M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1800	Press ~~Mis.~~
158-159 Dated	14-12- ~~19~~ 1864	

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Not to be folded or roughly handled

No. 158. Read the following letter from C. U. AITCHISON, Esq., Under Secretary to the Government of India; to the Chief Secretary to Government, Madras, dated Fort William, 15th November 1864, No. 274.

Foreign Department.
Judicial.

I am directed by the Governor General in Council to forward herewith copy of a letter and of its enclosure from the Secretary to the Chief Commissioner of British Burmah, No. $\frac{252}{1264}$, dated 5th October, and to state that the Viceroy and Governor General of India in Council has no objection to the release of the prisoner Pereira.

(COPIES.)

From Captain H. N. DAVIES, Secretary to the Chief Commissioner, British Burmah; to Colonel H. M. DURAND, C. B., Secretary to the Government of India, Foreign Department, Governor General's Head Quarters viâ Calcutta, dated Rangoon, 5th October 1864, No. 252.

Foreign.
General.

I have the honor, by direction of the Chief Commissioner, to forward, in original, a petition addressed to his Excellency the Viceroy and Governor General in Council by J. V. Pereira, a life convict in the Moulmein Jail, received through the Commissioner of Tenasserim.

2. The Chief Commissioner begs respectfully to recommend petitioner's prayer for release to the favorable consideration of His Excellency the Viceroy and Governor General in Council, on account of the prisoner's age, infirmities, and good behaviour over many years.

To His Excellency the Right Honorable Sir J. LAWRENCE, Bart., G. C. B.
Viceroy and Governor General of India.

The humble Petition of JOSEPH VICTOR PEREIRA, life convict, at present at Moulmein under a ticket of leave.

Most Respectfully Sheweth.

That your humble petitioner most respectfully begs to lay his deplorable case before your Excellency for your kind and compassionate consideration, in the sanguine hope that you will mercifully extend the Royal clemency invested in you under Section 54 of Act XXX of 1861,* and communicated by the Government of India in the Foreign Department, in letter No. 135, dated 17th July 1863, to the Chief Commissioner of British Burmah.

* Probably Act XVIII of 1855, is meant.
(Signed) H. N. D. Secretary.

2. Your petitioner was transported from Madras, for the crime of aiding and abetting in forging or ordering to be printed certain Tanjore Bonds, a crime in which he was made a victim by two others, one of whom having turned Queen's evidence saved himself from the penalty of the law, and the other is suffering with himself the sentence of life imprisonment.

3. Your petitioner arrived in Moulmein in 1849, extending now to a period of 16 years. Being old and infirm at the time of his arrival he was compassionately employed in the Jail office as Clerk, and after some time transferred to the Jail Dispensary in the same capacity, in both of which Departments he gave all the satisfaction he was capable of, as can be testified by the records of the Jail or reference to the authorities at Moulmein.

4. In 1857, on the establishment of the Jail Press, he was from his previous knowledge and management of a printing establishment at Madras, and the mechanical portion thereof appointed as Foreman and Printer therein by Captain Mann, the then Executive Engineer and Superintendent of Jails, and continued to be so employed under successive officers, viz., Major Sankey, and Captain Furlong, and Sir Edward Leeds, and all those officers have kindly and considerately and mercifully recorded their several testimonies in favor of the character of your humble petitioner,

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forged

as well as general appreciation of his labors in the Jail Annual Progress Reports. Captain Furlong has also left a private testimonial of the conduct of your petitioner, which is herewith appended for your Excellency's satisfaction.

5. On the 28th August 1861, Captain Furlong was pleased to promote your petitioner from the 2nd to the 1st Class grade, with the privilege accorded him of furnishing security to obtain a ticket of leave and remain at large, and to enable him to do so and still labor at the Press Captain Furlong, with the sanction of the then Commissioner, Major Hopkinson, kindly sanctioned an allowance of Rupees 35 from the profits of the Press exclusive of all allowances from the jail.

6. That your petitioner continued to work at the Press and enjoy his privileges till September 1863 when his services were suddenly dispensed with on account of reduction of establishment, and though permitted to retain his ticket of leave without any support from the Jail he has ever since been thrown upon his own resources for a livelihood, which is so precarious at present even to younger men than himself.

7. Your petitioner's misfortunes are daily increasing: anxiety of mind, owing to a precarious livelihood, old age, and an accumulation of diseases, viz., phymosis, hernia, and elephantiasis; this latter laying him up very frequently with fever and rendering him unequal to labor of any description, and he has no friends here whom he can reckon upon for aid, and he is anxious therefore to preserve life, the first law of nature, and to have the permission conceded to him of returning to his sons and daughters before he "shuffles off this mortal coil."

