M.R.O. 1—50,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 861 Press Mis.

108-109

Dated 11- 6 1864.

10/10

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
11*th June* 1864.

No. 108. Read the following letter from J. D. ROBINSON, Esq., Magistrate of North Arcot; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Palmanair, 20th May 1864, No. 24.

I have the honor, with reference to Sections 388, 390 and 394 of the Code of Criminal Procedure, to report for the orders of Government that one Narrainsamy Chetty, charged before the Sub-Magistrate of Wallaja with offences punishable under Sections 379 and 380, was by that officer committed to take his trial before me. As, however, it was recorded in these proceedings that the accused was of unsound mind at the time he committed the offences with which he was charged, and as he appeared to me to be incapable of making a defence, I sent him to the Zillah Surgeon with a request that he would place him under observations, and give me his professional opinion as to the state of the man's mind. Copy of the deposition given before me by the Zillah Surgeon, I beg to enclose. From it the Government will observe that Narrainsamy Chetty, the accused, is of unsound mind and incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law, and that in the opinion of Dr. DeFabeck the case is an incurable one.

2. A perusal of the proceedings held before the Sub-Magistrate leaves no doubt in my mind that the man did commit the offences with which he is charged.

3. I beg to enclose, for the information of Government, copy of the Register of preliminary inquiry forwarded to me by the Sub-Magistrate of [illegible], and request their instructions as to the further custody of this lunatic, as the offences with which he is charged are not bailable.

4. I should mention that his relatives made an unsuccessful attempt to keep him under surveillance, and have now declined to take any further charge of him.

No. 109. ORDER THEREON, 11th June 1864, No. 861.

The Governor in Council directs that the lunatic, Narrainsamy Chetty, be removed into the Lunatic Asylum at Madras. It has been ascertained that there is accommodation available for him.

(True Extract.)

Chief Secretary.

To the Magistrate of North Arcot.
" Principal Inspector General, Medical Department.
" Inspector General of Jails.

Exd. J. Tulloch.

Question. What is your name?

Answer. William Frederick De Labeck

Q. your profession?

A. Civil Surgeon

Q. Place of birth?

A. London

Q. State your professional opinion of the State of mind in which the prisoner Chitty was in, on the day on which he is charged to have committed the offence with which he is charged, and whether he was then capable to form one or not under your observation?

A. The prisoner was brought to me on the 10th day of May last, and has been under my observation in the Lunatic Hospital. On his first arrival his deportment was defiant and excited, he displayed acts of violence, expressing great indignation at being supposed to be insane. Since that he has become quieter. To questions put to him he has returned reasonable answers

and I am not prepared to say that if I should have pronounced him to be of unsound mind on the opportunities I have had of forming a judgment whilst under actual observation. At the same time I am of opinion that I should be for some time longer under observation to enable me to form a decided opinion in respect to his state of mind.

Having heard the Magistrate's further evidence and examined with his (Arr ainswami's) answers to some questions put in my presence in this Court, I am of opinion that he is of unsound mind and not in every way responsible Agent.

On the whole I should prefer that (Arr ainswami) should Continues some time longer under my observation — in able me fy myself fully as to the state of his mind.

Chittoor
31st March/64

(Signed) W. F. De Fabeck
Civil Surgeon

(Sworn on oath before me this
31st Day of March 1864

(Signed) J. D. Wolfenden
Magistrate.

resumed from 31st March 1864.

2. Name?

A. William Frederick De Fabeck

2 Profession?

A Civil Surgeon

2 Birth place?

A. London.

2. Arr ainswami Chetty now before the Court has since the 1st enquiry was held been some 5 weeks under your observation what is your opinion now respecting his State of mind?

A. From the Conversation I have had with him and the opportunities of judging of his Conduct in the interval as well as from

from the tenor of the answers made by him to questions put to him by me through my subordinates, I have strongly satisfied myself that I am certain that he is unsound mind and incapable of judging of the nature and quality of his acts. I am inclined to think the case an incurable one. He has not, since I have had him under observation, exhibited any symptoms of violence, but is very officious in his manner. At one time he will be desponding even to tears, at another light hearted and Cheerful. It does not occur to me that I have any further observation to make that would be useful to the purposes of this enquiry.

/Signed/ W. F. De Salis.
Civil Surgeon.

Given on oath before me this 7th day of May 1864.

/Signed/ J. D. Robinson
Magistrate

/True Copy/

J Robinson

Magistrate.

