M.R.O. 1—20,000—15-10-05.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 818 Press ~~Mis.~~

14-15

Dated 13—6—~~10~~ 1855

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 11th to 17th June 1859.

No. 11. Read the following letter from J. W. BRANSON, Esq., Barrister at Law; to the Chief Secretary to the Government of Fort St. George, dated 2nd June 1859.

I have the honor to enclose a petition to the Right Honorable the Governor in Council on behalf of Buttoola Jagannadhum, 1st prisoner in Case No. 4, 1858, Agent's Court of Vizagapatam, and will be obliged to lay the same before His Excellency in Council and to favor me with the decision come to thereon.

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

The humble petition of Buttoola Jaganathum, 1st prisoner in Case No. 4, 1858, Agent's Court of Vizagapatam, presented by his Counsel J. W. Branson, Esq., Barrister at Law.

SHEWETH,

Your petitioner was charged with murder, and Gintam Ramaswmy the 2nd prisoner with the [illegible] aiding and abetting.

The prisoners were convicted by the Agent, the 1st of murder, the 2nd of aiding and abetting, and he recommended sentence of death to be carried into execution against the 1st prisoner, and six years' imprisonment with hard labour against the 2nd prisoner, and the case was referred to the Court of Foujdaree Adawlut.

The Sessions was considered by Mr. Haynes, one of the Judges of the Court, who, on the 6th August 1858, convicted both prisoners of "*murder*" and sentenced them to transportation for life.

Mr. Haynes in his Judgment (vide 8th Vol., Foujdaree Reports, 359) observes amongst other things "I cannot however join him" (the Agent) "in regarding the 1st prisoner as in" cold blood-ed murder" for as he himself remarks somewhat inconsistently "being thwarted for the moment in his design of taming the water he acted in a fit of uncontrolled 'passion'" and he also describes it as the act of a moment in which "for the gratification of momentary anger and without taking time for reflection under the influence of sudden impulse an otherwise good and respectable man has perpetrated under the influence of a crime impelling his own life." "The provocation offered" by the deceased to the commission of a crime impelling his own life." "The provocation offered" by the deceased to the commission of a crime impelling his own life." "The provocation offered" by the deceased to the commission

Your petitioner therefore appeals to your Excellency in Council for mercy and in order that your Excellency may be satisfied that this is a proper case in which to exercise that prerogative, your petitioner prays that Government will be pleased to forward this petition to the Honorable the Judges of the Court of Foujdaree Adawlut for their opinion thereon.

(Signed) J. W. BRANSON,
Barrister at Law.

Madras, 2nd June 1859.

No. 15. ORDER THEREON, 13th June 1859, No. 818.

Forwarded to the Foujdaree Udalut for their remarks and their opinion as to the propriety of granting any mitigation of the petitioner's punishment.

(Signed) T. PYCROFT,
Chief Secretary.

No. 818.

Forwarded to the Foujdaree Adawlut for their remarks & their opinion as to the propriety of granting any mitigation of the petitioner's punishment &c.

As the Prisoner who had to come here will come home with the Sessions Judges they should convey their opinion on the case, the Marshal will perhaps report on with his opinion upon it the 7th June.

The Judges have declined to take any part in the consultation. Let papers be returned to the Court

Your petitioner therefore appeals to your Excellency in C
your Excellency may be satisfied that this is a proper case in
your petitioner prays that Government will be pleased to for
the Judges of the Court of Foujdaree Adawlut for their opin

(Sign

Madras
21 June 1859.

Madras