

1801

RULES, REGULATIONS,

AND

TABLE OF FEES,

IN THE

Vice Admiralty Court

AT

MADRAS.

1088

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RULES AND REGULATIONS.

§ 1. *As to the holding of Courts.*

Courts are to be regularly held at short intervals by adjournment from day to day; but the Judge is authorized to sit on any intermediate day as hereinafter provided, in case the despatch of business, or other necessity shall require. The practice which has prevailed in many of the Vice Admiralty Courts of presenting a petition to the Judge to appoint a day for holding a Court, is from henceforth to cease.

The Judge is to be at convenient times accessible at his chambers, that he may be, if necessary, consulted by the Registrar on any incidental matter, or for the purpose of hearing a motion by Counsel, or directing the sale of perishable goods, or doing any other act which the emergency of a case may render requisite to be done.

§ 2. *Surrogates.*

The admitted Advocates of each Court are to be appointed Surrogates, to do, in the absence of the Judge, ordinary, or common form acts (but none other), such as the administering an oath to a witness, decreeing a monition, taking bail, and the like; but in those Courts in which the Advocate is allowed to act as Proctor also, no judicial act of any kind

is to be sped by a practitioner in any cause in which he may be professionally retained or interested.

When an advocate is to be admitted a Surrogate, he is to attend with the Registrar before the Judge, and, on being sworn faithfully to execute his office, is to be admitted. The Registrar is then to make an entry of such admission in the Minute or Assignation Book, and attest the same.

§ 3 *Registrar and Marshal to be Sworn.*

The persons to be appointed to execute the several offices of Registrar and Marshal are to be Sworn faithfully to perform their respective duties.

§ 4. *Registry Office.*

The Registry of the Court is to be accessible to suitors at convenient hours in the day throughout the year; and a person of competent skill and knowledge is to be in regular attendance there for all requisite purposes.

§ 5. *Registrar's Duties.*

The duty of the Registrar is to attend all sittings of the Court, and also before the Judge, or Surrogate in Chambers, and to make minutes of every act of Court or decree, and to enter the same in an Assignation Book, to be kept for the purpose, which is to form a record of the proceedings of the Court; he is to file, or take the custody of all pleas, depositions, documents, exhibits, and papers brought into Court, recording the receipt thereof in the Assignation Book, briefly stating the papers so

received, and the date of their receipt. He is to take the depositions of all witnesses examined upon pleas and interrogatories. If, from illness, or any other sufficient cause, he should be unable to perform this duty, he may, with the consent of the Judge, appoint some other competent person to act for him on those occasions. He is to make or procure to be made, translations of such documents in foreign languages brought into Court as may be required by the Judge or by the Proctor of either party. He is to make and to attest copies of all records, documents, and papers that may be requisite. He is to draw all bale-bonds, or recognizances, and to be present at and attest the execution thereof before the Judge or Surrogate. He is to prepare, sign, and seal all warrants, commissions, and instruments issuing under the seal of the Court. He is also to collect from the practitioners, and receive for the Judge's use, the fees payable to him. He is to have the custody of all monies paid into Court, and to remit them when required, by bills of exchange or other valid securities to England. He is prohibited from acting either as Advocate or Proctor in any suit, matter, or proceeding in the Court of which he is Registrar.

§ 6. *Marshal's Duties.*

The Mashal is to attend the Judge in Court on all Court days. He is to inquire and report as to the sufficiency of persons proposed for bail. He is to execute all such warrants, decrees, monitions, and other instruments as shall be issued from the Court, and be directed to him; and he is to make due returns thereof.

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In cases where, in order to avoid expense, it may be deemed requisite to employ others than the Marshal to execute process at any great distance from the Court, the instrument is to be addressed as follows:—

"To all and Singular Mayors, Justices of the Peace, Bailiffs, Constables, Officers and Ministers of Justice, or literate persons whomsoever, and more especially to the Collector and Comptroller of our Customs at the port of——; " or in some similar form, if more appropriate to the existing authorities in the colony.

And on those occasions either the Collector or Comptroller of the Customs is to be preferred, unless they are parties to, or interested in, the suit.

And with the same view of avoiding expense, it is expedient that other duties which properly belong to the office of Marshal, and which require to be performed at a distance from the Court, be executed by others; in which cases, commissions are to be addressed especially to any competent persons by name resident near th place where such duties are to be performed.

§ 7. *Proceedings by Action.*

These are to commence with an entry by a Proctor, in a book to be kept in the Registry for that purpose, called the " Action Book " (See Forms of Actions No. 1. to 14) of the action in a given sum sufficient to cover the demand and the probable amount of costs, but this sum is on no account to be excessive. Before any warrant is issued, the party applying for the same is to exhibit to the Registrar

an affidavit, (See Affidavits to lead warrants, No 15 to 20) setting forth the nature of the demand, that application for payment has been made without effect to the parties concerned, and that the aid and process of the Court are required for the enforcement thereof. Upon the leaving of this affidavit in the Registry, a warrant, (See Forms of warrants, No 21 to 34,) specifying the amount of the action, may issue to arrest the property proceeded against, or the person in cases where personal arrest is lawful ; but personal arrest is never to be resorted to when the ends of justice can be otherwise obtained. The Proctor, having obtained the warrant from the Registrar, is to make a copy of it, and then deliver the warrant and copy to the Marshal, with instructions for the execution of the process. If the instrument is to be served on a ship, cargo, and freight at different places, as many different copies thereof as are requisite must be made by the Proctor for that purpose. Every copy is to be examined with the original by the Marshal, or the person serving the instrument.

§ 8. *Execution of Warrants.*

When a ship is, or a ship and cargo are, to be arrested, the warrant is to be affixed on the mainmast or some conspicuous part of the vessel for a short time, and a collated copy of it left on board ; and when goods only are to be arrested, (either for the purpose of proceeding against such goods or the frieght due thereon), the warrant is to be affixed for a short time on part of the goods, and a collated copy thereof left thereon, or with any person in whose actual custody the goods may be.

In cases of personal arrest the warrant under seal of the Court must be shewn to the party before he is taken into custody.

A certificate (See Forms No 35 to 37,) of the service of every warrant executed by the Marshal is to be endorsed thereon, and signed by him, in which he is to set forth the time when, and the mode by which, the service was effected.

When a warrant is served by any other person than the Marshal, there must be, in addition to a similar certificate of the person serving it, his affidavit in verification thereof. (See the Form of this Affidavit, No. 38.)

The warrant having been served is to be delivered back to the Proctor, to be by him returned into the Registry at the time when it purports to be returnable; and the Registrar is then to attend with the Proctor before a Judge or Surrogate, and enter a minute in the Assignation Book, that the warrant has been returned duly served and executed. (See Form of Minute, No. 39.)

§ 9. *Appearance and Bail.*

After the entry of an action, and before the issue of a warrant, the defendant may voluntarily appear and give bail, and thus avoid the expense consequent on the issue of process.

An appearance alone, without bail, may be sufficient for the purpose of contesting a suit, but in cases of the arrest of property or of the person, either the demand must be satisfied or competent bail given before the property or person is released from the arrest.

In order to avoid unnecessary detention when the arrest is to take place at a distance from the Court, a commission for taking bail is to accompany the warrant, as an authority to the party serving the warrant to release the individual or the property on sufficient bail being given.

§ 10. *Proceeding by Default.*

In the case of property arrested, and no party appearing after the return of the warrant, the cause may proceed by default or in pœnam contumaciæ. To this end, on the day the warrant is returned, the parties cited and not appearing, are, at the petition of the Proctor, to be pronounced by the Judge or Surrogate to be in default, and an entry to that effect is to be added by the Registrar to the minute on the return of the warrant in the Assignation Book. (See Form of minute, No. 40.)

At the expiration of two months from the return of the warrant, if no appearance be given, the parties cited are again to be pronounced in default, and the promoter is to be entitled to a decree pronouncing for the amount of his demand, and giving him a lien on the property; which decree is to be drawn by the Proctor, who, after it has been perused and settled by the Registrar, is to make a fair copy of it for the Court. (See Forms, Nos. 41 and 42.)

An affidavit in verification of all the facts mentioned in the decree is to be made by the party proceeding, which affidavit is to be drawn by the Proctor, and submitted to the Registrar. (See Forms, Nos. 43 and 44.)

The Proctor is then to prepare a short case detailing the proceedings, which, with a copy of the affidavit, he is to deliver to counsel as instructions to move the Court to sign the de-

cree, of which, when signed by the Judge, the Registrar is to make a minute in the Assignation Book. (See Forms, Nos. 45 and 46.)

On the same Court day, or on any subsequent adjourned Court day, if an affidavit (See Form No. 47) of two persons be exhibited, stating that the property proceeded against is perishable and likely to deteriorate in value, the Judge is to direct a decree of appraisement and sale to issue, of which the Registrar is also to make an entry. (See minute on granting a Decree of Appraisement and sale, No 48.) This decree is then to be delivered by the Registrar to the Proctor, and by the latter to the Marshal, with instructions for its execution. (See Decrees of Appraisement and sale Nos. 49 & 50.) The Marshal is thereupon to select a broker, or other person conversant with the value of the property, and to administer an oath to him justly and faithfully to inventorize and appraise the ship, her tackle, apparel, and furniture, or the goods, as the case may be. An inventory and appraisement are then to be made, and the Marshal is to cause the property to be publicly advertised by printed bills or otherwise, and, after sufficient public notice of the intended sale, to be sold by auction. The sale being completed, the Marshal is to return the decree (with his certificate as to the execution thereof) into Court, or before the Judge or Surrogate in Chambers, and to bring in at the same time the inventory and appraisement, with a more extended return of the Marshal

(See Forms of Return, Nos. 51 and 52.) and appraiser, signed by them, setting forth the particulars and the value of the ship or goods as appraised; and he is also to bring the account of sales and proceeds into the Registry within the time specified in the decree (See Form of minute No. 53.)

If the property be of considerable value, two brokers or appraisers may be employed, provided there is sufficient reason for the same. The property is never to be sold under the appraised value unless by special order of the Court; and if the appraised value cannot be obtained after an attempt to sell, the Marshal is to exhibit an affidavit, (See Form No 54) of at least two persons, stating that the property had been duly advertised and put up at public auction, when only a certain sum was bid for the same. And if the Judge be then satisfied that all has been done as properly, and fairly as if the owner himself had been selling his own property he is to direct the same to be sold at a reduced price, but not for less than a sum which he in his discretion is to fix. A minute (see Form No 55) of such order is to be entered by the Registrar in the Assignation Book, and the property is then to be offered again to sale by public Auction.

When the proceeds are brought into the Registry, the Registrar may pay out of Court to the party proceeding, on his application for that purpose, the amount of the debt pronounced for, together with the costs of the suit, the

must be delivered to the adverse Proctor and to the Registrar or Examiner, whereupon the Proctor giving in the plea is to attend the witness and produce him before the Judge or Surrogate, in Court or Chambers, when the witness is to be immediately sworn in the presence of the Registrar. (See Oath, No. 89.) Due notice of his intended production must be given to the adverse Proctor, who may attend if he think fit. On the witness being so sworn, the Registrar is to make an entry thereof in the Assignation Book. (See minute, No. 90.)

The deposition in chief is not to be taken upon written interrogatories, but by relevant questions put viva voce by the Registrar or Examiner, (See Forms used in the High Court of Admiralty, No. 91 to 95) and arising out of the circumstances pleaded, but not so put as to lead the witness. If there are several pleas, witnesses are to be examined on each plea. The witness must not be dismissed until the lapse of twenty-four hours from the time of his production, so that the adverse Proctor may have an opportunity to cross-examine him by interrogatories in writing if he think fit; and this time may be extended on reasonable cause to be shown by the Proctor through the Registrar to the Judge. (See Forms No. 96 to 99.) Such interrogatories are to be drawn by the adverse Proctor, and, when practicable, settled by Counsel. They are then to be copied for and signed by Counsel, and delivered to the Registrar, with instructions as to the particular interrogatories, to be administered to each witness. When the witness has been examined in chief, and also upon interrogatories, if any are to be administered, the depositions in chief, and also the answers to the interrogatories (if any), are to be read over to or by the witness,

The previous service of a monition may not always be necessary. Where the disobedience is manifest upon the face of the proceedings, and it is clear that the order of the Court must be known to the party, an attachment may be decreed without a previous monition; but in cases where sureties are to be attached, a previous monition is indispensable Upon compliance with the order for disobedience of which the attachment issued, and upon payment of the costs of the attachment, the Marshal, or other person executing it, is to release the party, certifying to the Judge fully what has been done; but in cases of doubt he may resort to the Judge for directions previous to the release.

