

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	764	Press
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Dated	3-7-1857.	

Not to be folded or roughly handled

Handwritten signature and date 25/10

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Fort St. George, Judicial Consultation, 7th July 1857.

No. 41. Read the following letter from GEORGE ELLIS, Esq., Register to the Court of Foujdaree Udalt; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 25th June 1857, No. 31.

SIR,

With reference to Act No. IV of 1849, I am directed by the Judges of the Court of Foujdaree Udalt to submit, to be laid before the Right Honorable the Governor in Council, the accompanying copy of a report of case No. 73, on the file of the Subordinate Court at Combaconum, in which the prisoner, Veerapadyachy, was charged with house-breaking and theft, but was acquitted by the Subordinate Judge, on the ground that the prisoner committed the act charged when in an unsound state of mind, and the Judges beg to recommend that the prisoner be made over to his friends.

2. Copies of the Zillah Surgeon's deposition and certificate are herewith forwarded.

(Signed) GEORGE ELLIS,
Register.

No. 804.

Deposition of J. M. JOSEPH, Esq., Zillah Surgeon of Combaconum, before L. C. INNES, Esq., Subordinate Judge of the Zillah, on the 21st May 1857.

The prisoner Veerapadiyachy, I consider to be still eccentric in his behaviour, but he is decidedly better than when he first entered the Jail. I cannot say with certainty, whether he may or not have a return of his madness.

I consider the behaviour of the prisoner as recorded in the depositions of the 4th, 5th and 6th witnesses, as inconsistent with the supposition that the prisoner was at that time of which those witnesses speak, in a sound state of mind, such conduct would be perfectly consistent with the state of mind of the prisoner, when first he entered the Jail.

(Signed) J. M. JOSEPH, M. D.

Solemnly affirmed before me, in open Court, this 21st day of May 1857.

(Signed) L. C. INNES,
Sub Judge.

(True Copy.)

(Signed) G. T. BEAUCHAMP,
Sessions Judge.

I do hereby certify that Veerapadiyachee has been under my observation from the 5th September 1856. I am of opinion that he is of unsound mind, but am unable to state for how long a period he has been deranged.

(Signed) J. M. JOSEPH, M. D.,
Zillah Surgeon.

(True Copy.)

(Signed) G. T. BEAUCHAMP,
Sessions Judge.

(True Copies.)

(Signed) GEORGE ELLIS,
Register.

Fort St. George, Judicial Consultation, 7th July 1857.

Report of a person apprehended in the Zillah of Combaconum, and delivered to the Subordinate Judge, in the month of September 1856, and disposed of in May 1857.			
No. of the Case.	Names of parties.	Abstract of the crime or charge.	Date of
			Apprehension.
			Leaving the Talook.
			Arrival.
			Explanation of delay and remarks &c.
73. 1856, Subordinate Judge. By Ragavliengar, head of Police of Combaconum Subordinate Court, 28th May 1857.	Soudarapien <i>Versus</i> Veerapadyachy. Capitalam, in Papanasem Talook, entered the house of the prosecutor, broken open a room thereof, and stolen articles valued at Rupees 37, that is to say, 1 box, wooden, valued at Rupees 18 0 0 pearls, valued at Rupees 30 0 0 Rupees 3-8 in cash, and 2 cloths valued at Rupees 2. the property of the prosecutor.	House-breaking and theft. The prisoner stands charged with having at 8 P. M., on the 3rd September 1856, at Capitalam, in Papanasem Talook, entered the house of the prosecutor, broken open a room thereof, and stolen articles valued at Rupees 37, that is to say, 1 box, wooden, valued at Rupees 18 0 0 pearls, valued at Rupees 30 0 0 Rupees 3-8 in cash, and 2 cloths valued at Rupees 2. the property of the prosecutor.	1. The prisoner in this case was remanded to custody on the 17th November 1856, according to the tenor of the proceedings received from the Session Court, under date 22nd October 1856, until he should be in a fit state to be placed on his trial. On the 13th May 1857, the Zillah Surgeon reported that the prisoner had a lucid interval. He was placed on his trial on the 20th May 1857, and pleaded that he was not aware that he had committed the offence charged. Before the head of Police, the prisoner spoke so incoherently, that no deposition could be taken from him. The prosecutor deposes, that at the time particularized in the charge, he was returning home, and found the prisoner standing in the quadrangle of his house, carrying off the box and cloths now before the Court; that he asked the prisoner who he was; that he made no answer, but set down the box, &c., and came towards him. That becoming alarmed, he called out, whereupon the 1st and 2nd witnesses came up, and they together apprehended the prisoner. That before leaving the house, he had locked the box containing the articles, and left it within an inner room of the house, and had closed the door of the house outside with chain fastened on to a hook. That before the head of Police the prisoner appeared insane. That the cloth, box and its contents, value 37 Rupees. The prisoner coming out from the quadrangle through the door-way of prosecutor's house, where the prosecutor was standing, to their having apprehended the prisoner and found the box and the cloths lying in the quadrangle. They further state that the prosecutor then unlocked the box and that it contained the pearls and ready money brought before the Court. After more than a month's observation, the Zillah Surgeon deposed that prisoner was unsound in mind, and was so from his first admission into Jail, and he now again deposes that although he has a lucid interval, he is still eccentric, and it is impossible to predicate whether his madness may or may not return. 4th witness, son-in-law of prisoner, 5th witness, son of prisoner's elder brother, 6th witness, prisoner's daughter, depose that prisoner became insane about 20 days before the commission of the offence, and that they kept him tied up at his house, as he had on various ways indicated his insanity, viz., by throwing his food away when it was prepared for him, by pulling down thatches, and by throwing himself into water. 4th witness states that prisoner bit the rope with which they had tied him and ran away on Pillyar chadoordasy, which corresponds to the date of the offence. The Zillah Surgeon deposes that the behaviour of the prisoner, as described by the above 4th and 6th witnesses, is indicative of insanity. The Subordinate Judge therefore determines that the prisoner committed the act charged, he being then of unsound mind, and he will be kept in custody until the orders of Government concerning him may be received under Act IV of 1849. (Signed) L. C. INNES, Subordinate Judge. (Signed) GEORGE ELLIS, Register.

(True Copy.)

Exd. F. Cartledge.

Fort St. George, Judicial Consultation, 7th July 1857.

No. 42.

ORDER THEREON, No. 764; dated 3rd July 1857.

From the recommendation made to them, Government presume that the Prisoner is not subject to fits of violence, though this point is not distinctly shown in the papers now submitted. On this supposition Government authorize the Prisoner being made over to his friends, on their engaging to be responsible for his safe custody.

(Signed) E. MALTBY,
Acting Chief Secretary.

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Fort St. George, Ceylon
3rd July 1857
To the Secy of the C of
Forj. Madras } Dispsd 8th Vm