

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|          |           |                          |
|----------|-----------|--------------------------|
| G.O. No. | 1608      | Press<br><del>Mis.</del> |
| Dated    | 9.10.1918 |                          |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,  
9th October 1867.*

No. 69. Read the following letter from the Acting Magistrate of South Canara, to the Chief Secretary to Government, Fort Saint George; dated Mangalore, 18th September 1867, No. 33.

I have the honor to report, for the orders of Government, under Section 390 of the Code of Criminal Procedure, that, after inquiry, a Moplah, named Hammade, has been formally charged\* by me with theft under Section 379 of the Indian Penal Code, and found by myself and the Zillah Surgeon to be of unsound mind, and incapable of making his defence.

\* No 76 on the Calendar.

2. One, Paupa, has also been similarly charged† by me with having committed an offence punishable under Section 290 of the Indian Penal Code. He prowls about the Cantonment, making the most

† No. 67 on the Calendar.

insufferable howling, close to people's windows, at all hours of the night. So loud does he howl, that he can be distinctly heard at dead of night about a mile off. He also has been similarly found equally insane.

3. Hammade's offence is unbailable, and Paupa's bailable, but Paupa's friends refuse to bail or be responsible for him. Both these prisoners are, therefore, in the Zillah Jail, awaiting the orders of Government for their future safe custody.

4. They are both "proper persons to be detained under care and treatment," and I request permission, under Act XXXVI of 1858, for sending them to the Lunatic Asylum at Madras, for I presume that the fact that these afflicted men have come before me criminally will be no bar to their being dealt with under that Act.

5. Copies of the record in the two cases are submitted.

List of Papers connected with the trial of one Hammade, charged with theft in case No. 76 of 1867, on the Calendar of the District Magistrate of South Canara.

|                                                             | No. |
|-------------------------------------------------------------|-----|
| Crime Report in Canarese.....                               | 1   |
| Demand warrants do .....                                    | 2   |
| Deposition of 1st witness Anthony Juan Padaval, in English. | 1   |
| Ditto of 2nd witness Anthony, in English.....               | 1   |
| Ditto of 3rd witness Chanthia, in ditto.....                | 1   |
| Ditto of John MacPherson, Esq., Zillah Surgeon.....         | 1   |
| The charge against the accused.....                         | 1   |
| Remarks of the Magistrate.....                              | 1   |

Total... 6

MAGISTRATE'S OFFICE, MANGALORE,  
18th September 1867.

(Signed) H. S. THOMAS,  
Acting Magistrate.

No. 76 of 1867.

DEPOSITION on oath of 1st witness Anthony Juan Paraval, son of Lorez Paraval, Roman Catholic Christian, Government employé, aged 32.

About 12 or 13 days ago, I saw the prisoner before the Court, who calls himself Hammade, go into my house, which I have rented to the Police Inspector Serjeant Kenny, and stay in the doorway for some time, it being about 2 p. m., and there take some clothes, so I stopped him till Sya, a Batta Peon in the Additional Moonsiff's Court, came by, and then he took him to the Police Station. The child's clothes which he stole were in the verandah of the house. By "went inside the house," I mean under the part covered by the roof near the verandah.

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9th October 1867.*

This deposition, taken by me with my own hand, this 9th day of September 1867, has been read over to the deponent in Canarese language, which he understands, and has been acknowledged by him to be correct.

(Signed) H. S. THOMAS,  
*Acting Magistrate.*

No. 76 of 1867.

DEPOSITION on oath of 2nd witness Anthony, son of Mallappa, Christian, servant, aged 15.  
About 10 days ago, I saw the prisoner before the Court, who calls himself Hammade, in the yard of my master Serjeant Kenny's house. Mrs. Kenny had shut the door and called to me, and I saw in the prisoner's hands three small child's clothes of my master. I went to call the Police, and, on my return, found the prisoner had gone.

C. Rangappa having been duly sworn translated.

This deposition, taken down by me with my own hand, this 9th day of September 1867, has been read over to the deponent in Hindoostanee language, which he understands, and has been acknowledged by him to be correct.

(Signed) H. S. THOMAS,  
*Acting Magistrate.*

No. 76 of 1867.

DEPOSITION on oath of 3rd witness Chantha, son of Devappa, Konkana Caste, Police Constable A 671, aged 24.

Being called, I apprehended the prisoner before the Court on his way between Serjeant Kenny's house and the Police Station. He had three child's dresses with him.

This deposition, taken down by me with my own hand, this 9th day of September 1867, has been read over to the deponent in Canarese language, which he understands, and has been acknowledged by him to be correct.

(Signed) H. S. THOMAS,  
*Acting Magistrate.*

No. 76 of 1867.

DEPOSITION on oath of John MacPherson, Zillah Surgeon of Mangalore.

I have had the prisoner before the Court, and called Hammade, under my observation, and from his conduct in the Jail and his general appearance, I should say that he is of unsound mind and incapable of making a defence. He occasionally howls, but generally makes antics; he has an unsettled look; is always moving about his head.

This deposition has been read over to me, and is correct.

(Signed) J. MACPHERSON.

This deposition, taken down by me with my own hand, this 9th day of September 1867, has been read over to the deponent in English language, which he understands, and has been acknowledged by him to be correct.

(Signed) H. S. THOMAS,  
*Acting Magistrate.*

Calendar Case, No. 76 of 1867, Diary No. 8.  
*South Canara District Magistrate's Court.*

I, H. S. Thomas, Esq., Acting District Magistrate of South Canara, declare that there is hereby made against Hammade the following charge, viz. :—

That the said Hammade, on or about the 28th day of August 1867, in the Town of Mangalore, in the Taluq of Mangalore, did commit theft, and that he has thereby committed an offence punishable under Section 379 of the Indian Penal Code, and within my cognizance.