§ 14. *Proceeding by Act on Petition.*

In case bail has been given to the action, a minute is to be made in the Assignation Book by the Registrar, assigning the Proctor for the party proceeding to deliver his act on petition to the adverse Proctor by a time to be fixed by the Judge. The Proctor is then to set forth the facts of his case (See Acts on Petition No. 146 to 148) in a plain narrative manner, without argument, and concluding with his prayer. This having been settled by Counsel (for which purpose he is to be furnished with a copy), is to be copied fair for the Court, and then delivered to the adverse Proctor that he may reply thereto, and with the reply, it must be returned to the Proctor of the party proceeding, that he may make a rejoinder thereto if necessary. The reply and rejoinder must also be settled by Counsel in the same manner as the act.

The facts alleged in the Act on petition are to be supported by affidavits; and any necessary exhibits, or documents annexed thereto, are to be verified

party appears to defend the action, may be conducted by default or in pœnam. When contested, the proceeding will be by plea and proof; the libel or plea as in suits for wages, if containing no special matter, is also called a summary petition, and need not be settled by Counsel.

§ 17. *Suits of Bottomry.*

These suits may likewise be conducted by default or in pœnam, and ships may be sold, in virtue of a decree of the Court, for the payment of bottomry bonds without any appearance having been given to defend the action.

When the validity of the bond is contested, the cause generally proceeds by act on petition and affidavits, but the party promoting the cause may, if he thinks proper, proceed by plea and proof; and it is competent to the defendant, on his appearance, to require the cause to be conducted in that manner, for which purpose he must pray the Judge to assign the promoter to bring in a libel.

Before the warrant is extracted from the Registry, the original bond must be exhibited to the Registrar in addition to the usual affidavit.

§ 18. *Causes of Damage by Collision.*

These causes may also be prosecuted by default or in pœnam. When defended, the suit is conducted by plea and proof, and differs in no respect from that mode of proceeding already detailed.

Suits of Damage by Beating or Assault on the High Sea.

In these cases the suit is by plea and proof, and the warrant is necessarily against the person.

Prosecutions for contempt in breach of the Maritime Law, and of the Regulations and Instructions relating to His Majesty's Service at Sea.

These prosecutions can only be instituted on complaint by an Officer in His Majesty's Navy, and under the directions of the Lord High Admiral or the Commissioners, for executing the Office of Lord High Admiral of the United Kingdom, or of some one of the Admirals or Commanders-in-chief of the naval squadrons abroad, and are to be conducted in the following manner:—

An affidavit (See Affidavit No. 150,) of two persons is to be exhibited by the Proctor for the Crown, stating the name and description of the party intended to be proceeded against, and detailing the particulars of the offence committed, which affidavit, with a short case, is be deliverd to the Advocate for the Crown to move the Judge to decree the warrant of arrest, who, in making the decree, is to specify the amount of the bail to be given as he shall consider sufficient to insure the personal appearance of the party prosecuted when judgment shall be pronounced. This amount is to be stated in the Action Book and on the face of the warrant. The Marshal is then to execute the warrant by the arrest of the person of the offender, who is to be liberated on giving sufficient bail, which is to be taken in the usual manner.

On the appearance being given, the Proctor for the Crown (See Form No. 151) is to be assigned to exhibit articles pleading the offence within a short time to be specified by the Judge.

These articles are to be prepared by the Proctor

for the Crown, and may be settled by Counsel, and the cause is then to proceed like other suits, by plea and proof, with the following exceptions :—

1st. On the articles or plea being admitted to proof, the defendant must be assigned to declare in act of Court, within a reasonable time, generally whether he denies the facts pleaded, which is termed giving a negative issue or whether he confesses them, which is termed giving an affirmative issue.

2ndly. In case of an affirmitive issue, the judgment of the Court may be immediately pronounced ; on which occasion the defendant is to be allowed to exhibit affidavits in mitigation of punishment, but not to deny the offence charged.

3rdly. Extended personal answers in writing to the different positions or averments of the articles cannot be required from the defendant.

4thly. Where a negative issue is given, the defendant may be at liberty to offer a defensive plea.

After the evidence is taken, if the Judge shall decide that the charge is established, he will proceed to give sentence, imposing the fines due by law on the defendant, and condemning him in the costs. In very aggravated cases the defendant may also be imprisoned for a limited time. Affidavits in mitigation may be offered, and are to be received, when the offence has been proved by evidence.

§ 19. *Suits for Salvage.*

The ordinary course of proceeding is by act on petition, but in cases where no appearance is given these suits may be prosecuted by default or in pœnam. The property must on no account be released from arrest until a value shall be agreed upon between the parties and alleged in minute (See minute No. 152) of Court, which is to be entered by the Registrar in the Assignation Book.

If the value cannot be agreed upon, a decree (See decree No. 153) of appraisement must be extracted by the Proctor for the salvors, and executed and returned into Court before the property is released. This constat of the value is necessary both for regulating the amount of bail to be taken, and for guiding the Judge at the final hearing in fixing a proper remuneration for the services of the salvors, with reference to the value of the property saved.

§ 20. *Causes of Possession.*

These causes are to commence by the entry of an action at the suit of the owners or owner of a majority of interest in the ship, and a warrant is to be issued to obtain possession thereof from any party who may withhold the same. No amount of action need be inserted in the Action Book or on the face of the warrant.

An affidavit (See Form No. 154) of the party proceeding is to be prepared by his Proctor, and laid before Counsel with a short case stating the circumstances, in order to move for the

warrant, which can be obtained only on motion of Counsel. The affidavit need not previously, as in other cases, be left in the Registry. On this occasion the Judge or Surrogate is to be attended by the Proctor, Counsel, and Registrar; and the Judge on reading the affidavit if it be satisfactory, will, on motion of Counsel, (See minute No. 155) decree the warrant citing all persons in general to appear and answer to the party proceeding in a cause of possession. The warrant having been served on the ship, is to be returned into the Registry, and if no appearance be given within a month from such return, the Judge, if satisfied that the party proceeding has a majority of the legal interest, is on the affidavit originally brought in, or on further proofs, if necessary, being exhibited on motion of Counsel on the next regularly adjourned Court-day, by interlocutory decree to order possession of the ship to be delivered to the party proceeding, or if necessary assign a further limited time for entering an appearance, and on any subsequent regularly adjourned Court-day in like manner pronounce his decree, which is issued by the Registrar from the Registry (See Form No. 156.)

Should any party appear to contest the right of possession, the cause is to proceed by act on petition and affidavits, the ship remaining in the custody of the Court until the final hearing, because the object of the suit which is to obtain actual possession of the property cannot otherwise be secured.

Upon an interlocutory decree being pronounced in favour of either party, a decree of possession is to be issued accordingly.

During the dependence of the suit, on proof by affidavit being exhibited that the ship's register is in the possession of any person whomsoever, a moni-

tion (See Form No. 157,) may be issued requiring him to bring it in, or show cause why it should not be brought into the Registry to abide the event of the suit. Or after the hearing, should the ship's register remain in the possession of any person, the Judge may, on proof thereof, issue a monition (See Form No. 158) directing him to deliver up the same to the party in whose favour the decree has been made.

Causes of possession may also be conducted by plea and proof, at the option of either party.

§ 21. *Action to obtain Security for the safe Return of a Vessel.*

Actions of this description occur when a part owner is dissatisfied with the management of his co-owners, and requires the ship to be restrained from proceeding on a voyage until bail shall be given for her safe return to the port to which she belongs.

An affidavit (See Form No. 159,) of the party is first to be made, setting forth the number of shares of which he is the legal owner, that he is dissatisfied with the management of the ship, and is desirous of obtaining bail for her safe return to the port to which she belongs to the amount of the value of his shares, which value is to be stated in the affidavit. And upon this Affidavit, which need not previously be left in the Registry, the Judge or Surrogate in Chambers is to be moved by Counsel to issue the warrant of arrest (See minute No. 160.)

The action should be entered in the amount of the value of the shares of the party proceeding, and in a further moderate sum to cover the costs; and on bail (See Form of Bond No. 161) being given the vessel is to be released and allowed to proceed on her voyage.

In case of the parties differing as to the value of

the vessel, she must be appraised under the authority of the Court; and the actual value of the shares of the party proceeding at the period of giving bail, whether the ship be appraised or not, is the amount to be recovered in case the bond shall ultimately be pronounced to be forfeited.

The costs of the arrest are to be borne by the party proceeding; and the costs of giving bail by the defendant, unless the Judge shall see cause to order otherwise.

In the event of the loss of the vessel before her return to the port to which she belongs (until which time the bail bond remains in force), the party principal and his sureties may be called on by monition (See Form No. 162) to show cause why they should not bring in the amount of their recognizances, in order to abide the judgment of the Court. To obtain this monition an Affidavit must be exhibited, showing that the bond has become forfeited and it must be moved for by Counsel before the Judge or Surrogate. The monition, when obtained, requires personal service

Should an appearance be given and the suit be contested, the Proctor of the party proceeding is to be assigned to deliver an act on petition to the adverse Proctor, and the cause is then to take the same course as other cases conducted by act on petition.

§ 22. *Derelict Cases.*

In cases of derelict, the action is to be en-

tered and the warrant extracted by the Proctor for the Admiralty, without any amount of action being stated in the Action Book or on the warrant, and no affidavit is necessary to obtain the warrant, which, when issued, is to be served by affixing it for a short time on the ship or goods found derelict, and by leaving thereon affixed a true copy thereof. The warrant is then to be returned by the Proctor into the Registry.

After the lapse of three months from the return of the warrant (the property remaining in the custody of the Court), the Judge, on the next regularly adjourned Court-day, at the petition of the Proctor, and on his allegation (See minute No. 163) in Court that the warrant has been returned upwards of three months, and that no appearance has been given, is to decree a monition (See Monition No. 164) to issue, calling upon all persons to appear and show cause why the property should not be condemned, at the expiration of a year and a day from the return of the warrant, as droits and perquisites of His Majesty in his office of Admiralty. The monition is to be made returnable at three months after its date, and is to be served by affixing the original for a short time either on the Court-House or on the Exchange, or place of common resort of merchants, or as the usage of the colony or settlement may be, and by leaving thereon affixed a true copy thereof. The object of this

general service is to give the utmost publicity, so that the contents of the monition may be most likely to reach the knowledge of all parties interested. After this service, the monition is to be returned into the Registry, with a certificate of service indorsed thereon.

If the property be in a perishable condition, and the Judge be satisfied by affidavit at any period after the arrest that it would be for the benefit of all parties interested therein that the same should be forthwith sold, it may be appraised and sold under the direction and authority of the Court and the proceeds paid into the Registry.

At the expiration of a year and a day from the return of the warrant, if no claim or appearance be given for the owners, the Judge, on the next regularly adjourned Court-day, is to proceed to condemn by sentence the property as droits and perquisites of His Majesty in his office of Admiralty. The sentence (See sentence No. 165.) is to be prepared by the Proctor, who is to make a fair copy thereof for the Judge's signature, which is to be signed in Court in the presence of the Registrar, and a certificate (See minute No. 166.) is to be added by the Registrar on the sentence, and a minute made in the Assignation Book of the same having been so signed.

The owners of property proceeded against as derelict, may appear at any time before the termination of the cause, and claim the same without being liable to any fees of contumacy incurred prior to their appearance. The claim, with an affidavit (See Forms Nos. 167 and 168.) in verification thereof, is to be drawn by the Proctor, and should set forth the name, residence, and occupation of the owner, the title of the party to, and the identity of, the Ship

or goods claimed. Documents or exhibits in support of the affidavit may be annexed thereto. When the claim and affidavit have been settled by Counsel, the Proctor is to attend his party before the Judge or Surrogate, to be sworn to the same in the presence of the Registrar, and the Judge will then assign to hear on admission thereof on the next Court-day, or at any other time to be by him fixed, of which notice is to be given to the parties. A copy of the affidavit and claim is to be given to the Proctor for the Crown, and if the Counsel for the Crown be satisfied that the party claiming is entitled to restitution of the property, he is to consent to the same being restored, which on motion of Counsel (See Forms of Interlocutories No. 128 to 130,) before the Judge may be immediately done on payment of the salvage, and the expenses on behalf of the Crown. The instrument of restitution (See Form No. 169,) is to be prepared by the Registrar, and extracted from the Registry by the Proctor for the claimant. The interests of salvors are always to be protected, and to this end, if restitution be consented to, and if salvage has not been previously paid, bail (See Form of Bond No. 170,) to our Sovereign Lord the King, in his office of Admiralty, in a sum sufficient to answer salvage, must be given by two persons on behalf of the owners before the instrument of restitution is to be issued.