[redacted] [redacted]

[redacted] [redacted]

In a letter from
Maj. Gen. Rosecrans to
the Chief Quartermaster
to Government dated
Saint Genevieve
20th May 1864 No. 24.

Copy of a depos-
-ition given before
the Magistrate of
Rosetau. by the
Gila miners.

Ind. Affs.
No. 1039

Register of Preliminary Enquiries held before V. Lutchmanah Naidoo Subordinate Magistrate of the 2nd Class in the Taluq of Hallajah.

No. of the Case	Date of the Complaint	Substance of the Complaint	Name of the Complainant	Witnesses for the prosecution	Names of Witnesses for the defence	Summary of the facts proved or contested	Result of the Enquiry	Date of Apprehension	Date of Complaint	Date of Apprehension	Date of Closing Enquiry	Explanation of delay.
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Narayana-sawmy Chetty.	That the Prisoner on the 1st day of February A. D. 1864 committed theft by stealing 1 property belonging to Seva Supple at Kolingchur Village of the value of one Rupee and two annas, and he has thereby committed an offence punishable under Section 380 a	[illegible]	Kandy Crookitty 2. Cadetsan-gan Lem-bara Chetty 3.		The Complainant states that he the Prisoner is committed walking about the Temple of Goddess Sriva Pagoda and subsequently the things from No. 1 to 7 were missing and he identifies them- The 1st Witness confirms the statement of the Compl[illegible]nt- The 2nd Witness declares that he saw the Prisoner with the property before the Court near the Tank Channel, and reported the same to the Village Moonsiff and the Head Constable- The 3rd Witness declares that when he went to the Tank sluice to clean his	Prisoner is committed	1st February 1864	6th February 1864	3rd February 1864	13th Feby. 1864	Mr. Barlow having delivered the charge of the Division to the Assistant Magistrate who is not vested with full powers, the Magistrate of the District was requested in an Arzee dated 19th Ultimo for instructions as to the Committal of the prisoner, but before its receipt by him, the Magistrate sent a Lakeed dated 19th Ultimo, containing instructions, which was received on the 23rd idem- The Complainant being from

Cognizance of District Magn with full Pows

Asst

Narayanasamy Chetty

That the said Prisoner on the 29th day of January A.D. 1864 Committed theft by stealing one green Shawl belonging to the Complainant of the value of 10 Rupees Seven, at Wallajahpett and he has thereby Committed an offence punishable under Section 379 of the Penal Code, and within the Cognizance of this District Magistrate with full R...

Vasoo-Balthoodoo

Gopaula-Kistadoo

Lutchmiah 2

his teeth, the Second ... the property ... before ... which ... belongs to the Temple - The Prisoner pleads guilty.

— —

The Complainant states The Prisoners ... had received ... Shawl ... committed ... trial of the 1st ...

Witness knows, which he missed; he saw the prisoner come there and asked for some pepper water, and he saw him with the shawl on his person in the station house, and identifies the same.

The 1st Witness corroborates the statement of the Complainant -

The ... from sickness ... - ble to attend the Magistrates Court requested time up to the 11th Instant this was granted - Hence the delay -

29th January 1864
9th February 1864
3rd February 1864
15th February 1864

[redacted]

[illegible] Pakuj Palug
Wallajahpett
6th March 1864

To
J D Robinson Esquire
Magistrate
with full powers.

Capt [illegible]

The 2nd Witness declares
that [illegible] belongs
[illegible] maint-
Vriss pleads

No 6.

The [illegible] appears
to [illegible] bowing under
derange [illegible]
[illegible] together mad-

Signed [illegible]
Subordinate Magistrate
2d

J Robinson
Magistrate

[redacted]

Rec'd a letter from
the Inspectress of Asylums
to the Chief Secretary
to Government
Fort St George
10 Aug 1864 No 24.

Respectfully submitted
to my Superiors the
Inspectress of Asylums
Madras
Asylum
7 Aug 1864

Rec'd 8th Aug
No 1035

D. O. No 861 — 11th June 1864.

The Governor in Council directs that the Lunatic, Narrainsami Chetty, be removed into the Lunatic Asylum at Madras. It has been ascertained that there is accommodation available for him.

gp

111

The Magistrate of North Arcot.
" Principal Inspector Genl. of Medical Dept.
" Inspector Genl. of Jails.

[redacted]