M.R.O. 1—30,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1298 Press Mis.

23-25

Dated 24—9— 1859

Not to be folded or roughly handled

No. 23. Read the following letter from H. AMES, Esq., Special Commissioner of North Canara; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 16th September 1859, No. 434.

I have the honor to submit, for the consideration and orders of Government, copy of a sentence passed by me under Act XIV of 1857, on one prisoner connected with the recent disturbances in these parts.

No. 5 of 1859.

Prosecutor.	*Prisoner.*
Her Majesty's Government.	Dhoolah.

Witnesses.

1. Balkristappa,
2. Gunnesha,
3. Panglo,
4. Sookdojee,
5. Naraina Ranoo,
6. Govinda,
7. Balashenvy,
8. Rungah,

Prisoner's witnesses.

9. Vittoba,
10. Bicco.

Charge.—Dacoity and knowingly receiving property obtained by dacoity.

Charged with having been with Sidi Bastian's gang when they attacked the Yellapoor Moonsiff on the 7th April 1859. Further charged with having on or about 14th July 1859, been found in possession of 10 brass and copper utensils, worth eleven Rupees fourteen Annas, robbed by Sidi Bastian's gang on the 7th April 1859.

Remarks.—The prisoner pleads not guilty to the 1st count, guilty to the second count. The 1st witness recognises the property produced as his own, taken from him on 7th April, but cannot say whether the prisoner was with the gang or not; the 7th and 8th witnesses depose to the property belonging to 1st witness.

The 2nd and 3rd witnesses who were prisoners with the Bund depose to the prisoner having been with the Bund unbound and unrestrained, but say he did not accompany them to the attack on the Yellapoor Moonsiff, they affirm that he disappoared the next day.

The 4th, 5th and 6th witnesses were present when the property was dug up. It appears by the deposition of the 4th witness, who is a Shetsundy Lanco Naigue, that he received information through a surrendered prisoner, of the property being in the prisoner's possession. The prisoner was then an acting Shetsundy in Government employ, he denied the possession of the property at first, but afterwards gave it up. The prisoner states, that he was captured by the Bund the day before the attack on the Moonsiff, that he was kept tied as a prisoner and that the 10 brass and copper utensils were given him to keep by Sidi Bastian, who told him to hide them on pain of death. He left the Bund to do so and did not return, five or six days afterwards he was appointed to act as a Shetsundy, but he cannot account satisfactorily for preserving silence about the stolen property for three months, when as an armed Government servant he had nothing to fear, or for denying possession of it when accused. He calls two witnesses to prove that he was only one night with the Bund, but they only depose that they saw him, one 8 days, and the other 15 days, before the affair of the 7th April.

I do not believe that the prisoner took any active part with the Bund, and I therefore dismiss the 1st count of the charge as not proved.

I consider however the 2nd count fully proved and that the Bund would not have entrusted the prisoner with the property had they not had reason to think him their friend, nor would he have kept the property concealed for three months while in Government employ, had he not been a willing accomplice.

Sentence.—Under the powers of the Commission issued to me under Section VII, Act XIV of 1857, the prisoner Dhoolah is hereby sentenced to (2) two years' imprisonment with hard labour.

Special Commissioner's Court, Sircee, September 16th, 1859.

(Signed) H. AMES,
Special Commissioner.

Proceedings of the Madras Government, Judicial Department, from 24th September to 4th October 1859.

No. 24. MINUTE BY THE HONORABLE THE PRESIDENT, dated 23rd September 1859.

The sentence should, I think, be approved.

(Signed) C. E. TREVELYAN.

No. 25. ORDER THEREON, 24th September 1859, No. 1298.

Government approve the sentence of the Special Commissioner in Case No. 3 of 1859, passed on the prisoner Dhoolah.

(Signed) T. PYCROFT,
Chief Secretary.

Lxd. F. Cartledge.

No 434 of 1859.

Special Commissioner's Court Sitting 16th September 1859.

From

H. Ames Esqre
Special Commissioner of North Canara

To

J. Pycroft Esqre
Chief Secretary to Government
Fort St. George

Sir

I have the honor to submit for the consideration and orders of Government copy of a sentence passed by me under Act XIV of 1857 on one prisoner connected with the recent disturbances in these parts.

I have &c

H. Ames
Special Commissioner

Judicial
1859 Oct 11
Pres of Exec Council

From
H. Ames Eggr
Special Commissioner
North Canara

To
T. Pycroft Eggr
Chief Secretary to Govt
Madras

Dated 16th September
Received 23
No 1658 No 434

Enclosure one

Enclosing copy of a sentence on a Bund prisoner

With an Order

Extract from Proceedings of the Madras Council of the Right Hon'ble the President in Council dated 23rd September 1859

No. 1658 The Right Hon'ble the Governor in Council observes that the sentence of the Special Commissioner in Case No. 23 of 1859 charged with the murder of Bhoolah

The Special Commissioner XV North Canara

23 @ 25

23 Sept 1859

I think the sentence should be approved

Negotiations Chief Secy

Chief Secy