If the title to the property is contested, the cause must come on to be heard in Court; a case and papers being delivered to Counsel as in other contested causes.

§ 23. *Prosecutions against the Ships and Goods of Pirates.*

On a ship or goods taken from the possession of pirates being brought into port, it is the duty

of the Proctor for the Crown (See Form No. 171,) to prepare an affidavt, to be made by some of the seizers, detailing the circumstances of the seizure, and he is then to enter an action against the property as in derelict cases. The warrant of arrest is then to be decreed by the Judge or Surrogate on the motion of the Advocate for the Crown. The warrant being extracted, is to be served on the property, and returned into the Registry, with a certificate of service thereof; and if no appearance be given, the suit is to proceed in a similar manner in every respect as in a case of derelict. At the expiration of a year and a day from the return of the warrant, if there be no appearance or claim (See Monition No. 172,) the Judge, on the next regularly adjourned Court-day, is to condemn the property by sense. (See sentence No. 173,) as droits and perquisites of His Majesty in his office of Admiralty, upon the Affidavit originally brought in, and without further evidence.

If an appearance be entered or claim given on behalf of the persons from whose possession the property may have been seized, a libel is to be filed on behalf of the Crown, detailing all the circumstances. And if any of the persons from whose possession the property may have been seized have been convicted of piracy, such conviction is to be pleaded, and an official copy of the record thereof annexed to the libel. The case is then to proceed as by plea and proof.

If an appearance on the part of the original owners of the ship or goods seized be given, a claim and Affidavit are to be prepared, as in derelict cases, to which may be annexed any documents or exhibits necessary to establish the identity and ownership of the property. Copies of the claim and affidavit, when brought into Court, must be furnished to the Proctor for the Crown; and should the Counsel for the Crown be satisfied of the proof and identity of the property, (See Interlocutory. No. 174,) he is to consent to restitution thereof, on payment of salvage and the expenses on behalf of His Majesty in his office of Admiralty.

By the Statute 6 Geo. IV., cap. 49, the salvage due on British property retaken from pirates is, as in prize recaptures, fixed at one-eighth of the value, and in practice this one-eighth is calculated in the High Court of Admiralty of England after the expenses on both sides are deducted. The same practice is to prevail in Vice-Admiralty Courts.

§ 24. *Bounty Money upon the Capture of Piratical Vessels.*

By the beforementioned Statute 6 Geo. IV., cap. 49, the commanders, officers, and crews of his Majesty's ships of war are entitled to certain bounties on the capture or destruction of vessels and boats manned by pirates or by persons engaged in acts of piracy.

The proceeding to be taken on this occasion is wholly separate and distinct from that of

obtaining the confiscation of a ship or goods, and is as follows :—

1st. An affidavit (See Form No. 175,) is to be prepared detailing all the circumstances of the capture or destruction of the piratical vessel or boat, and setting forth, as correctly as can be, the number of men on board thereof at the commencement of the attack, and distinguishing the numbers of those killed during the attack, as well as of those taken and secured. This affidavit is to be made by the officer in command of the capturing vessel at the time of the capture or destruction of the pirate vessel, and by one or more other persons present thereat. If any papers have been found on board the pirate vessel, they should be annexed to the affidavit and verified therein, or if any such have been destroyed, the fact of their destruction should be stated in the affidavit.

2ndly. A petition (See Form No 176,) is then to be prepared, detailing briefly the facts stated in the affidavit, praying the decision of the Court, which affidavit and petition are to be deposited with the Registrar, and by him delivered to the Judge, preparatory to the hearing without any previous warrant, monition, or other process ; and Counsel, being furnished with copies of the affidavit (See Interlocutory No. 177,) and petition, is to move the Court to pronounce as prayed.

§ 25. *Prosecutions for a Breach of the Laws for the Abolition of the Slave Trade.*

Foreign Slave vessels cannot be detained at sea except for violation of treaty, and then only by such of his Majesty's ships of war as are provided with special instructions for that purpose; nor can the search of any such foreign slave-vessel be made by any officer holding a rank inferior to that of Lieutenant in the Navy of Great Britain.

With respect to these seizures of foreign slave vessels, the Vice-Admiralty Courts have no jurisdiction. The only tribunals which can legally adjudicate thereon are the "Mixed Commission Courts" established in pursuance of treaties with certain foreign powers.

When a vessel engaged in the slave trade is seized for a violation of the municipal law of the United Kingdom of Great Britain and Ireland, it is the duty of the captor to send her with the slaves, if any on board, for the purpose of adjudication, to the nearest and most convenient port in any colony or settlement where there is a Vice-Admiralty Court.

Upon the arrival in port of the vessel and slaves seized, and also in a case of a seizure of slaves on shore an immediate representation of the seizure is to be made to the Registrar of the Court of Vice-Admiralty, and the seizer is to make an affidavit (See Forms No. 178 to 180,) detailing all the circumstances connected therewith, and stating especially by what breach of the law the forfeiture of the slaves has been incurred. And, in the case of the seizure of a vessel, there are to be annexed to the affidavit, and verified therein, all original papers that may have been delivered up to the seizer, or, if the ship's papers shall have been concealed, thrown overboard, or otherwise destroyed, that fact is to be stated in the affidavit.

The affidavit (See minutes No. 181 to 183,) being duly sworn and exhibited before the Judge or Surrogate, he is to decree a monition (See monitions No. 184 to 187,) to issue, returnable fourteen days after service, citing by name the owners or persons implicated, if known, and all others in general, to appear and show cause why the forfeiture should not be decreed and the penalties pronounced for.

Where the owners or persons implicated are not known, the monition must duly cite all persons in general. If the monition contain the names of the owners or others, from whom penalties are sought to be recovered, it should be personally served on the parties in the manner of other instruments requiring personal service. In all cases the monition must be served on the Exchange or the Court-House, or other public place, as before directed in derelict cases. If the monition issue against all persons in general, and not against any individual in particular, it need only be served in the manner last mentioned.

If, when the monition has been served, no appearance be given, the Judge, upon the return of the monition, is, immediately or on the next regularly adjourned Court-day, to proceed to pronounce by Interlocutory decree, (See Interlocutory Decrees Nos. 188 and 189,) for the forfeiture of the slaves and the vessel (if any) and for the penalties due by law, without requiring any further evidence.

If it shall appear to the Judge, by affidavit, that personal service cannot be effected on the parties, if any, named in the monition, by reason that they have purposely absented themselves to avoid service, the Judge is to pronounce his decree; but if he has reason to believe that the parties are bonâ fide ignorant thereof, he ought to reserve his judgment, so far as relates to the penalties sued

for, and also as to the slaves and vessel, if any doubt shall arise upon the evidence.

In the case, of a monition citing all persons in general, and not describing any person by name, no penalties against individuals can be pronounced for; but if the persons by whom the offence has been committed shall afterwards be discovered, a subsequent monition may issue in the same suit against him or them for recovery of the penalties.

In order to move for the Interlocutory decree, a case, together with a copy of the affidavit, must be placed in the hands of Counsel as in other cases.

At any time before the Interlocutory decree, a claim may be given on behalf of the owners, and the claimant may, if he think fit, require the seizer to proceed by plea and proof, and pray him to be assigned to give in his information or libel, to which the claimant may give in a responsive plea or allegation.

To the claim must be annexed an affidavit, containing the names, additions, and residence of the owners, and a detail of all the circumstances on which the claimant means to rely as the ground of his defence. The same course in all respects is to be pursued in giving in the claim as before directed in derelict cases (See Forms of Claim and Affidavit, Nos. 190 and 191.)

When a claim is given and no libel prayed, the Court may proceed to adjudge the case on the facts and circumstances stated in the affi-

davit of the seizer exhibited on praying the monition, and in the claim and affidavit in support thereof. (See Interlocutory Decree, Nos. 193 to 194.)

Should the Judge consider the case not sufficiently proved by such evidence, to enable him to proceed to sentence, he may direct a libel to be filed (See Form No. 195.) by the seizer, and witnesses to be examined thereon, to which libel the claimant's Proctor may give a responsive plea or allegation, and in like manner examine witnesses. The proceedings will then be the same as directed in cases contested by plea and proof.

In the event of the Judge not in the first instance condemning or restoring the slaves, he is required in certain cases, by the Act 5 Geo. IV., chap. 113. (See Interlocutory Decrees, No. 196 to 198.) to order them to be valued, and, upon the valuation (See Decree of Appraisement, No. 199.) being approved by the Court, they are to be delivered over pursuant to the Act to persons specially appointed to receive, protect, and provide for them. (See Marshal's return No. 200.) The same course is to be followed when a decree restoring or condemning slaves is suspended by appeal. And in no case whatever are slaves to be delivered to claimants on bail, to answer the adjudication.

Where a seizure of several slaves belonging to the same owner, is made by the same seizer for one and the same cause of forfeiture, there is to be only one affidavit and one monition required to enable the Court to proceed.

Where several slaves, whether belonging to the same or different owners, are seized for the same cause of forfeiture, but by different seizers, there must be a separate affidavit by each seizer, but the

slaves may all be included in one monition (See Monition No. 187.)

Where several slaves belonging to the same or to different owners are seized by the same seizer, or by different seizers, for different causes of forfeiture, there must be as many affidavits and monitions as there are different causes of forfeiture; but the Judge may afterwards at his discretion consolidate the proceedings, so as to form but one suit to come before the Court for hearing.

Care is to be taken, in consolidated proceedings, that the monition, and also the libel when that proceeding is required, be drawn conformably with the several circumstances, and that the different seizures be described in separate articles or counts of the libel or information.

In order to avoid the injury which owners may sustain by the delay of the seizer to proceed, any claimant or owner may apply to the Court (See minute, No. 201) for a monition against the seizer, returnable in three days after service, requiring him immediately to proceed to the adjudication (See monition No. 202,) of any slave or slaves so claimed.

§. 26. *Proceedings in the Case of the Illtreatment of Slaves Apprenticed, cognizable in the Courts of Vice-Admiralty, pursuant to the 24th Section of 5 Geo. IV., Cap.* 113.

When any such case occurs, the Judge, upon complaint being preferred to him, is to cause the substance thereof to be reduced to writing, to the truth of which the complainant is to be sworn, and the Judge is then to issue a Summons to be served by the Marshal upon the person complained against; and in case the accused appears, and the Judge, on hearing the complaint on the oath of the complainant

In the case of a monition citing all persons in general, and not describing any person by name, no penalties can be pronounced for ; but if the persons by whom the offence was committed shall afterwards be discovered a subsequent monition may be issued in the same suit against him or them for recovery of the penalties.

In order to move for the interlocutory decree (See Forms No. 212 and 213,) a case, with a copy of the affidavit, must be delivered to Counsel.

A claim may be given on behalf of the owners at any time before the interlocutory decree, and the claimant may, if he think fit, require the seizer to file an information or libel to which the claimant may give in a responsive plea or allegation, and the case will then proceed by plea and proof in the manner beforementioned.

To the claim must be annexed an affidavit, containing the names, descriptions, and residence of the owners, and a detail of all the circumstances on which the claimant means to rely as the grounds of his defence.

The claim and affidavit (See Forms No. 214 and 215,) are to be prepared and given in as directed in derelict cases, but in compliance with the Act 6 Geo. IV., cap 114 Sec. 62. Security must be given on behalf of the claimant in the Sum of £60 Sterling (See Bond No. 216) to answer costs before any claim can be received.

Upon a claim being filed, the Judge, with the consent of the Collector and Comptroller of the Customs, may order the delivery of the property to the claimant, on his giving bond, with two sufficient Sureties, to answer double the value of the same, as provided by the 58th Section of the said Act.

The Court, on the application of the officer of the Customs, or parties interested, may, at any time before condemnation, direct the property to be sold, if it shall satisfactorily appear by affidavit that a sale will be beneficial to all parties interested.

When a claim is given, and no libel prayed, the Court may proceed to adjudge the case upon the facts and circumstances stated in the affidavits on both sides; (See Interlocutory decrees Nos. 217 and 218,) but if it shall appear to the Judge that the case is not sufficiently proved by such evidence, he may direct an information or libel to be filed by the seizer, (See Libel No. 219,) and give leave to the claimant to file a responsive allegation; in which case witnesses are to be examined on both sides, and the cause will proceed as in plea and proof cases. (See Interlocutory Decrees Nos. 220 and 221,) After condemnation, the sale must take place according to the provisions of the 56th section of the said Act.

