

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1826	Press
		~~Miss~~
Dated	13.11.18	18.6

157-158

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Not to be folded or roughly handled

107

*Proceedings of the Madras Government, Judicial Department,
13th November 1867.*

No. 157. Read the following letter from the Reverend J. T. NOYES, M. A., American Missionary, Kambam and Pulney Hills, to the Right Honorable the Governor and President in Council of Fort Saint George; dated Kodi Kanal, 28th October 1867.

I have the honor to call your attention to the following:—

1. Manuel and Savarimootoo, two Native Christian Catechists, for several years in the service of the American Madura Mission, in Case No. 24 of 1865 of the Sessions Court, Madura, J. D. Goldingham, Esq., being Acting Sessions Judge, having been convicted of perjury by said Court, on account of having given testimony for the prosecution in a case of assault brought against the Zemin-

Carbar? dar of Thavarrum, and his Durbar Palbanikoomarru Pillay, by a Native* Christian of Thavarrum. The case not having been sustained, and the second accused having proved an *alibi*, were, on or about the 15th February 1865, sentenced to rigorous imprisonment for five years.

* This man ran away when he found that his case was not sustained, but sometime after the imprisonment of his witnesses was apprehended, and without having been committed to the Court was sentenced by the Magistrate to only six months' rigorous imprisonment.

2. The said Manuel and Savarimootoo were confined in the Madura Jail, whence they went forth daily in irons to work on the public roads in and about the city of Madura. After several months, they were removed to the Paumben Jail, where they have been up to the present time, making a period of about 33 months of rigorous imprisonment—a punishment doubly severe to them, because taken from a highly respectable position and put to hard labor, to which they were unaccustomed, and very unfortunate to their families, which have by it been reduced to poverty and dependence.

3. In behalf of these prisoners and their families, in behalf of the Christian community with which they were connected, and in my own behalf as their Pastor and Patron, I most earnestly entreat that the severe punishment to which they have already been subjected be considered by the Government sufficient to meet the ends of justice, and that the prisoners Manuel and Savarimootoo be released.

4. Out of respect to the Honorable Judges of the High Court, who did not see fit to reverse the sentence of the Madura Judge when appeal was made to them, I am ready to admit that the prisoners were legally guilty of the crime of which they were convicted, though I do not believe they were morally guilty, neither do I believe they would have been convicted had it not been that their opponents were men of influence and unlimited means, able to obtain any number of respectable witnesses to prove an *alibi*; but without regard to the question of their guilt or innocence, which cannot now be re-considered, is not the severe punishment which the prisoners have already suffered sufficient for the ends of justice, and is not this a case in which the Governor in Council may exercise his prerogative to lessen the punishment of a criminal?

5. It may not be out of place for me to add that I have lately received, through the Reverend Mr. Coyle of Paumben, who has occasionally seen the prisoners and their Jailer, the testimony of this official, that Manuel and Savarimootoo have conducted themselves properly, and have made him no trouble;

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also, that the American Missionaries have, as a body and as individuals, deeply sympathized with these prisoners, not believing them guilty, and regarding their sentence, even if guilty, as severe in the extreme. As an expression of this sympathy, the Mission voted, after we supposed the doom of the prisoners fixed beyond redress by the action of the High Court, to pay the expense incurred by them in their defence in the Sessions Court, and in their appeal to the High Court (neither of which, I am sorry to say, was conducted with faithfulness and ability), and also out of pity to the suffering families of the imprisoned ordered a small monthly stipend to be paid them to help them in their distress; and though I am not officially authorized by the Mission Committee to write this petition, not having had an opportunity since I learned that such a petition could be entertained by the Government to bring the matter before that Missionary body, I am sure that the Mission and all the Missionaries will most heartily join me in it.

No. 158. To the Honorable Sir C. H. SCOTLAND, K. T., Chief Justice of the High Court of Judicature, Madras; dated Fort Saint George, 13th November 1867, No. 1826.

I am directed by His Excellency the Governor in Council to request that you will be so good as to direct the transmission to Government of the records connected with Case No. 24 of 1865 on the file of the Session Court of Madura, together with the Proceedings of the High Court on appeal.

(Signed) R. S. ELLIS,
Chief Secretary.

Exd. J. Tulloch.

despd 13/11

Judicial Department
No 1826
The Honorable Sir. C. H. Scotland K.
Chief Justice of the High Court
of Judicature.
Madras.

Sir,

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Fort St. George
13th Novr 1867

And I hope to find

Jan 1826

To
The Rev. Mr. Smith
Agent Genl

And to 13 persons
of A. 2908. 1/5

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