8. Your humble petitioner begs respectfully to urge that, when receiving his sentence, he was kindly recommended by the Judge, Sir W. Burton, to mercy, and on his arrival here his case was taken into consideration by Sir A. Boyle, on the recommendation of Captain (now Colonel) Haughton, the sudden departure of both these gentlemen neutralised the good they intended.

9. Prays therefore that, in consideration of his age (now about 62 years) and his sad infirmities, and his having already undergone through his indiscretion, ignorance, and stupidity 16 years of imprisonment and deportation, and his conduct having throughout that period been uniformly good, your Excellency will be pleased in the exercise of your viceregal power to extend to him a free pardon for the remainder of his life as a *special* case, and thus enable him to return to Madras, and amongst his family and friends lay his head down in comfort and peace, and bury his bones where his ancestors and children rest.

And as in duty bound, shall ever pray.

(Signed) JOSEPH VICTOR PEREIRA.

MOULMEIN, 21*st September* 1864.

ANSWER to the Petition addressed to Captain J. G. R. Furlong on the 9th of June 1862.

The undersigned begs to recommend this case as one of great trial and misfortune to Captain Leeds. For many years Pereira has labored hard and willingly, and been highly spoken of by every Superintendent, and been mentioned in the Annual Progress Report last year. Pereira's pay was raised to 35 I think in lieu of all clothing, &c., but as the profits of the Press are doubtless very considerable and the poor man afflicted with a perfect accumulation of diseases, I think he should get a month's pay or so and discharged if so, as it appears he wishes this.

15*th June* 1862. (Signed) J. G. R. FURLONG.

(True Copies.)

(Signed) C. U. AITCHISON,
Under Secy. to the Govt. of India.

No. 159. To the Secretary to the Government of India, Foreign Department, dated Fort Saint George, 14th December 1864, No. 1800.

I am directed by the Governor in Council, in reply to Mr. Under Secretary Aitchison's letter No. 274 of the 15th November, intimating that the Governor General in Council has no objection to the release of a prisoner, Pereira, now in confinement at Rangoon, to state the circumstances under which this person was transported.

2. He, with another person named Iyahvyen, was convicted, in 1849, by Mr. Justice Burton, of forgery, and sentenced to transportation for life.

3. The two prisoners had, in concert, forged two Notes of the Tanjore loan, and filled them up for Rupees 20,000 and 23,000, respectively, and had also ten forged Notes, not filled up, in their possession.

4. There was no doubt, as stated by the Judges in a letter addressed by them to Government subsequently, that Pereira was a party concerned in the forgery, equally with the other prisoner Iyahvyen, and it is to be remarked that the 10 blank Notes were obtained from him.

5. The prisoner Pereira memorialized the Government of India and Her Majesty, praying for a remission, or mitigation, of sentence, but to no effect.

6. The Judges, in their letter quoted above, further remark that there would appear to be no reason arising out of the case for extending greater leniency to one prisoner than to the other.

7. It appears, from the report which accompanied your letter, that the prisoner Pereira has been treated with great leniency during his detention at Rangoon, and that his punishment has amounted to little more than enforced absence from his native country.

8. I am to state that it appears to this Government that no greater clemency should be shown to the prisoner Pereira than to his partner Iyahvyen, and that, under all the circumstances of the case, and considering the gravity of the offence, the Governor in Council is not disposed to accord a pardon to either prisoner.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

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forged

Judicial

No: 2450.

From The Under Secretary to the Govt of Judica
Dated 15th November 1864.

For Orders:

a summary of this case will be found
-ter from the Judges of the Supreme
-pt 2nd Feby 1850 — Persian wom
-n and as such to be punished
of two promissory notes of Rs
- Debt — He was convicted and
sed to transportation for life —
and to have been brought in irons
-s Presidency where he was
ed on printing work — and
: If was admitted to a ticket
and employed on a dak —

Application for a pardon has been
upon made on his behalf both to the
Govt. of India & to Home
Govt. but ineffectually.

The case was a very bad one
and I confess that I see no reason
for showing any leniency to
Man Hun has been shown already
and if he is pardoned I see
not why his companion in guilt
should not be pardoned too

Yrs truly
J Simson

No 1800.

To

The Secretary to the Government of India
Foreign Department

Sir

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in Council in reply to Mr. Elder Se-
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I have &c

Fort St. George
14th December 1864

M.R. O. 1—32,000—16-10-23.

OFFICE.

Judicial 1854. Separate
No 1801.

To the Secy. to the Govt
of India

Dated 14 December

Judicial Office Record
No. 5748

158. 157.