In order to remedy complaints which have been made of the burthensome law charges in the colonies, on proceedings in revenue cases of small value, it is directed, that any number of seizures, not exceeding in the aggregate value £300, and not individually exceeding the sum of £100 may be included in one monition and that different seizing officers may proceed conjointly in the same prosecution,—care being taken that the monition, and also the libel where that proceeding is required, be drawn conformably with the several circumstances, and that the different seizures be described in separate articles or counts of the libel or information. And to obviate any possible delay in the proceedings of the seizing officer (See Minute No. 222,) any claimant is to be at liberty to take out a monition (See Monition No. 223,) against the seizer, returnable three days after ser-

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When a claim is given, and no libel prayed, the Court may proceed to adjudge the case upon the facts and circumstances stated in the affidavits on both sides; (See Interlocutory decrees Nos. 217 and 218,) but if it shall appear to the Judge that the case is not sufficiently proved by such evidence, he may direct an information or libel to be filed by the seizer, (See Libel No. 219,) and give leave to the claimant to file a responsive allegation; in which case witnesses are to be examined on both sides, and the cause will proceed as in plea and proof cases. (See Interlocutory Decrees Nos. 220 and 221,) After condemnation, the sale must take place according to the provisions of the 56th section of the said Act.

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vice thereof, requiring him immediately to proceed to the adjudication of the property seized. For this purpose, and also to enable the seizer to determine whether to proceed separately as to one seizure, or to wait for the chance of including other seizures in the same process, by a consideration of the expenses of warehousing and custody of the seizure, the seizer is without delay, in all cases where the probable amount of the seizure does not exceed in value £100, to report the facts to the Registrar of the Court.

In cases where it shall be deemed necessary to proceed immediately without waiting for other seizures, and the value is under £100, the several charges of the proceeding and adjudication are to be reduced £25 per cent upon the usual charges, and if the property separately proceeded against does not exceed the value of £50, one half of the usual fees only are to be charged.

§ 28. *General Rules to be observed in Practice. Subduction of an Action.*

If a party proceeding, determine to abandon his suit, or has compromised the same, he may at any period be allowed to subduct the action; to which end, the Proctor who has extracted the warrant is to sign a short entry to that effect in the Action Book, and the property, if any have been arrested, is to be immediately released.

§ 29. *Tender.*

Whenever a tender is made on behalf of a

defendant to pay a certain sum of money, the sum tendered must be brought into the Registry, and an undertaking given for payment of the costs incurred up to that time; this must be done before the Judge or Surrogate, in the presence of the Registrar and the adverse Proctor, and a minute (See minute No. 224) thereof is to be entered in the Assignation Book, and the Proctor for the plaintiff is to be assigned to declare whether he will accept the tender or not within a time to be limited by the Judge.

If the tender be refused and the Court shall ultimately consider the same to have been sufficient, the plaintiff, in general cases, is to be subject to all the costs incurred subsequent to the refusal, but under special circumstances, where the enforcement of this rule may be attended with injustice or hardship, the Court may exercise its discretion by forbearing to condemn him in costs.

§ 30. *References.*

In cases where a reference of the subject in litigation may be expedient, the Judge, either for his own satisfaction or at the instance of either of the parties, may refer any accounts or demands or any matter incidental thereto, to the Registrar, directing him to take to his assistance one or two merchants, and to investigate and report on the matter,—the merchants to be selected by the Registrar and approved by the Judge.

The reference being ordered, the Registrar is forthwith to make an appointment with the

Proctors of the parties, and with the assisting merchant or merchants, and all necessary documents being produced, the Registrar and merchants are to hear the matters in dispute discussed by the Proctors and the parties principal, or their agents. The Registrar is afterwards to draw up the result of the investigation and of their joint deliberation thereon, in a written report (See Report No. 225) to be brought into Court, and a minute (See minute No. 226) to that effect is to be thereupon made in the Assignation Book.

The Judge is to direct the report to be confirmed, unless objected to by either party by the succeeding adjourned Court-day, or within a time to be limited by him. The report may be confirmed at the prayer of either of the Proctors (See minute No. 227) and either may object to the report wholly or in part; but the party objecting must so declare in act of Court, and is to be assigned by the Judge to deliver in an act on petition, setting forth his objections to the adverse Proctor, within a time to be limited. And the subsequent proceedings are then to be conducted as on all other acts on petition.

§ 31. *Taxation of Costs.*

The Proctor of the party who has obtained a decree or order condemning another party in the costs, is to furnish the adverse Proctor and the Registrar each with a copy of his bill, and to attend the Registrar to procure an appointment to tax the same, of which notice is to be given to the adverse Proctor, that he may be present thereat, and if he shall decline, or neglect to attend, the taxation may proceed in his absence upon an affidavit being exhibited to and filed with the Registrar, showing that a copy of the bill had been furnished, and that twenty-four

hours previous notice of the appointment had been given to him.

If the amount of the costs ascertained by the Registrar be not forthwith paid, the Registrar is to report the amount to the Court, when, if no objection be made, the Judge is to sign the Bill, which completes the taxation and a minute thereof is to be entered in the Assignation Book. (See minute No. 228)

If the adverse Proctor be dissatisfied with the amount proposed to be allowed, he is, on the same being reported and before the Bill is signed by the Judge, so to declare in Court; and in that case the Judge is to assign him to deliver an act on petition (See minute No. 229) in objection to the taxation within a short time to be specified, and subsequently, the same course is to be pursued as in other acts on petition.

When the Judge has signed the bill, whether as originally reported by the Registrar, or with any subsequent alteration, he is to decree a monition (See Monition No. 135,) for payment thereof; and if the costs be not immediately paid, such monition may be extracted and served as usual, and may be followed up by attachment, if necessary.

§ 32. *Incidental Monitions.*

In any cause, however commenced, monitions may incidentally become necessary, which are to be made returnable at a period to be fixed by the Judge; and if the tenor of the monition be not complied with, the Judge, on proof that it has been duly served, may enforce obedience thereto by attachment.

§ 33. *Commissions.*

Commissions to take bail, to take the answers of parties to a libel or allegation, to take the oaths of parties or others to affidavits, to examine witnesses, and the like, may, under the authority and at the

discretion of the Judge, issue in cases where the parties reside at so great a distance that the transaction of the business by commission will be attended with less expense than their personal appearance before the Court.

Commissions may also issue for the unlivery of a cargo, for the appraisement or sale of a ship or cargo, or for the appraisement and sale of a ship and cargo in cases when, by reason of the distance, the Marshal cannot be conveniently employed for the purpose without great expense (See Forms, No. 230 to 235.)

All commissions are to be directed to respectable merchants, or professional men named by the Proctors; and when they can agree thereto, one commissioner will be sufficient, otherwise a commissioner is to be nominated by each party.

§ 34. *Acts on Petition.*

In cases where any incidental matter may become the subject of dispute, and either of the parties shall desire it, or if the Judge shall deem it necessary for his own satisfaction to have the facts further elucidated, he may direct the circumstances to be set forth in an act on petition.

§ 35. *Appeals.*

All appeals from decrees of the Vice-Admiralty Courts are to be asserted by a party in the suit within fifteen days after the date of the decree, which is to be done by the Proctor declaring the same in Court; and a minute thereof is to be entered in the Assignation Book.

(See Form No. 236.) And the party must also give bail within fifteen days from the assertion of the appeal in the sum of £100 Sterling to answer the costs of such appeal.

In all cases, however, in which an appeal is asserted, except respecting slaves, the Judge may proceed to carry his sentence into execution provided the party in whose favor the decree has been made give bail to abide the event of the appeal, (See Form No. 237,) by two sureties in the amount of the value of the property or subject in dispute, together with the further sum of £100 Sterling to answer costs, in the event of the same being awarded by the superior Court.

The party appealing, having complied with these regulations, is then to cause the Judge and Registrar to be served with an inhibition from the High Court of Admiralty, restraining them from further proceeding in the cause, and also with a monition to transmit the process.

This process will consist of a fair copy of the proceedings under the seal of the Vice-Admiralty Court, to be made and signed by the Registrar, at the expense of the party ordering the same, which is to be transmitted to the superior Court pursuant to the monition.

The proceeds, if in Court, or in the hands of any individual, must, on a special monition for that purpose being served, be remitted to the Registrar of the High Court of Admiralty or Court of Appeal.

§ 36. *Regulations as to Sittings of the Court.*

Before the rising of the Court, the Judge is always to adjourn the same to a day to be by him fixed at his discretion and proclamation thereof is thereupon to be made in open Court, by the Marshal or Officer of the Court. It is, however, competent to the Judge, notwithstanding such adjournment, subsequently to appoint any intermediate day or days, as may appear to him to be necessary, for the expediting any particlar cause or causes before the Court.

Forty-eight hour's notice of such intermediate Court-days must always be published in the Gazette, or public newspaper of the Colony by the Registrar, at the expense of the party at whose instance, or for whose benefit, the Court is to be so called, which expense is to be paid by his Proctor.

Care is always to be taken that on such intermediate Court-days, no assignation be sped, or order made, precluding the right, or to the manifest injury, of any absent party when it shall appear that he cannot have received sufficient notice of the sitting of the Court ; and absent parties are always to be entitled to the favourable consideration of the Judge, if, on the next succeeding regularly adjourned Court-day, cause shall be shown why an assignation made on any intermediate Court-day had not been complied with.

In like manner, when an assignation has been made for an act to be done by a limited time, shall not have been duly complied with, and an intermediate Court-day shall be subsequently held, parties who cannot by possibilty have been cognizant of such intermediate Court, and who may have very conclusive reasons to allege why they have been unable to comply with such assignation, are not to

H.a Court of Souydaire &c &c &c

Present

Andrew Scott Esquire
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read Letter, dated 27th Ultimo, from the Provincial Court of Cercuit in the Division, requesting the directions of the Court as to what Judge shall proceed on the next Cercuit, and what provision is to be made for conducting the duties of the Law Officer on the Cercuit —

/ Memento N° 5 /

The 3d Judge of Cercuit in charge of the Gallah of Canara until he be relieved by another who may by reason of sickness be prevented from joining that station by the 1st of February the Court do not consider that the business of the Court of Cercuit should be delayed until the 3d Judge is enabled to join in the discharge —

The Court direct that the 1st Judge be by precept commanded to proceed forthwith the cercuit which in the regular routine would devolve to the 3d Judge; and that the Office of the Cercuit Court do accompany the said precept —

Return to this precept to be made within 3 days from the receipt thereof —

Send following precept

/ Here enter N° /

4th January 1816.

Read Return to precept of the

from the Magistrate of South Malabar stating that

Convicts have been transferred to his charge from the

Gaol of South Malabar to be lodged in the Jail of

Cannanore.—

/Hereunto No 851/

Read Letter dated 18th ultimo from

the 2d Judge of Circuit for the Northern Division

Reporting his return to the Sudr Station in consequence

of the Impracticability of effecting the Jail delivery

at Tanjore.—

/Hereunto No 850/

Read Letter dated 1st ultimo from

the Magistrate of Bellary, with Register of proclaimed

Offenders for November.—

/Hereunto No 855/

GT

AL

AH

GBS

At a Court of the Sayd date

Present

Andrew Scott Esquire
Edward Croft Greenway Esqr } Judges.
George Stratton Esqr

Tuesday 9th January 1816

Read Letter, dated 6th Ultimo,
from the 2d Judge of Circuit for the Northern Divn
transmitting Copies of a Letter & Statement from the
Magistrate of Rajahmundry & recommending that
the Rewards therein proposed may be granted.—

/Vide entry No. 854/

The Court on the recommendation
of the Second Judge on Circuit in the Northern
Division and under the Provisions of Section XI
Regulation VIIth 1814 grant a Reward of Thirty
Rupees for the apprehension of Modekooty Bramen from
and of the like sum for the apprehension of Modoo
Pullegaudoo & the Canarese and Camper of
Pallegaladoo and Vungah Venkatasah Nayer Peon

Ordered that extract of these
proceedings be sent to the 2d Judge of Circuit
in the Northern Division, to be by him com-
municated to the Magistrate of the Zillah
of Rajamundry.—

/Sent following letter/

/Here enter No./

Read Letter dated 8th ultimo,
from the Sessional Court for the Northern Division
with Extract of their proceedings recommending certain
rewards to be offered for the apprehension of
persons committing Robberies in

January 1816

/Here enter No 856/

The Court on consideration of the foregoing letter and its enclosures, and on the recommendation of the Court of Circuit for the Northern Division, Authorize the Magistrate of the Zillah of Masulipatam, under the provisions of Section X, Regulation VII, of 1816, to offer a reward of 500 Rupees for the discovery and apprehension of the leader of a gang of Robberies who have lately infested the Chintapilly District in that Zillah.—

Ordered that Extract of these proceedings be sent to the Court of Circuit in the Northern Division to be by them Communicated to the Magistrate of the Zillah of Masulipatam.—

20

Sent following Letter

/Here enter B/

685

Sent the following Letters from the Registers of Canara, Cuddapah, Vizagapatam, Tinnevelly, Cochin, Bellary, Dindigul, Tanjore, Chingleput, Vizagapatam, North Malabar, South Malabar, Guntoor, Masulipatam, Chittoor, Nellore, Madura, Rajahmundry & Combaconum — With Reports of Prisoners for the Month of October of 1815.

