

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	237	Press
		Mis-
33-34		
Dated	23-2-1858	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 23rd February 1858.

No. 33. Read the following Petition from Seeneesawmy Naicker.

To the Right Honorable the Governor in Council of Fort Saint George.

The humble Petition of Seeneesawmy Naicker,
brother-in-law of Chokalinga Pattana Naicker,
Zemindar of Attangary and others 1st, 2nd,
3rd, 4th and 5th prisoners in Case No. 3 of
1857, on the file of the Commissioner of
Tinnevely, appealing against an order of the
Commissioner, bearing date 27th of January
1858.

SHEWETH,

That the prisoners above mentioned have recently been tried under the provisions of Act XIV of 1857, in consequence of an affray between the servants of the 1st prisoner and those of a neighbouring Zemindar, the acts complained of having been all committed in defence of the lawful rights and property of your Petitioner's relation. The prisoners were found guilty and sentenced to imprisonment, with hard labour in irons.

2. Your petitioners will shortly be able to shew from the report of the Commissioner and the evidence of the witnesses, that the said conviction is utterly illegal, opposed to the principle of law and unsupported by the testimony adduced.

3. In the meantime however your Petitioner humbly prays that the prisoners may be kept in simple confinement, and that so much of the sentence as orders hard labor in irons may not be enforced, pending appeal. Your Lordship in Council is well aware that to Native gentlemen of the rank and position of the prisoners such a sentence as the above, which exposes them to public and daily insult, and forces them to herd with the lowest out-casts, is a degradation worse than death, a degradation which no subsequent acquittal can wipe out. It cannot be necessary that they should endure so heavy a punishment, as long as there is a chance that it may be wholly undeserved. Had this case been tried by the ordinary tribunals, the Court of Foujdaree Udalt would without difficulty make the order prayed for. Your Petitioner prays that his relations may not be placed in a worse position in consequence of their having been tried by a Court, which as he humbly submits, was only intended for offences against the State. He therefore humbly implores that your Lordship in Council will grant the indulgence solicited, and send a precept in pursuance of his request to the Commissioner, and your Petitioner will ever pray.

Seeneesawmy Naicker.

Madras, }
8th February 1858. }

(Signed) SEENEESAWMY Naicker.

Extract from the Proceedings of the Commissioner's Court of Tinnevely under date the 27th January 1858.

Read Miscellaneous Petition No. 37, presented on the 27th January 1858, by Vellachamy Naicker, brother-in-law of the 1st prisoner in No. 3 of 1857, on the file of the Commissioner of Tinnevely, stating that the 1st prisoner is a Zemindar and a respectable man and 2nd, 3rd, 4th and 5th prisoners are brothers of the 1st and praying that their sentence as regards labor and irons be suspended pending the result of an appeal to the higher authorities.

The Petitioner is informed that the Court has no power to stay the course of Justice.

(True Extract.)

Correction none.

(Signed) R. G. CLARKE,
Acting Commissioner.

Copy applied for on the 28th January 1858.

„ furnished on the 30th do.

No. 34. ORDER THEREON, No. 237; dated 23rd February 1858.

Resolved to instruct the Commissioner to suspend the execution of the sentences in the case of all the prisoners, in case No. 3 of 1857, pending further orders.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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[illegible]

Petition

No. 429 of 1858

From Seenedawmy
Naicker Brother in law
of Chorkalinga Puttana
Naicker Zemindar of Attan-
garry and others 1st 2^d 3^d
4th and 5th Prisoners in case
No. 3 of 1857 on the file
of the Commissioner of
Tinnevely.

Enclosed extract from Government will
Proceedings of the Com- await the Commis-
missioners Court of Tin- sioners Report.
nevely dated 27 January
1857, and prays that
his relations may not
be placed in a position
derogatory.

DH.
15-2/58
Kartit has been

Extract from the Proceedings of the Commissioners Court of
Tinnevely under date the 27th January 1858.

Read Miscellaneous Petition No. 37 presented on the
27th January 1858 by a Naicker Brother in law
of the 1st Prisoner in No. 3 of 1857 on the file of the
Commissioner of Tinnevely stating that the 1st Prisoner is
a respectable man and the 2^d, 3^d, 4th and 5th are
brothers of the 1st and praying that their sentence
of labor and irons may be suspended pending the
appeal to the Higher Authorities.

The Petitioner is informed that the Court
has no power to stay the Course of Justice.
(True Extract)

W. H. Lawrence
Commissioner
Copy applied for on the 28th January 1858.
so furnished on the 20th Feb.



Handwritten signature or initials at the bottom left corner.

derogatory to their rank.

Madras Club Feb 19

Dear Mr. Carmichael

Will you kindly have
the accompanying petition
brought at once under
notice in the proper quarters.
You will see its importance,
and that one minute will
settle the whole question.

Yours sincerely

Wm D. Magne
D. E. Carmichael Esq.

derogatory to their rank.

From the Broken in Law
of Chokalinga Puthana Nair,
Jemindan of Abengery
others, being the 1st
2^d, 3^d, 4th & 5th Prisons
in Case No 3 of 1857 in the
file of the Commissioners
of Tinnevely.

State that the Commissioners
would have no witnesses for
the defence, & that he refused
even to allow the Valleys
for the Prisoners to examine
the witnesses for the prosecu-
tion, such witnesses being no-
toriously the enemies of
the Prisoners.

With a note from Mr. Magne,
Council for the Prisoners, &
the address of the J. J. Lee & Co.

For order

J.M. 20/2/58

From report of
the case circulated
some days ago
tells that whereas
it is true - that
no witnesses for the
defence had been
found -

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W

Judicial Sept 6

N. 237

E. M. G. of 23 February 1858.

Read the following Pet-
ition from Seeneetawmy Naick,
written in law of Chokalinga
Puttana Naick & others, being
the 1st, 2^d, 3^d, 4th & 5th Prisoners
in Case No 3 of 1857 on the file
of the Commissioner for Tinnevely
under Act No XIV of 1857

here under
Pet = No 429
1858

H.

W. M.

Resolved to instruct the
Commissioner to suspend the
execution of the sentences in the
case of ^{all the} ~~these~~ five prisoners,
in Case No 3 of 1857
pending further orders.

2. The Govt do not understand
why the ordinary course of law
was not followed in dealing with
his charge, which is one of "Affray
with homicide" & not of "deceit".
vide Bill of No 1081. of Aug 25th 57.

D. G. 22/2/58

Copy to the Commissioner
of Tinnevely - } Sept 23rd
By Express.

In Com. 23^d February
Judicial 1858 de J. H. H.

de 23^d 17

de 23^d 17 de J. H. H.

de 23^d 17 de J. H. H.

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