M.R. O. 1—32,000—16-10-33.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1269 Press ~~Mis.~~

27

Dated 15-9-~~19~~1835

Not to be folded or roughly handled

No. 27, Read the following Extract from the Proceedings of the Foujdaree Udalut, under date the 14th September 1859, No. 23.

Read letter dated 5th Instant, from the Session Judge of Madura, submitting for the consideration and final Judgment of the Court of Foujdaree Udalut, an English translation of the Record of the trial of Case No. XIV of 1859, on the file of his Court.

1. The prisoner's return from transportation is proved upon his own confession and the evidence of the witnesses examined. The prisoner denies that he was warned that by so returning he incurred the penalty of death; and it has not been established that he was so warned. That such warning should have been given him is required by Clause Second, Section IX, Rugulation XV of 1803, before he can be made liable to death. The Session Judge has accordingly recommended that he be retransported for life, and that sentence the Court pass upon him.

2. The Session Judge proposes that the prisoner be sent elsewhere than to the place from which he has made his escape (Penang), but the Court see no necessity for the measure, because he will now be duly warned of the consequences of again making his escape, and thus be put on the footing of other Convicts similarly sentenced, and the fear of such consequences should suffice to deter him from attempting an escape.

3. Seeing, however, the want of precaution, according to the prisoner's statement, observed in the locality from whence he escaped, for the safe custody of Convicts, the Court think it proper to send a copy of his defence to the Government that they may take such notice of the matter as may seem to them proper.

(True Extract.)

(Signed) C. F. CHAMIER,
Register.

To the Chief Secretary to Government.

Case XIV, No. 5. Declaration of Nagoor Rowtten, son of Carootta Meerah Rowtten, of Mohamedan caste, Anaffee sect, a bazaarman by profession, aged 30 years, and the prisoner.

Q.—You have heard the charge read and the depositions of the witnesses. What have you to say?

A.—The Subordinate Judge *came to the Jail*, and informed me and others, of a fine of 300 Rupees, and 100 lashes having been awarded, but he did not warn us that we will be hanged, if we were to return from transportation. I had only an iron ring on one of my legs, which I broke off, and got into a Dhoney which was there and came over in it, as I did not understand the language of the country and owing to the severity of the work. If I said one thing the Peons did not understand me, and said another, and they beat me severely. I did not know the Dhoney-men before. Some coolies got into the Dhoney, and I also went with them. I was asked for payment, and I fell at the feet of the Dhoney-men, and said I had no money. Whereupon he took me. The Dhoney anchored at Nagore. It would be 3 or 4 months since it so anchored. There were nearly 20 or 25 coolies besides the Dhoney-men. It took 20 days to come on the Dhoney. Every 3 or 4 days some water was given in a chemboo, and I used to drink it. The Dhoney had only one mast. I heard from the people of the place where I was transported that the Dhoney was going to Nagore. I also came away in the said Dhoney. I escaped the same day the Dhoney sailed, but heard 10 days before from the coolies that it was going to Nagore. Before embarking, I broke off the iron ring which I had on my leg. I was supplied with the same kind of cloths, at the place of transportation as I now wear. I did not sail with that cloth but stripping off the cloth I had on, I received a white cloth from the coolies, and wore it. It was 8 o'clock at night when I so escaped. There is no Jail there, but one 10 miles off. *There are no fetters used for Convicts going to work. Any one who wishes to escape can do so.*

(Marked) NAGOOR ROWTTEN.

(True Copy.)

(Signed) C. F. CHAMIER,
Register.

Proceedings of the Madras Government, Judicial Department, from 17th to 23rd September 1859.

No. 28. ORDER THEREON, 19th September 1859, No. 1269.

Resolved that the above Extract from the Proceedings of the Foujdári 'Adálat, be forwarded to the Inspector General of Jails, for his remarks. Mr. Rohde will also state, how many Madras prisoners have effected their escape from the Straits Settlements, during the last three years, according to the Returns of absconded Convicts sent him.

(Signed). T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Exd

No. 1269 19th Sept. 1859

Resolved that the above Extract from the Proceedings of the Foujdarie Adalat be forwarded to the Inspector General of Jails for his remarks. Mr. Rohde will also state how many Madras Prisoners have effected their escape from the Straits Settlements during the last three years, according to the returns of absconded convicts sent him.

The Inspector General of Jails.
" Judges of the Foujdarie Adalat. } Circd 22d
Copies sent to Insp. of Jails with letter of 21 Oct 1859