/Here enter Nos 761, 767, 774, 775, 778, 784, 785, 786, 790, 791, 792, 793, 799, 802, 805, 806, 807, 813, 817, 835, and 842/

Wednesday
10th
January 1816

E.C.S

E.C.S

At a Court of the Fongdaree Wadalut
Present
Andrew Scott Esquire
Edward Croft Greenway Esqr } Judges
George Stratton Esquire

Read Letter dated the 9th Instant
from the Secretary to Government in the Judicial Department, inclosing copy of a communication from the Provincial Court for the Northern Division, and desiring the Fongdaree Wadalut to make provision for the ensuing jail deliveries in said Division

Ordered that the 3d Judge to perform the duties of the Circuit should have been reported in the first instance to the Court of Fongdaree Wadalut

Read Letter from Ganjam, whether he had proceeded for the purpose of completing the jail deliveries left unfinished by the late 2d Judge, the Court direct that the 1st Judge be by precept commanded to proceed on Circuit with as little delay as possible for the purpose of holding the first half yearly jail deliveries in the Northern Division for 1816.

Return to this precept to be made within three days from and after its Receipt

Ordered that the following precept

Read letter dated 3 Ultimo from the Agent at Ganjam that it has been found necessary at

Wadalut

the 22d

ent in the

recorded

of Ongada

as the

of St. Peyton

Police

4/5.

to above

be

returned

the

19th

10th January 1816. from the prevailing Sickness and other Causes to remove the two Late Companies
Corps of Goomsem to Berhampore

/ Secretary No 831 / of 1815 /

S. No.

At a Court of the Foujdaree Adaulut.

Present

Wednesday 17th. January 1816.

Andrew Scott, Esqre.
Edward Croft Greenway, Esqre. } Judges
George Stratton, Esqre.

Read letter, dated the 22d. Ultimo, from the Secretary to Government in the Judicial Department - sanctioning the reward recommended, to the Police Darogah of Arigady. 665

Ordered that a Sunnud be granted to Ramun with such addition to his Pay as the Court may recommend and a Pension of 4 Rupees per Month to the family of the late Police Kolkar.

Sere enter No. 857 of 1815.

Ordered that copy of the above letter and extract of these proceedings be sent to the Court of Circuit in the Western Division, to be by them communicated to the Zilla Magistrates of South Malabar.

Sent following letter

(Sere enter No.)

Read letter, dated the 16th. Ultimo from the Magistrates of Chengulput -

10th January 1816. with a list of convicts arrived under sentence of transportation since the last month.

(Here enter No 361 of 1815.

Read letter, dated the 7th Instt from the Magistrate of the Police of Chengelpeet, reporting the arrival of a convict from Rajahmundry under sentence of transportation.

(Here enter No 361.)

Read letter, dated the 15th Instt from the Assistant Magistrate of Tanjore stating that it will be impossible to prepare Cases for the Court of Circuit on Saturday as the Court desires are unable to attend to the duties of the Office.

(Here enter No 362 of 1815)

Read letter dated the 2d Instt from the Magistrate of Vizagapatam with report of persons prosecuted for last month.

(Here enter No 376 of 1815)

Read again letter dated the 6th Instt from the 1st Judge of Circuit on the Western Division, enclosing a Warrant of examination with the Magistrate's endorsement and report of the Assistant Magistrate certifying the same to have been duly executed.

(Here enter No 327 of 1815)

January 1816

Read letter, dated the 6th
ultimo, from the Magistrate of South Malabar, to
the Court forwarding 16th October - Certifying that
he had transferred 140 Convicts to the jail of
Cannanore -

(Here enter No 830 of 1815.)

Read letter, dated the 16th
ultimo from the 3d Judge on Circuit in the
Central Division reporting his intention to leave
Chowgaut for Chittoor on the 18th
(Here enter No 836 of 1815.)

Read letter, dated the 11th
ultimo, from the Magistrate of Masulipatam -
enclosing report of Prisoners confined under sentence to
the 11th December 1815.

(Here enter No 837 of 1815.)

Read letter, dated the 4th
ultimo, from the 2d Judge of Circuit in the
Central Division, enclosing copy of the calendar
of Chittoor for the 4th quarterly Sessions of 1815.

(Here enter No 824 of 1815.)

Read letter, dated the 2d
ultimo, from the 1st Judge of Circuit in the
Western Division, - enclosing copy of the North
Malabar Calendar for the 4th quarterly Sessions of
1815

(Here enter No 825 of 1815.)

January 1816.

Read letter dated the 29th. of Novem-
ber 1815 from the 1st. Judge of Circuit in the Southern
Division, enclosing copy of the Manslaughter
calendar of the 4th quarterly Sessions of 1815.

(Here enter N. 824 of 1815)

Read letter dated the 1st. Instant
from the 3d. Judge of Circuit in the Southern
Division, - enclosing copy of the Richmond City calen-
dars of the 4th quarterly Sessions of 1815.

(Here enter N. 820. of 1815)

Read letter, dated the 1st. instant
from the Magistrate of Chesterfield, - with report
of Prisoners confined under sentence to the 16th.
December 1815.

(Here enter N. 8.)

Read letter, dated the 3d. instant
from the Magistrate of Salem, - with register
of persons proclaimed for last month. -

(Here enter N. 10.)

Read letter, dated the 9th. August
last from the 3d. Judge of Circuit in the Southern
Division, - transmitting the proceedings stated in case
N. 2. of the Tuscarelly calendar in the 1st. Sessions
of 1815.

(Here enter N. 579. of 1815)

The Court having ordered a recital

F. C.

At a Court of the Foujdaree Adalut

Present

Monday
5th February 1816.

Andrew Scoble Esq.r
Edward Cliff Gleadow Esq.r
George Stratton Esq.r
} Judges.

EWS
M
GW

Read letter, dated the 6th November last, from the 2nd Judge on Circuit in the Western Division, - submitting his proceedings in case No 35. on the Circuit Calendar for the 2nd Sessions of 1815. -

(Therein No 764. of 1815.)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Law Officers, and the Futwa of the Cazee-ool-Cozzat and Mooftees of the Foujdaree Adalut, confirm the said Futwa of the Cazee-ool-Cozzat and Mooftee aforesaid; and do direct that the prisoners

Bekir Ally.
Ramzee
Khistnya, and
Fokeeracoola

5th February 1816.

be released. — "

(Sent follow^g letter A.)

Read letter, dated the 30th November last, from the 3rd Judge of the Court of Circuit in the Southern Division, — submitting his proceedings in case No 1. on the Supplemental Calendar of the Gaol of Frederickstown for the 4th quarterly Sessions of 1815. —

(Vide entry No 826. of 1815.)

The Court, having maturely considered the proceedings of the Judge presiding at the Quarterly Sessions, the Petition of the Provincial Law Officers, and the Petition of the Corporation Court and Inspectors of the Penitentiary House, confirm the said Petition of the Corporation Court and Inspectors aforesaid, and do direct that the prisoners Borden, alias Devereux Beddon

and

Gotlamm Rhodeen

be released [illegible]

(Sent follow^g letter B.)

5. February 1816

The Court consider it incumbent upon them to record some observations upon the proceedings in the forgoing case. —

By N.1. of the Magistrates proceedings, after the copy of the indictment, is the following remark. — "The Magistrate "has had informations made out by the "informers of all the offences they know "each of the prisoners and placed among "the papers, the perticulars of which infor- "mations the Judge on Circuit may examine "in as far as it may appear necessary; "and it is hoped that the result will be "that each prisoner may be considered "a Passenger and a dangerous character, "and his case to come under the letter "part of Clause Sixth, Section II. Regulation "XV. A. D. 1803; and that directions will "be given that each prisoner be not "released until he give sufficient "bail for good behaviour and appearance "when required". — And causing by the depositions of the Witnesses in N.13. are followed by what is called "Copy "of the information of the Informers". These informations are not at all connected with the charge on which the prisoners were committed to take their Trial before the Court of Circuit;

5th February 1816.

[illegible] words [illegible] loaded with matter altogether irrelevant to the case.

And what is the object for which this extraneous matter was submitted to the judge of Circuit? "It is "hoped, says the Magistrate, that the "result will be that each prisoner may "be considered a Passenger, and a "dangerous character, — and that "directions will be given that each prisoner "be not released until he give satis- "factory bail for good behaviour & "adherence when required." A British Magistrate, therefore, hopes that the wild, incoherent, unconnected ravings of wretches, — who confess themselves guilty of crimes for the deepest die, and whose only hope of pardon rests upon their criminations of others, — may without the shadow of collateral evidence for any sort have the effect of stigmatizing for ever the character of their fellow ~~subjects~~ creatures, and of subjecting them to the hardship of finding security for good conduct in a place where they may be utterly unknown, or of ~~[illegible]~~ ~~[illegible]~~ or by their

5. February 1916. -

in prison for an indefinite period.
The hope expressed in the passage above-
quoted is unbecoming the character of
a Magistrate; and the principle upon
which it is grounded is altogether
repugnant to justice. -

N. 10. - which should contain
the names of the witnesses on the part of
the prosecution, is blank; - and in N. 12.
it is stated that "copy of the recognizance
"of the witnesses is not furnished, nor
"having been taken, as they are then
"sworn informers; - and N. 13. is headed
"Copy of the examination of the Prosecutin
"Witnesses," and it contains the depo-
sitions of the informers Mooberick
and Charles Cox, and of the Witness
Nanjapen, - followed, as stated
before, by what is called "copy of the
"information of the informers." -
It is extraordinary that these informers
should not have attended the Convention
of the Judge who presided at the
trial. -

The new Officer of the Provin-
cial Court declared the prisoners liable
to Transportation on the grounds that they were

5th February 1816

not free from suspicion; as the Judge who presided at the trial asked to what punishment the prisoners would be liable, if the two Witnesses Mostwick and Cooley, whom had not been accessories to the crime charged against the prisoners &c. The Court are not aware of any Regulation which could warrant the Judge in putting this question.

The Court direct that a transcript of these proceedings be sent to the Judge of the Court of Admiralty for the Northern Division by packet requiring him to communicate such parts thereof as relate to the Magistrates' proceedings. ~~to the Magistrates in the Gaol of Salem~~ ~~[illegible]~~ —

(Sent following Packet. C)

Read letter, dated the 20th Ultimo, from the 2d Judge of Circuit in the Northern Division, transmitting copy of the Commissioners Calendar for the 1st Sessions of 1816.

(Vide Letter No. 64.)

The Court direct that the

5th February 1816

Judge he by precept commanded to
send up persons and papers which
by the proceedings in case No 3. - Ramier
versus Coates, and in case No 4. - Ha-
repeth Moody versus Montemark. -

Return to this precept to
be made within six weeks from and
after the receipt thereof. -

(Sent to Mr Sheriff D.)

GDS

AJ

GW

5th February 1816

not free from suspicion; as the
Judge who presided at the trial asked
to what punishment the prisoners
would be liable, if the two Witnesses
Mosterick and Bailey, whom had not
been accessories to the crime charged
against the prisoners &c. The Court
are not aware of any Regulation which
could warrant the Judge in putting
this question.

The Court direct that a Copy
of these proceedings be sent to the 3rd
Judge of the Courts of Circuit for the
Southern Division by first packet requiring
him to communicate such parts thereof
as relate to the Magistrates proceedings. ~~to the Magistrates~~ ~~in the Gaol of Salem~~ —

(Sent following Packet C)

Read letter, dated the 20th
Ultimo, from the 2d Judge of Circuit
in the Southern Division, transmitting
copy of the Commission Colonel Fenwick
the 1st System of 1816.

(Vide Order No. 64.)

