Shunmoogum Moodely
S. Sabaupathy Moodely
G. Narrainsawmy Naidoo
C. Shunmoogum Moody
Govindoorajooloo
P. Daniel B
C. Woormanatasawandoo Chetty
A. Seenevasaw Moodelly
A. Namasivoy Moodly
P. Parthasawmy
N. V. Narainapiah
C. Kristniah
N. Thiroo Narainsawmy
V. Parthasarathy Chetty
T. Rajahgopaul Chetty
A. G. Narrainsawmy chetty
B. Dungaru Reddy
O. Amoorthalingachetty
C. Iya Moodelly
W. T. Mitchell
E. Ragavooloo
C. Ve. Shinasawmi Pillie
Vellay Naidoo
A. Mookoonda
C. Sutteniah Naidoo

M. Kristnasawmy Moodellier
P. Mooroogasatan
S. Woomanpatty Mood.
J. Chittumbala Mood
V. Saburattenum Mod
P. Moonesawmy Moodr.
C. Shunmoogum Moodely.
N. Ramasawmy Moodely.
T. Davasegamony Moodr.
C. Gungathurum Mood.
Pooay Vencatasooboo Mood.
C. Mooroogasa Moodly
C. Vencataragaloo Naik
C. Rungasawmy Naidoo
M. Sashachella Chetty
C. Sarungum Naidoo
G. V. S. Narrain Chetty
N. Ed. Rozario
R. Vencatasawmy Naick
Alwar Chetty
A. Namasoondrum
Ramasawmy
Moottoosawmy
A. Appasawmy Moodelly

V. Vencatasawmy

V. Soodursanum Naidoo

C. Mooruga Pillay

C. Habeeboollah Sahib

S. Ramayjiah

C. Kasamah

B. Chengleroy Naidoo

T. Veerasawmy

C. Govindarazooloo

C. Allamaprabo Iyer

Nursimmooloo Naick

D. Chulastree Naidoo

[illegible]

M. Vinnathumboo

C. Vencatarungaloo Naidoo

A. Thiroovengada Moodly

G. Sobbarayaloo Naidoo

D. Aroonachella Moodely

A. Darisawmy [illegible]

E. Anthimoota Moodelly

C. Parthasarady Chetty

W. Japunnaycooloo

P. Tanyachellum Moodely

S. Mootooyooloo Naidoo

C. Ramasawmy

C. Kistnasawmy Naidoo

P. Eyaloo Naidoo

C. Coomarasawmy Mood

P. Pauyandy Moodely

C. Narasimmooloo Naidoo

A. P. Kistnah

P. Streenevasaiah

V. Rungachary

A. Mootiah

D. Lutchmabika

A. Seetaram

S. Muttoojin

S. Nundiappah

Me. A. Veerasawmy Mody

Allaye Naick

T. Davarajiah

Moorogasamoodelly

T. Vencatasawmy Naidoo

T. Rungasawmy Naidoo

W. Tryter.
G. Fernandez
G Sarravanappen
Chinnaken Chetty
M. David
C. Cundasawmy Moodeliar
Thumboo Moodeliar
Vethanayagum Moodly
P. Parthosarthy Naidoo.
Rungasawmy Naidoo
Pracasam. Naidoo
P- Embunnai
C. Thurmanaden Moo
Royappen
Jaganathen moodalliar
Ramasawmy Naidoo
Moottealoo
T Naynasawmy
A Narrainsawmy
T Marcappillay
M. Appasawmy Moodelly
M. Parthasarathy Naidoo.

C. Krishnasammi Pillei
Tomasoondrum Moodelliar
A. Arnesawmy
Lazor
M. Veerasawmy Naidoo
T. Narrayansawmy Naidoo
V. Lutchmiah Naidoo
P. Moonisawmy Naidoo
P. Chundravelloo Nay
C. Vencatarayaloo Naidoo
V. V. Ramanoojum
C. Rungasawmy Naidoo
T. Saravanapermall Moodr
C. Davarajooloo. Pillay
S. Streenevasaloo Naidoo
T. Moothiah Moodly
B. Vencatarayloo
D. Rungum Naidoo
M. Arnachellum Moo
G. Ramasawmy Chetty
R. Sawmy Moodliar
M. Vencatarungum Chetty
A. Sut Ayyanasawmy
V. Moonesawmy Chetty
R. Vecoonthachary

C. Sabapathy Moodr
M. Teroovengadachary
Ramalinga Pillay
A. Sabuyah
B. Seetaramiah
P. Kistnasawmy Naidoo
C. Veerangavaloo Naidoo
Vencatachellum Moodly.
T. Kistnasawmy
P. Moonesawmy
T. Nanamsawmy
C Sarengam Naidoo
M. A. Paul Pillay
C. Danoogapedo Pillay
C. Ramanoojum Pillay
Moothoosawmy moodelly
T. Soobaroyaloo Chetty.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Anandaray Pillay

[illegible]

[illegible]

H. Veerasawmy Naicker

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Mootoo Veerasawmy

[illegible]

P. Coomarasawmy Moodaly

[illegible]

V. Moonesawmy Moodr

[illegible]

[illegible]

T. Appoo Naick

S. Nauthamoonee

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

S. Soobaroy Moodr

M. Vencatavaradachery

Nadamoony Moodr

[illegible]

Baubooraujalu

[illegible]

[illegible]

[illegible]

[illegible]

J. Varadarajoolu

P. Rajasawmy

[illegible]

V. Parthasarathy Naidoo

M. Conniappen

V. T. Writhundy

S. Parthasarathe

கோவிந்தஐயங்கர்

Jugoonathawmy

S. Nanniappen

11

Venactasawmy Naidoo

Coomarasawmy Moodely

N. Ruthnum Moodely

Colundavaloo.

