

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 957	Press
29-30	Mis.
Dated 14-7-	1859

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
from 9th to 15th July 1859.*

No. 29. Read the following letter from THOS. SYDNEY SMYTH, Esq., Advocate General; to the Chief Secretary to Government, Fort St. George, dated 11th July 1859.

I have the honor to submit for the information of the Honorable the Governor in Council, the following report of the result of the cases at the Third Criminal Sessions of this year, in which I considered it advisable to prosecute on behalf of Government.

2. No. 4 was the case against the two Soldiers of the Body Guard for stealing one of the Chobdar's silver gilt Maces from Government House. The Grand Jury threw out the Bill against Guffer Beg, and I feel it due to him to state that, in my opinion, if he had been tried, his innocence would have been clearly established, and that no suspicion attaches to him. The fact of his having been on guard along with the real culprit, and the attempt of the culprit and his wife to divert part of the blame from themselves upon another, seem to have formed the sole grounds for making the charge against him. The culprit Mahomed Booran, a needy man, encumbered with debts, was found guilty upon the clearest evidence, and sentenced to transportation for four years.

3. In No. 15, Charles Richard Jacobsz, a Clerk in the Office of Captain Tennant, Superintendent of Police, pleaded guilty, by advice of his Counsel, on my communicating to the latter a written confession which I intended to put in evidence. He was sentenced to 12 months' imprisonment with hard labor.

4. No. 20, Fida Ally, was convicted of having feloniously stolen 20 pair trowsers entrusted to him by the Clothing Agent's Department to make up. He was sentenced to imprisonment with hard labor for 15 Calendar months.

5. Nos. 2 and 3, Privates Thomas Mackay and Peter Leach, of Her Majesty's 44th Regiment, were tried and acquitted on the charge of stabbing Maureappen and Veerappen, two cultivators of the Sydapettah Talook. I quite concur in the verdict, but the facts appear to me such as ought to be laid fully before the Honorable the Governor in Council.

6. Leach was tried first, and the four Native witnesses, whether owing to innate stupidity, of which they had certainly a large share, or to the fault of the Interpreter, who was corrected more than once by the Jury and Counsel, were unable to give any intelligible account of the transaction beyond stating that the two prosecutors were stabbed with a Bayonet, and they were quite unable to identify any one. Such indeed was the character of the evidence, that, with the approbation of the Judge, Sir A. Bittleston, I decided not to offer the same evidence again in the second case, so that Mackay was acquitted as a matter of course.

7. Had I believed him to be the guilty party, I should have applied for a postponement of his trial, for there can be no doubt that the two Natives were stabbed with a Bayonet, not however as I believe, by two Soldiers, but—as my information shows—by one and the same man, Private John McDougall, who I am informed is now in Hospital, and who I have every reason to believe was the only man there who had a Bayonet; and who, it seems, took out his Bayonet secretly, carrying it up his sleeve, against the remonstrances of his comrades.

8. When he is out of Hospital, I shall direct an information to be laid against him before the Magistrate of the District, Mr. Shubrick the Collector. Five of McDougall's comrades I am informed are able to prove his guilt, and I trust will not shrink from doing so when put upon their oaths. The Natives, I see no reason to doubt, swore wrongly to the identity of Mackay and Leach as being the parties who stabbed them, but this I think, under all the circumstances of the case, can hardly suffice wholly to discredit their evidence as to the wounds of which they still bear the marks, and which the evidence of Mr. Apothecary Mathews—taken with the rest of the evidence—shews clearly were Bayonet wounds.

No. 30. ORDER THEREON, 14th July 1859, No. 957.

The Government approve the course proposed by the Advocate General in para. 8 of the above letter.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Advocate General

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Fort St. George
11th July 1859

I have the honor to be
Sir
Your most Obedt. Servant
Wm. S. Smith
Advocate General

encl
R 137

29 530

With an order
JPS

Inducted for in-
formation a report of
the results of the cases
at the Third Criminal
Sessions of the year, in
which he prosecuted
on behalf of Govt. —

21st 11 July 1839.

No 1133.

From
The Advocate General

Judicial 1839 Def 111

Proof book 15 July

Order taken 14 July 1839 - No 957

The fact upon the case pro-

duced by the Advocate General

is June 8 & the other with

JPS

Advocate Genl. July 1839