The Court direct that the

5th February 1816

Judge hereby precipt commanded to
send up persons and Original papers of
the proceedings in case No 3. - Ramier
versus Coates, and in case No 9. - Ma-
rapeth Mowday versus Montemant. -

Return to this precipt to
be made within six weeks from and
after the receipt thereof. -

(Sent following Precipt D.)

GCS

AA

GH

F. 16.

At a Court of the Foujdaree Udalut.

Present

Tuesday
6th. February 1816

Andrew Scott Esqre.
Edward Croft Greenway Esqre. } Judges.
George Stratton Esqre.

Read return dated the 27th. May last from the Magistrate in the Zilla of Chingulpet to the Courts precept of the 17th. May - directing him to submit an explanation respecting the three convicts named Vengasheray Royamoo Korikal Villoodedala Coopen and Coorches Kondra Nairoo.

/ Here enter No. 395. /815

Read letter dated the 22d. Ultimo from the Judge on Circuit in the Western Division - reporting his arrival and the commencement of the Sessions at Mangalore

/ Here enter No. 54. /

Read return dated the 22d. Ultimo from the Court of Circuit in the Northern Division - to the Courts precept of 30th. October last - stating that the Trial therein mentioned has been furnished to the No. Judge now on Circuit

6th February 1816.

Circuit for the purpose of completing the same.

/ Rec'd enter No. 56 /

Read letter dated the 29th Ultimo from the Magistrate in the Zilla of Chittoor with list of convicts sentenced at the 1st Quarter Sessions of 1816. to banishment to other Zillas.

/ Rec'd enter No. 59 /

Read letter dated the 29th Ultimo from the 2d Judge of Circuit in the Southern Division. Reporting his arrival, and the commencement of the Sessions at Verdachellum.

/ Rec'd enter No. 63 /

Read letter dated the 30th Ultimo from the 1st Judge on Circuit in the Southern Division Reporting his arrival at Nellore.

/ Rec'd enter No. 62 /

Read letter dated the 1st Ultimo from the Magistrate in the Zilla of Combatore with blank lists of convicts sentenced to transportation and banishment

/ Rec'd enter No. 65 /

Read the following letters from the Magistrates of Canara, Tinnevelly, Guntoor, Combaconum, Coimbatore Bellary, Seringapatam, Cuddapah, Verdachellum, Cochin, Chingleput, Nagapatam,

6th February 1816.

Vizagapatam, Masulipatam, Trichinopoly,
North Malabar, South Malabar, Salem,
Madura, Rajahmundry, Chittoor & Tellore, with Report of
prisoners for the Month of November.

/ Here enter Nos 834, 838, 840, 845, 847, 848, 849,
852, 853, 858, 860, 863, 865., 866 & 868 of 1815. & 3, 6, 9, 18, 29, &
41. of 1816 — / s

Read letter dated 29th Ultimo — from the
Court of Circuit for the Centre Division — Transmitting Extracts of
their proceedings relative to the Conduct of the Magistrate of Chingle-
-put.

Here enter No 61.

Ordered that the foregoing letter do lie on
the Table —

F. U.

At a Court of the Fanjidarra Adelat.

Present.

Thursday
8th February 1816. —

Andrew Scott Esq.r ——
Edward Crofft Greenway Esq.r — } Judges.
George Stretton Esq.r ——

Read letter, dated the 20th December last, from the 1st Judge on Circuit in the Southern Division, — acknowledging his proceedings in case No. 1. on the Finnewelly Calendar for the 2nd Session 1815. —

(Here enter No. 84. 1815.)

The Court, having returned & considered the proceedings of the 1st Judge of Circuit, the Fiscal of the Provincial Law Officer, and the Fiscal of the Cazee-adawlut Cooseet, and Mooftee of the Fanjidarra Adelaut, confirm the said Fiscal of the Cazee-adawlut Cooseet and Mooftee opinion, and under the discretion granted by the sentence of Bokobut do adjudge the prisoner

Peryaskoody

to suffer death by being hanged at the usual time and place

8th February 1816.

Execution.

(Sent following letter A.)

Read letter, dated the 6th December last, from the 2nd Judge of Circuit in the Western Division, — submitting his proceedings in case No 17. on the Calendar of Sentences for 1815. —

(Vide entry No 826 of 1815.)

The Court, having maturely considered the proceedings of the Judge of Circuit, the Letter of the British Law Officer, and the Letter of the Legal Council and Members of the Provisional Cabinet, confirm the said Letter of the Legislative Council and Members aforesaid; and do direct that the prisoners

Tottinguel Memod,
Tottinguel Moideen,
and
Chelilepadichel Thoney Moideen.

be released. —

(Sent following letter B.)

18th February 1816.

Rec'd letter, dated the 16th De

Members

W H

The Court do adjourn until on

F. 46

At a Court of the Magistrates Holden at

Tuesday
20th February 1816. present.

Andrew Nesbit Esq.r ——
Edward Croft Greenway Esq.r —
George Stratton Esq.r —
} Judges. —

Read return of the Ist Judge of the Court of Circuit in the Salem Division to the precept of the 18th December last, — requiring him to commit to the Magistrates of Salem as extract from the Courts proceedings relative to case No. 30. on the Salem Calendar for the Second Sessions of 1815. —

(See entry No. 83.)

In the case above-mentioned the prisoners were charged with having, about sixteen years ago, murdered four persons, whose names are unknown, near the village of Marblehead, and with having robbed them of about 300. Rupees, their clothes, and other property. —

The Court remarked that they could not discover any evidence to justify the Magistrate in committing the prisoners to take their trial

before the Court of Limits and this remark was followed by various observations, which the Court on an attentive consideration of the proceedings deemed it their duty to record. —

In returning the precept issued to him by the 1st Judge of Limits the Magistrate expresses his hope that he may be allowed to give some explanation respecting the circumstances whereon "they (the Court of Magistrates & Freeholders) have ameliorated in their proceedings of the 18th December 1815; and he goes on to comment upon the observations of the Court in a manner similar to that which was brought to the notice of the Right Honble the Governor in Council in the Court's proceedings of the 17th August last. —

The illegality of the measures which led to the apprehension of the prisoners in this case, together with many others charged with the crime of Treasonable practices, was pointed out in the Committal of the 16th May last. The committed prisoners recommended to take their trial on the ground of no other evidence than the declarations of three, which

contained the more detailed, circumstantial statement, - couched nearly in the same words, - that they in conjunction with the prisoners and others, in all fifty persons, murdered five merchants on their way from Seringapatam near a hill and in attempting to effect their escape from the latter place were pursued at the distance of two or three miles from Chullapandi &c. and robbed them of 300 Rupees. - There was no circumstance of the Defendants being in any manner concerned to the circumstances attending the commission of the crime; and the only attempt made to corroborate the statement of the informers was the sending of one of them to search for the dead bodies. - He returned, however, without finding them, and he assigns as the reason for their disappearance that they might have been carried away by the inundations of the water, as they were buried in a watercharnel. -

Under any circumstances, statements of this general nature, given by persons whose only hope of safety rested on their criminating others, could scarcely warrant a commitment for trial, but if the illegal measures taken for the apprehension of the prisoners,

* and unsupported by a little if any direct evidence

and the unauthorized manner in which the informers were admitted in the first instance he considered it will be sufficiently obvious that the Magistrate was not justified in committing the prisoners. The Magistrate, indeed, seems not to have had the slightest expectation of their conviction; but with the view that each prisoner might be considered "a Prosecutor and a dangerous character" and that none of them might be released without bail, he subjoined to the evidence that he calls "Information made out by the informers of all the offences "they knew against each of the prisoners". Exclusively, therefore of the evidence, such as it is, in support of the particular charge upon which the prisoners were to be tried, these characters were to be effected, - such at least was the intention of the Magistrate, - by accusations not communicated to them, and against which, therefore, they could not offer any defence. It is difficult to conceive a, broadly more unwarrantable object. The Magistrate, it is true, remarks that "the practice of receiving [illegible]

20th February. 1816.

"Eighty or persons of [illegible] character"; & the prisoners in question are, the greater part of them, inhabitants of Mysore, Bellary, & Cuddapah, and must therefore be supposed unknown at Salem; and even if they were known, the manner in which the Magistrate has proceeded against them is unhappily calculated to confirm [illegible] & to [illegible] the character of the innocent & confound in them with the guilty. & require that under these circumstances would be to subject the prisoners to perpetual confinement.

upon the disrespectful tone of the Magistrate's return the Court will not offer any remark, but it is their duty to notice the Magistrate's intention, as manifested by this return, to persevere in a course of proceeding which they have pointed out as reprehensible, & which must lead to consequences of the most dangerous nature.

Read also return of the Magistrate of Salem to the Court's precept of the 8th December last, requiring him to issue orders to the several officers of police within his jurisdiction not to make in future

20th February 1826

[illegible] of pardon to persons whom
they may apprehend.

(Senate No 84.)

The Magistrate returns that
he has issued orders to the several Police
Serjeants particularly to inform the
officers under them power to make un-
conditional offer of pardon to persons
whom they apprehend, but in all cases
where a disclosure may be offered under
the hope of being thereby exempt from
punishment to inform the person
willing to make such disclosure
that the determination of ultimately
rests with the Magistrate and his
superiors respectively upon a con-
sideration of the circumstances of
the case, and will not be rendered
incumbent on the Magistrate to
comply with what that the Solicitor
Advocate will recommend
positive abandonment of the Ma-
gistrates modification of
Advocate for withholding
the pardon forbidding Advocate
or would in a great

24th February 1816 + cut off from the public one of the
"few cases there are, first, of direct
"wrong by whom depredations are
"committed, secondly, of creating
"distrust among offenders, and
"thirdly of screening the offences from
"punishment."

The foregoing return exhibits a wilful disobedience of the positive orders of the Court, and an attempt to vindicate the propriety of such disobedience. The Magistrate has therefore rendered himself liable to be suspended from office by the Court of Vice Admiralty under the authority vested in them by section XXIV. Regulation VIII. of 1802; but the Court resolve to refer the whole of the papers connected with the object of this proceeding for the consideration of the Right Honorable the Governor in Council.

+ The Court report that in submitting these papers they are compelled to express a sense of the misconduct of the Magistrate but the Court respectfully recommend that the case of Mr. Gregory in the instances referred to in the minutes be a

26th February 1816

26 February 1816 The Justices of the Provincial
Court of Appeal and the Justices
of the Inferior Court of Common Pleas
of the Province of Nova Scotia, do confirm
the said Sentence of the Court
of Escheats and Justices aforesaid,
and do adjudge the Prisoner
Peter Sweeney
to be imprisoned and kept
to hard labour in irons on the
the public roads or other public
works, for and during the
period of two years.—
And following Letter
(Here enter C)
Read Letter dated
2nd Judge at Cornwallis
Western Division, transmitting
his proceedings held in Court
No 5 of the General Calendar,
in the 2nd Session of 1815.
(Here enter No 727 of 1815)
The Court having
maturely considered the proceedings
held before the Judge on
Circuit, the Sentence of the Provincial
Court of Appeal and the Sentence
of the Court of Escheats and
Justices of the Inferior Court of
do confirm the said Sentence
of the Court of Escheats and

20th February 1816.

[illegible] heads of judgment [illegible]
[illegible] which they have to take of executing.

W

The Court direct that the
record of the trial No 30. on the Colen
Calendar for the Second Sessions of 1815,
No 83. for return of the 1st Judge of Limerick in
the Southern Division to the Counties pre-
sent of the 18th December last, the
No 758. of 1815. letter from the Magistrates of Colen
dated the 4th November last, and
No 84. the Counties precept of the 8th De-
cember last, together with a state
of their proceedings - be sent to
the Secretary to Government in the
Judicial Department with a request
that he will submit the same for
the consideration of the Right Hon-
ble the Governor in Council -
and following letter
(Secretary A.)

Ay

F. C.

Mon. Court of Pleas & Quarter Sessions held at Bedford

Present

Monday 26th February 1816

Andrew Scott Esqr
Edward Capt Greenway Esqrs } Judges.
George Stratton Esqr

Read letter, dated the 5th August last, from the 1st Judge of Circuit in the Western Division, transmitting his proceedings held in case No 3 of the Sun the Malefactors Calendar, for the 1st Session of 1815. (Here enter No 566 of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit in the future of the Negro Woman, and the future of the Negro Girl Mary at and Mistress of the said Negro Woman Hannah, do confirm the future aforesaid, and adjudge the Prisoner the said Mary to be

1st hung
2d Forty Stripes,
3d Nineteen Forty, and
4th Twenty days

do direct that they be executed accordingly.

Sent following letter.

