

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	210	Press
		~~Mis.~~
114-115		
Dated	18. 2. 19	1864

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
18th February 1864.*

No. 114. Read the following letter from C. DALE, Esq., Government Pleader, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 31st December 1863, No. 170.

I have the honor to acknowledge the receipt of the Proceedings of Government, under the date and number noted in the margin, and to report for the information of the Honorable the Governor in Council that, in my opinion, the evidence contained in the papers laid before me is not sufficient to warrant a reasonable expectation that a conviction could be obtained; or, if obtained, it could be sustained on appeal.

2nd December 1863, No. 1254, Judicial Department.

1. The only evidence is that of the prisoners No. 1, and No. 3, referred to in the 30th and 31st paragraphs of Mr. Robinson's report.

2. The evidence of the prisoner No. 1 is given in page 11 of the Appendix, it is of the most barren description: "Out of my share I gave 200 Rupees to the Subadar Major;" and, again, "the Subadar Major told me of the Havildars to write and ask me to bring him (from Madras) four shawls, &c." "I brought and gave them to him but received nothing for them. I have the letter, &c." The witness says he mentioned the robbery to the Subadar Major, and that no one else was present when he spoke to him. It is not likely there would be witnesses to such a transaction, and probably that statement is made in favor of the truthfulness of the other parts of the man's testimony; but I cannot think a Court would convict the Subadar Major on the unsupported evidence of a single witness, the more especially when the character of that witness is taken into consideration, and of that character Mr. Robinson has recorded his opinion. I am here referring to the alleged receipt of the Rupees 200; for, as to the clothes, it would appear there is some corroborative evidence. As regards that transaction, however, it would require a great deal more than is shown in this evidence, before a Court could be asked to come to the conclusion, that in taking the witness to bring some clothes for him from Madras, and afterwards receiving them at his hands without payment, it of necessity follows that the Subadar Major was cognizant of the robbery, or that he knew the clothes were purchased with part of the money stolen; and if the Court were legally convinced of the Subadar Major's knowledge of this latter fact, I am of opinion the Court could not convict the man. It is not shown when the witness was at Madras.

3. The evidence of the prisoner No. 3 is shown in pages 5, 6 and 7 of the Appendix. This man does not account for his confiding so implicitly, as he would appear to wish it to be believed he did, the fidelity of himself and his accomplices to the Subadar Major. It is not shown that the latter assisted, or that his assistance was needed, in packing the goods; and showing that the latter assisted, or that his assistance was needed, in packing the goods; and according to the estimate formed by the prisoner of the Subadar's character, a douceur afterwards would, it must be imagined, have proved sufficient inducement to the Subadar for not divulging the real culprits, should suspicion have attached itself to the Regiment, and an inquiry should have ensued. Undoubtedly there is no accounting for the acts of criminals, but ordinary prudence would dictate that a man in the position of the Subadar Major should not be made prejudicially acquainted with the details of a transaction of that character, however well disposed he might be to assist in its consummation, and to participate in the fruits if successful. Then if the Subadar Major were to be made acquainted with the details, it can only be supposed that such was deemed by the culprit necessary or desirable, consequent on aid which it was considered he could afford; and if that were the case, it is not reasonable to suppose but that he would have had a share allotted to him out of the common fund, and not have been paid out of the individual share of one of the culprits. In this case there is no corroborative testimony, the case rests solely on the evidence of a "ruffian" (see Mr. Robinson's report, paragraph 7), who was the chief actor in the theft, and is afterwards, on his own confession, guilty of fraud on parties who had assisted in effecting the robbery. It would be indeed fraught with mischief, if Courts of Justice could be induced to convict men on such evidence.

3. It is more than probable that the Sadakur Major has been guilty of the acts imputed to him, but Courts cannot be called to convict on mere probabilities, or on the unsupported evidence of a man tainted in the eyes with infamy and guilt. Possibly other evidence may have been procured, or may still be procurable. The sudden possession at that time by the Sadakur Major of money which could not be accounted for; a state of independence before that time, and the liquidation of demands; the bag in which the money was taken if found, connected with him, and identified as belonging to the Pay Office; money secreted in his house, &c. Further meetings with him and the culprits, or evidence of other acts may have been discovered; or may be even now if further inquiry were judiciously made.

There would have to be accounted for 0000

7. The three runs mentioned as having been recovered are,

Figure 10.10: 1000 iterations of the MCMC algorithm.

No. 114. CHINA MASON, 15th February 1864, No. 210.

Communicated to the Inspector General of Police, and through the Military Department to His Excellency the Commander-in-Chief.

Ed. J. Tallent

250
April 1864 Sept
From Government of Madras
To Chief Secretary to Government
Dated 31st December 1863
Recd. 5th January 1864

N^o 170
N^o 16

Is of opinion that the
evidence contained in the
papers laid before him as to the
Expediency of prosecuting the
Subedar Major Noonmal
under the provisions of the Penal
Code) was not sufficient to
warrant a reasonable expectation
that a connection could be obtained
y.c.

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