M. Rajarutthnum

S. Soobarayen Moodely

M. Baulasoondrum

B. Ramasawmy Mood

C. Narrain Sawmy Mood.

Kistnasawmy Naidoo

C. Sathasiva Moodely

Rungasawmy Moodr.

C. Ventarajooloo.

Condasawmy Pillay

C. Appavoo Pillay

குப்புசாமிஐயங்கர்

வெங்கடாசலசெட்டி

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

12

Coomaravaloo Moodelliar
D Ramasawmy Md.
J Veerasawmy Moodely
M Muttrapummy Naidoo -
P Soondaram -
Rajagopaulu Moodelly.
C. Ruthana Moodely
P. Veeraputtra Moodaly
A. Narrainsamy Moodelly
S. Soobramanyah Moodelly.
[illegible]
D Lutchmanasawmy Mood
W. Sabapathy
M. Nyneappah Moodely
P. Vencatasawmy
Lutchmanoo
Mahadava Moodelliar
B Abbayee Naick
[illegible]
M Vyatherajoo Md.
M Davuyu

P Sathoo Moodely
V Madoosawmy
V Veloo Moodely
C Soobaroyan Moodley
[illegible]
C Veerasawmy Md.
[illegible]
[illegible]
[illegible]
A. Nadamoony
[illegible]
[illegible]
S. Namasivoyum
[illegible]
C. Chendrasakaram Mood.
M Annamood -
J. H. Ellis.
P. Rungasawmy Mood.
Andw. Wilenby Jr
P Narrainsawmy Mood.
Chettiyaloo Naidoo
Ramakistnamah

P. Rungiah Naidoo

C. Ruthnum Mood.r

V. Somasoondrum Mood.r

T. Veerasawmy Moodelly

A. Singee Chetty

A. Baboo Moodely

C. Narrainsawmy Moodelyar

Anw. Chitto

S. Taneachellum

D. Ragiah

C. Arthenarany Mood.r

T. Ternalarsoo Mood.r

P. Armoogasem Mood.r

M. De Silva

Robt. Wooden

A. Junot

V. Yagambarum Mood.r

L. Martin

C. Tripoorandayem Mood.y

V. Varatharajooloo Naidoo

S. Parthasarry Naidoo

Eugene De Silva

G. Vaunugopaulloo

Shunmoogasoondrum

M. P. Venayagapillay

J. M. Annanjodha

Moongapruthey

C. Cottundaram

V. Tyagambarum Moodley

వీరాసామినాయుడు

C. Veerasawmy

A. Natasingu

H. Matenime

Geo. Scott

J. W. Lyons.

W. A. Thomas

C. Poorooshottum Moodly

17

Judicial Department

No. 215.

Memorial from the Native Inhabitants of Madras.—

Dated 2nd February 1857.

For Orders

Since none of the proceedings in this case before Govt. – it is utterly impossible without them to form any opinion upon it.

The act gives Govt the power to pardon or reprieve – or to remit the whole or any part of

---

Jud. Dr. to Eng. of 9 June
No. 16 of 1857
Para 21

Replies to in No. 1 of 1858 P. 19.
Approved

25 & 28

25.

C 6 Feb
R 9 – 4

In D7 to Cons. 10 Feby/57

Judicial 1857 Departt

Memorial from the Native Inhabitants of Madras.

No. 17

Dated 2d &
Recd 5 Feby 1857

No. 215

Praying for a Mitigation of the Sentence of banishment for life passed on Soobaroya Grammy, Shunmoogum, Summunduum, Chinnoo, Moorsawmy Naick and Moorsawmy Moodelly on a charge of the Murder of one Naraboorajoo.

For orders

the punishment awarded for any transgression of the laws. but it does not confirm Govt. to ask for the judges letter - as between the judges [illegible] [illegible] this shd be remedied - otherwise the power given is useless.

Sir Wm Burton might be asked if he sees any reason for deferring the punishment

---

Judicial Dept.

No. 174

The Hble Sir Wm Burton Kt.
Puisne Justice of H. M. Supreme Court
of Judicature at Madras

Honorable Sir,

We do ourselves the honor to forward to you the accompanying memorial which has been presented to us by certain Native Inhabitants of Madras praying for a mitigation of the sentence passed upon Soobarozer [illegible] & others who were convicted at the last Madras Sessions of the murder of one Rama-soorajoo —

2. We beg to ask

whether in the opinion of your Lordship there exist any grounds for entertaining the application of the Memorialists.

J.P.

Fort St George
1st February 1857

(Signed) Harris
"
" Walter Elliot
" H. C. Montgomery

Indy to Cons. 10th Feby/57

Judicial 1857 Dept

No. 174.

To
The Honorable
Sir W. W. Burton Kt
C.J. of H. M. Supreme Court
of Judicature
at Madras

Dated & Despd 9 Feby 1857.

Replied to 12th Feby 1857 No. 261
Feb. 4 18/58.

Jud. Lr. to Eng. d/ 9 June
No 16 of 1857
Para 21
Reports in No. 1 of 1858 P. 19.
Approved
see also No 11 of 1858.

25 + 26 + 2

C9Z6