(Here enter A)

Read letter dated

26th February 1816

9th October Court from the 2nd
Circuit in the Northern
District, transmitting his proceed-
ings held in Case No 3 of the Regis-
ter Docket Calendar for the 2d Septr
Term 1815

(Here enter No 209 f 1815)

The Court having maturely
considered the proceedings held
before the Judge on Circuit, the
petition of the Prisoner Lee
officer and of the petition
Cayce at Compact and the Affida-
vits of the Petitioners Witnesses, as contain-
the said petition of the Cayce
& Compact and Affidavits aforesaid
read, ordered that the Prisoners
be discharged out of Custody,
& that the Sheriff of the County
of Cumberland do forthwith
cause the said Prisoners to be
brought into Court for that
purpose

(Here enter B)

Read Petition & Affidavits
the 10th October Court from the
3d Judge on Circuit in the Eastern
District, transmitting the proceed-
ings held in Case No 48 of the Register
Calendar for the 2d Session of 1815.

(Here enter No 48 f 1815)

The Court having
maturely considered the proceed-
ings held before the Judge on Circuit,

26 February 1816 The Sentence of the Provincial
Court of Oyer and Terminer
of the Peace of Conjoint & Misdemeanors
of the Province Aforesaid, do confirm
the said Sentence of the Court
of Conjoint and Misdemeanors aforesaid,
and do adjudge the Prisoner
Teera Swamy
to be imprisoned and kept
to hard labor in irons in the
Gaol public works or other public
works, for and during the
period of two years.—
Gaol following Letters
(Here enter C)
Read Letter dated
2nd Judge of Circuit Court Eastern Division, transmitting
their proceedings held in Cutchery
No 5 of the Fauna Calendar,
in the 2nd Sessions of 1815.
(Here enter No 727 of 1815)
The Court having
maturely considered the proceedings
held before the Judge of
Circuit, the Sentence of the Provincial
Court Officer and the Sentence
of the Court of Oyer and
Terminer of the Province Aforesaid,
do confirm the said Sentence
of the Court of Oyer and

26th February 1816.

9th October Court from the 2nd Circuit in the Northern Division, transmitting his proceedings held in Case No 3 of the Rajah Sunday Calendar in the 2nd Septr of 1815

(Here endorsed 209 of 1815)

The Court having maturely considered the proceedings laid before the Judge on Circuit, the testimony of the Provincial Law officer and of the Interpreter in Court and the Confession of the Prisoner Elizabeth, the Court confirm the Sentence passed by the Judge on the Prisoner, and order it to be carried into execution

1st Wednesday Provincial

2nd Letter Pulo Penang

to direct there proceedings to be sent forthwith to Bengal

(Here enter B.)

Read a Letter dated the 14th October last from the 3rd Judge on Circuit in the Northern Division, transmitting his proceedings held in Case No 48 of the Rajah Calendar in the 2nd Session of 1815.

(Here enter No 210 of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit,

26 February 1816 The petitions of the Provincial
Gaol Officer and the petitions
of the Jurors at Cayo & Stann
Creek Belize, to confirm
the said Petitions of the Cayes
& Corozal and Monkey aforesaid,
and to adjudge the Prisoners
Teera Swasey
to be imprisoned and kept
to hard labor in irons in the
Public roads or other public
works, for and during the
period of two years.—
Said following letter
(Here enter C)
Read Letter dated
2nd Judge in Criminal
Western Division, transmitting
his proceedings held in Cause
No 5 of the General Calendar,
in the 2nd Sessions of 1815
(Here enter No 727 of 1815)
The Court having
maturely considered the proceedings
held before the Judge in
Circuit, the petitions of the Provincial
Gaol Officer and the petitions
of the Cayes & Corozal and
Monkey Bay Residents Belize,
do confirm the said petitions
of the Cayes & Corozal and

26th February 1816

Masters aforesaid, and it is
Direct that the Prisoners
1st Broderick
2nd Cotter, and
3d Brodrick
be released, on finding security
for their future good behaviour
& appearance when required for
during the period of twelve Calendar
months.

~~And Forthwith Cotter~~

(Here enter B)

Read Letter dated
14th October last, from the Sheriff
transmitting his Presentment
held in Dec. 1815 of the Cavan
Calendar in the 56th Year of
1815.

(Here enter No 118 (5))

The Court having
maturely considered the Presentment
held before the Judge on Circuit by
the Jurors of the County of the
Town of Cavan and the Jurors of the
County at Large and Magistrates of
of the County aforesaid, do
confirm the said Presentment of
the Jurors of the County at Large
Magistrates aforesaid, except
as regards the Presentment
of 1st Grievance D

2. Fo 16.
26. February 1816

do direct that they be released accordingly.

Sent following letter
/Here enter E/

Read letter dated the 17th October last, from the 2nd Judge in Circuit in the Western Division, transmitting his proceedings held in case No. 6 of the Cayuga Calendar, in the Sessions of 1815.

/Here enter No. 730 of 1825/

The Court having considered the proceedings had before the Judge on the petition of the Provincial Law Officer in the matter of the Cayuga of Coggnawaga and Mohawks of the Bay of Quinte Eldadict, do confirm the said finding of the Cayuga of Coggnawaga and Mohawks aforesaid, and do direct the Prisoners aforesaid

1st Aptia
2d Aleiya, do
3d Padeos

be discharged accordingly.

Sent following letter
/Here enter D/

26th February 1816

Read again letter dated the 1st May last, from the 1st Judge in Council in the Northern Division, transmitting his proceedings held in case No 8 of the Register Calendar, in the 1st Session of 1815.

(Here enter No 354 of 1815)

Read also return, dated the 2nd November last, from the 2nd Judge of Council in the Northern Division, to the Court's precept of the 12th June last, transmitting the additional evidence required by the foregoing Precept, with the exception of that of one Peter who was unable to attend from indisposition.

(Here enter No 770 of 1815)

The Court having maturely considered the whole of the proceedings held before the Judge in Council, the petition of the Provincial Law Officers and the petition of the Legatees of Cosgrave and Thompson of the Province of Ladak, do confirm the said sentence of the Court of Cosgrave and

26th February 1816

Masters aforesaid, and
acquitting the Prisoner
Sookah Chinniah
do direct that he be
released accordingly.
Last following Letter
/Here enter B/

Read Letter dated the 9th Instant
from the Register to the Court of Circuit on the
Western Division - transmitting copy of Letter from
the Magistrate of South Malabar on the subject
of the reference made by the Circuit Court on 5th
April last

/Here enter No 88/

It would appear, from the foregoing
copy of a Letter from the Magistrate of South Malabar
that he is still in doubt whether he should
consider the Reward of 100 Pagodas distributed by
him on the occasion of the death of the noted Free
booter, Moorkontodeel Kootoo, as sanctioned by the Judges
of the Sudr Foujdaree Adalut.

The above disbursement was authorized
by the Court, under the provisions of Section XII, Regn
VI A. D. 1811, in their Proceedings of the 13th December
last; wherein they recorded their sentiments in
favor

26th February 1816

power of the other members to recommended by the Court of Account for the Western Division in their Registered letter of the 8th of last Instant. The foregoing Proceedings was submitted for the consideration of the Right Honble the Governor in Council, and copy of the answer Received from the Judicial Secretary to whom was transmitted to the Board Court on the 9th Instant; but the Court omitted to transmit at the same time, extract from their Proceedings of the 13th December, conveying their sanction to the Disbursement of 100 Rupees, made by the Magistrate of South Malabar.—

Ordered, therefore, that with this Proceedings, together with such part of the Proceedings of the 13th December as relates to the above disbursement, be transmitted to the Court of Account in the Western Division, to be by them communicated to the Magistrate in the Zillah of South Malabar, for his information and guidance.

Sent following letter

To Messrs. [illegible]

Read the letter dated the 9th Instant from the Register to the Board of Revenue for Western Division, forwarding, under instructions, an extract from the Proceedings of the

No. L. 16.

26th February 1816. Darogha of Angadipooram, from 15. to 25. Pagodas monthly.—

/Here enter No. 90/

In the foregoing letter the Court of Circuit remark, with reference to their letter of the 8th April last, regarding the Darogha of Angadipooram, and to the letter from the Judicial Secretary to Government under date the 22d December last, that they were only withheld from supporting the Recommendation of the Magistrate of South Malabar for an increase to the Salary of the aforesaid Darogha by the "consideration that an arrangement for placing "the Police establishment on a new footing was "shortly to have effect," and they proceed to submit it as their opinion that "should it not be "under the contemplation of Government to carry "such a measure into execution," the Salary of the Darogha of Angadipooram should be increased from 15 to 25 Pagodas, as proposed by the Magistrate.

The Court entirely approving of the increase proposed by the Magistrate of South Malabar, resolve to recommend that the Right Honourable the Governor in Council

26th February 1816 Council may be pleased to authorize the grant to Kajatara Komen Daiogha of Angadipooram of an increased allowance of 25 Pagodas a year as mensem, as a reward for his meritorious conduct in apprehending disturbers of the public peace in the Tillak of South Malabar

Ordered that extract of these proceedings, together with the foregoing letter be transmitted to the Secretary to Government in the Judicial Department, and that he be requested to submit the same for the consideration of the Right Honourable the Governor in Council.

Sent following letter

/ Here enter /

Read letter dated the 1st Instant from the Magistrate in the Tillak of Bellary with Register of proclaimed offenders for January

/ Here enter No 72 /

Read return dated the 31st ultimo by the Court of Circuit in the Western Division to the Courts Receipt of the 27th December last certifying the communications to the several Magistrates of the receiving fouls of the Extract of Proceedings transmitted with the

26th February 1816 The foregoing Precept

/Here enter No 73/

Read Letter dated the 3d

Instant from the Magistrate in the Zilla

of Salem With Register of proclaimed

offenders for January -

/Here enter No 74/

Read Letter dated the 3d Instant,

from the 1st Judge on Circuit in the Western

Division - Reporting the completion of the

Jail delivery at Mangalore and his intended

departure for the Zillah of South Malabar

/Here enter No 76/

Read Letter, dated the 5th Instant

from the Magistrate in the Zilla of Nigagapatam

With return of proclaimed offenders for January

/Here enter No 77/

Read Letter, dated the 8th instant

from the Magistrate in the Zilla of Tondachellum.

With blank list of Convicts sentenced to

transportation or Banishment

/Here enter No 81/

Read Letter, dated the 9th

Instant, from the 2d Judge on Circuit in the

Southern Division with returned Warrant

of execution in case No 1 on the Nordachellum

Calendar

26. February 1816

Calendar for the Sessions of 1815.

/Herewith No. 87/

Read letter dated the 8th Instant
from the Magistrate in the Villa of Cumberland
With Report of Prisoners confined under Sentence.

/Herewith No. 89/

Read Petition dated the 15th instant
from and subscribed by Robert Anderson & Seven
Deputy Registers of Conveyances Whitehall

/Herewith A/

D C

J. H.

At a Court of Pujdaree Adalut.

Present.

Monday — Andrew Scott Esqr.

4th March 1816 — Edward Croft Greenway Esqr. } Judges.

George Stratton Esqr.

Read, a letter, dated the
6655 — 2d August last, from the 3d Judge in
H — Circuit in the Central Division, trans-
mitting his proceedings held in
Cutta No 33 of the Cuttack Calendar
Q — for the 2nd Sessions of 1815.
P — (Here enter No 555 of 1815)

Read also Returns, dated
the 19th Jan. last, from the 3d Judge
of Circuit in the Central Division, to
the Court's Precept of the 30th October
last, transmitting his proceedings
held in the foregoing trials, awarded
& suspended by the aforesaid Precepts
& forwarding the Magistrate's return
specifying certain
Precepts ordered to be taken
additional evidence to be taken.
(Here enter No 42 of 1816)

The Court having
maturely considered the whole
of the proceedings held before
the Judge on Circuit, the Petition
of the Provincial Law Officers
the Pleadings of the Vakeels of both
the Parties, & the Papers
and Records of the Pujdaree
Adalut, do confirm the said
Petition of the Vakeels of both

4. March 1816 and Sentences aforesaid, under the Provisions of Section X Regulation VIII A.D. 1802, do adjudge the Prisoner

Pardon to suffer death by being hanged at the usual time and place of execution.