And I hereby direct that the said Hammade be tried on the said charge.

Given under my hand and seal at Mangalore, this 9th day of September 1867.

(Signed) H. S. THOMAS,  
*Acting District Magistrate.*

[ L. S. ]

*Proceedings of the Madras Government, Judicial Department,  
9th October 1867.*

No. 76 of 1867.

The accused was by complainant seen in broad day-light to take three child's frocks from the verandah of the complainant's house, and was immediately after found in possession thereof by several witnesses.

The accused, appearing to the Magistrate to be of unsound mind, has been placed under the observation of the Zillah Surgeon for several days in the Zillah Jail, and he deposes, in concurrence with the Magistrate's opinion, that the prisoner is of unsound mind, and incapable of making a defence.

The offence with which he is charged being not bailable, he is remanded to the Zillah Jail till the orders of Government with reference to his future safe custody can be obtained, under Section 390, Criminal Procedure Code.

(Signed) H. S. THOMAS,  
*Acting District Magistrate.*

9th September 1867.

List of papers connected with the trial of one Paupa, charged with committing a public nuisance in Case No. 67 of 1867, on the Calendar of the District Magistrate of South Canara.

|                                                                               | No. |
|-------------------------------------------------------------------------------|-----|
| Deposition of complainant, Captain J. E. Baillie, Superintendent of Police.   | 1   |
| Do. of 1st witness John Sturrock, Esq., Acting Head Assistant Magistrate..... | 1   |
| Do. of 2nd witness John MacPherson, Esq., Zillah Surgeon.....                 | 1   |
| The charge against the accused.....                                           | 1   |
| Total.....                                                                    | 4   |

N. B.—Orders to, and reports (with their enclosures) received from the Sub-Magistrates of Uppinangady and Candapur, stating that the relatives of the accused refuse to take charge of him, are not sent.

MAGISTRATE'S OFFICE, MANGALORE,  
18th September 1867.

(Signed) H. S. THOMAS,  
*Acting Magistrate.*

No. 67 of 1867.

DEPOSITION on oath of complainant, J. E. Baillie, Captain, Staff Corps, Superintendent of Police.

I have seen the man Paupa, supposed to be mad, three times. I hear him continually howling like a maniac. He is an annoyance by day and night. He howls round the bungalow. One morning, before day-light, I went out into the garden, and heard his screams close to the compound wall which is near to the house. I have met him on two occasions howling along the public road. I fear he might be dangerous. I have heard this read over, and it is correct.

(Signed) J. E. BAILLIE,  
*Madras Staff Corps.*

This deposition, taken down by me with my own hand, this 7th day of August 1867, has been read over to the deponent in English language, which he understands, and has been acknowledged by him to be correct.

(Signed) H. S. THOMAS,  
*Acting Magistrate.*

No. 67 of 1867.

DEPOSITION on oath of 1st witness, John Sturrock, Acting Head Assistant Magistrate of South Canara.

One Paupa continually comes about my house shouting and making the most discordant noises, by day and night, almost incessantly, though I notice it particularly at night. Last night, I was awakened by his noise at 2 o'clock. From the sound, I should fancy he was within a few yards of my window at the time. I often hear him at day-light. If any one in the house were unwell, the

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noise would be simply intolerable. From the style of noise, I should think he was a mad man. He has no motive that I am aware of for coming to my house. He is a dreadful annoyance.

I have heard this read over, and it is correct.

(Signed) J. STURROCK.

This deposition taken down by me with my own hand, this 7th day of August 1867, has been read over to the deponent in English language, which he understands, and has been acknowledged by him to be correct.

(Signed) H. S. THOMAS,  
Acting Magistrate.

No. 67 of 1867.

Examination on oath of 2nd witness, John MacPherson, Civil Surgeon of Mangalore.

I have examined the man called Paupa, and should say from his appearance and conduct that he is not of sufficiently sound mind to make a defence. I should say he was a maniac, and that it is not safe for himself or other people that he should be allowed to be at large.

I have heard the above read over, and it is correct.

(Signed) J. MACPHERSON.

This deposition, taken down by me with my own hand this 7th day of August 1867, has been read over to the deponent in English language, which he understands, and has been acknowledged by him to be correct.

(Signed) H. S. THOMAS,  
Acting Magistrate.

Calendar Case No. 67 of 1867, Diary No. 4.  
South Canara District Magistrate's Court.

I, H. S. Thomas, Esq., Acting District Magistrate of South Canara, declare that there is hereby made against Paupa the following charge, viz. :-

That he, the said Paupa, on or about the 6th day of August 1867, in the village of Mangalore, in the Taluq of Mangalore, did commit a public nuisance, by making an intolerable howling by day and night, and that he has thereby committed an offence punishable under Section 290 of the Indian Penal Code, and within my cognizance.

And I hereby direct that the said Paupa be tried on the said charge.

Given under my hand and seal, at Mangalore, this 16th day of September 1867.

[ L. S. ] (Signed) H. S. THOMAS,  
Acting District Magistrate.

No. 70. ORDER THEREON, 9th October 1867, No. 1608.

As there is no accommodation available at present in the Lunatic Asylum at Madras, the Governor in Council directs that the Lunatics, Hammade and Paupa, referred to in the foregoing papers, be forwarded to the Lunatic Asylum at Trichinopoly.

(True Extract).

To the Magistrate of South Canara.  
do. of Trichinopoly.  
Inspector General of Jails.

Exd. J. H. Burns.

Chief Secretary.

No 1608 of 9th Oct 1867 14 3

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To  
The Magistrate of South Canara  
- " - District of Trichinopoly.  
- " - Inspector General of Jails.