Court following orders

(Recorded 91)

Read letter dated the 13th Ultimo from the D. Judge on Circuit in the Southern Division respecting the arrival of the Court of Circuit at Salem and the commencement of the Sessions

(Recorded No. 91)

Read letter dated the 6th Ultimo from the 2d Judge on Circuit in the Southern Division with copy of the Regulations Colombo 1st Sessions of 1816

(Recorded No. 93)

Read letter dated the 17th Ultimo from the Magistrate in the Pettah of Colombo with list of Convicts arrived at Colombo under Sentence of Transportation

(Recorded No. 102)

Read letter dated the 16th

Ultimo

4 March 1816

4 March Ultimo, by the Court of Circuit in the Southern Division — to the Circular precept of 27th December last, certifying that the requisite parts of the Proceedings entered accompanied the foregoing Precept have been duly communicated to the Magistrates —

/ Recorded in No 105 /

Read letter dated the 20th Ultimo from the Magistrate in the Zillah of Tinnivelly — with Report of Prisoners confined under sentence —

/ Recorded in No 117 /

Read letter dated the 23d Ultimo from the Judge on Circuit in the Northern Division — stating his arrival at Guntoor —

/ Recorded in No 120 /

Read letter dated the 24th Ultimo from the Magistrate in the Zillah of Vedachellum — with Report of Prisoners confined under sentence —

/ Recorded in No 121 /

Read letter dated the 20th Ultimo from the Magistrate in the Zillah of Combaconum — with a Abstract Statement of heinous crimes committed in 1815 and Report of criminal cases depending on 31st December 1815 —

/ Recorded in No 125 /

Read letter dated the 23d Ultimo from the Magistrate in the Zillah of Canara — with

4 March 1816.

With Report of Prisoners confined under Sentence

E.C.S. / Vizagapatam No. 126 / 50

M

R.A.

Read Letters from the Magistrates of the

Zillahs of Madura, Canara, Verdachellum, Bellary, Cuddapah, Tinnevelly,

Guntoor, Trichinopoly, Chingleput, Seringapatam, Salem, Cochin,

Combaconum, Darapooram, Vizagapatam, South Malabar, Chittoor

Nellore, Masulipatam, & North Malabar & Rajahmundry

With Report of Prisoners for December last

(See Nos 21, 27, 28, 31, 32, 33, 35, 36, 37, 49, 51, 52, 52, 69,

71, 75, 78, 98, 102, 13, & 45

F. K.

Act. Court of Common Pleas Adelaide.

Present.

Tuesday
5th March. 1816. -

Andrew Scott Esq.r ——
Edward Wright Gwynn Esq.r ——} Judges.
George Stretton Esq.r ——

Under date the 22.nd November
1814. the several Courts of Circuit were
called upon to report generally upon the
state of the judicial buildings within
their respective jurisdictions, and to
91 submit certain statements respecting
the daily diet of prisoners confined
in the criminal jails. -

The required report and
statements not having been received
from the Court of Circuit for the
Northern Division, it is ordered
that the said Court be by precept
immediately commanded to furnish the do-
cuments in question, and to explain
the cause of their delay in complying
with the instructions of the Court of
Common Pleas Adelaide. -

Return to the precept to be made
within four days from and after

5th March. 1816.

Precept. -

(Sent following Receipt. N.)

No 4

Receipt of the Third Judge of the Court of Circuit in the Western District to the Court's precept of the 5th Instant. - requiring him to communicate to the Magistrates of Salem certain observations on which the proceedings in case No. 4 on the Supplemental Calendar of the Gaol of Tuckerstock for the 4th Quarter Session of 1815. -

(Here enters No. 86)

The Judge certifies that he has complied with the injunction of the precept. -

In their proceedings of the 5th Instant the Court remarked upon the information in the record of the Trial above mentioned certain papers called copy of the information of the informers, as irregular, and the Judge states that he did not consider it irregular because "by Section XIV. Regulation VI. A. D. 1802 "the Magistrate is authorized to exercise "his discretion in adding such other papers "to the several documents specified "therein as he may consider necessary "for the information of the Court of Circuit."

5th March 1816

It is unfortunate that so much
time should be required
for the information of the Court of
Exchequer, such as select to try
causes which is to be tried; that the
persons in this case were to be tried
for a particular act of Treasonable
and that informations of other acts
of a similar nature could not in the
slightest degree tend to establish
that particular act. - The discretion of
the Legislature exercised in the mode which
the judges present seems to consider
allowable under the provisions of the
statute 36th - 7th, in the second of
the two instances, into the second of
which for a particular crime, of
which for a particular charge of
treason altogether different, as
a matter altogether different, as
evidence of persons in the second of a +
tried for murder - In both cases the
[illegible]

+ introduction of the statements made in question can be intended only to advert to the progression of the prisoners general character, and to allow such intention to have effect would be obviously inconsistent with the first principles of justice, inasmuch as the prisoner has no opportunity of defending himself against the imputations which may thus be cast upon

5th March 1816.

~~Objection~~ Exception XXIV Deposition the question in question is sufficiently clear. The documents which the Counsel refers are all that are considered regarded in the case — in a case of perjury for instance a copy of the original instrument would be necessary.—

The Court did not retain N.B. of the Magistrates proceedings because they considered the recognizances of the witnesses in this case to have been necessary, but to point out the inconsistency with N. 10.—

Explanation of the Judge respecting the question put by him to the Law Officer how altogether failed to satisfy the Court of its propriety, and it may be right to observe that the Courts are not authorized to overrule any objection to the competency of a witness except such as are grounded on his religious persuasion.—

Ordered that extract of these proceedings be sent for the information of the Third Judge of the Court of Circuit in the Southern Division.—

(Sent following letter B.)

N 11

S. C.

At a Court of Foujdaree Udalut

Present

Wednesday 6th March 1816. Andrew Scott Esqre
Edward Roft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated the 16th December last from the Judge on Circuit in the Western Division transmitting his proceedings held in case No. 27. of the South Malabar Calendar in the 2d Sessions November No. 846 of 1815

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cageecoles Cazy and Mooftee of the Foujdaree Udalut, do confirm the said Futwa of the Cageecoles Cazy and Mooftees aforesaid, and being of opinion that the murder charged against the Prisoner

1st Chevoonian Seroomber and

2d Pura Chevoonian Seroombers

has not been ~~established~~ proved do acquit the Prisoner

Prisoners of such charges — Under the discretion
vested in them by the foregoing Fiction, the
Court do further direct that the Prisoners
be released —

Sent following letter —

Here enter it /

The Court deem it proper to
communicate to the Judge who presided at
the trial, the following observations which
have suggested themselves on a perusal of the
Record —

The first circumstance which
appears to call for remark is that the
Prosecution have been conducted by the
Brother and not by the Husband of the
deceased Cadet Unmack — It would appear
from the deposition of Tatungul Mowee the
Brother, before the Court of Enquiry that every
active step towards the discovery of the
suspected murderer was taken by this Tatungul
Mowee, and it cannot be collected from any
part of the Record, that any measures or
endeavours were pursued by the Husband of
the deceased.

The Court proceeds to enquire

6 March 1816

inconsistencies and variations in the Depositions delivered by the Prisoners before the Parsha and Magistrate which are sufficient in the opinion of the Court, to destroy the credibility of any part of their story. — Notwithstanding these improbable and contradictory statements delivered by the Prisoners, it was evidently requisite that the Prosecution should have been supported by clear, circumstantial evidence; but in this respect the Court are compelled to remark, the Record is extremely defective. The Prosecutor stated, in the course of his deposition before the Court of Consul, that when he went to his sister's house, "there four days "previous to her death, she was then "complaining of a pain in her head, that on his going there "afterwards, she went to shut a door and "fainted, that afterwards she became ex- "tremely ill, could not swallow any- "thing for 2 or 3 days and then died; he fur- "ther states that she gave no answer "on being questioned "about the cause of "her illness and that her husband did

not

not tell any of the family that he had found the door open on the night she was taken ill. — The witness for the Prosecution, Khanadallie Koollee, states before the Magistrate that he "only saw the face "of the deceased; the neck was swelled on "both sides and the left cheek was also swelled," but that he "did not see any other marks." He adds, that he could not conjecture what "might have been the cause of her death "as only a little swelling was observed." In his deposition before the Board of Council, this witness says "on the 6th of Ed[illegible] "[illegible] May 1815 the Prosecutor's sister "was pregnant and near the period of being "in, her neck had swollen and she was "shouting and crying out, and was thus "indisposed; and she died without being "delivered." — The 2d Witness, Macrae, states before the Magistrate that he "lifted up "the cloth on the corpse and looked at the "face, when he observed both sides of the "neck to be swelled, as also the left cheek; "but that he could not form an opinion "whether she might have died on account "of the marks or not." Before the Board of

Council

Feb.

Dan'l Hill

Samuel Mc Donald Sworn before Thos. after her death,
at the Village examined Jno Jones when
they found that her neck had swollen, and
of fingers appeared on it. Jno Bd Witness,
Jno Bd Witness, deposes both before the Magistrate
and the Board of Council that he saw
the two sides of the neck and the left
cheek or temple swollen, he further
states before the Magistrate that she
dwelling did not strike him as being
in any way connected with the cause
of her death, but, before the Court of Circuit, he adds that he
heard the women who washed the corpse
say that there appeared the marks of a
blow on its breast and on the Ribs. The
Prosecutor also states before the Court of
Circuit that he heard the women say that
there were marks of violence all over
the body, and this is the only evidence on
record with regard to the marks on the
body of the deceased.

The Court, in concluding this
observations, consider it requisite to point out
that

6 March 1816 the questions put by the Judge on Circuit to the Witnesses who attested the Depositions delivered by the Prisoners before the Magistrate, should have been, not merely whether they were present when the Depositions were returned lodged and signed by the Prisoners; but whether they had been present during the whole period of their examinations.— It would appear, indeed, from the answers of the Witnesses, that they were actually present while the Prisoners delivered their declarations, but the Court are satisfied that the Judge who presided at the trial will see the expediency of the modification to which they now advert and to which they called the attention of the Courts of Circuit in their circular proceedings of the 27th December last.—

Ordered that extract of these Proceedings be transmitted to the 2d Judge on Circuit in the Western Division for his information and guidance.—

Sent following letter R.A. Hereunder

Read letter dated the 15th Instant from the 1st Judge on Circuit in the Northern Division submitting copy of the Petition Calendar and stating that the Circuit Court proceeded

to

3. F. 16.

6th March 1816.

to Gunton on the 14th Instant

/ Herewith No. 92. /

In No. 14 of the Nellore Calendar,

a copy of which is submitted with the foregoing

letter, the Prisoner, a Seeranuze Singunnah,

stands charged with having "uttered a forged

"Kuttabutnamah, knowing it to be forged," &

it appears, from the column of remarks, that,

under the fatwa of Cazee but delivered by the

Provincial Law officer, the Prisoner has

been "sentenced to be marked on the forehead

"with the word "Liar" in Gentoo characters &c."

As the Prisoner in this case is

charged with uttering a forged paper, knowing

it to be forged, the Court do not see with

what propriety he could be sentenced to a

punishment which is intended for the exposure

of such persons as may be convicted of the

crime of Perjury. They deem it requisite, of

therefore, to call for the Proceedings of the

Judge on Circuit in the foregoing ~~case~~ case,

under the Provisions of Section XVII Regn. IV

A. D. 1811.

Ordered that extract of these

Proceedings be transmitted to the Judge

on Circuit in the Northern Division, by

Precept

6th March 1816 Precept commanding him to forward his proceedings in case No 14 of the Nellore Calendar for Sessions 1816, with as little delay as possible

Sent following Precept

/Here enter 6/

Read letter dated the 13th ulto from the Judge on Circuit on the Centre Division, with copy of the Cuddapah Calendar for Sessions 1816.

/Here enter No 95/

On examining the Cuddapah Calendar, copy of which is submitted with the foregoing letter, the Court remark various instances in which the Judge on Circuit has passed a sentence of imprisonment without irons and without hard labour.

In many of these cases, the Prisoners are convicted of theft to a considerable amount, and, where the amount may appear comparatively small, it is to be presumed that, under the powers vested in the Zilla Magistrates by the provisions of Section XII Regulation IV A D 1811, the Prisoners would not have been brought before the Circuit Court unless these thefts had been attended with some aggravating circumstances or unless the offenders had been persons of notorious bad character.

In case No 33, the Prisoner, Shaik Mullock, is charged with "forging & counterfeit Rupees" and

convicted

convicted of fraud under the Fatwa of the Provincial Law Officer, is only sentenced to six months imprisonment, "without irons & without "hard labour," though it would appear that the same Person had been formerly punished with three years' imprisonment for "coining "as well as uttering." — The same punishment, with the addition of the stripes of the rattan, is adjudged against the prisoners in case No. 56, who are convicted of having stolen money to the amount of "three hundred Rupees" and a similar sentence is pronounced in case No. 31, where the Prisoner is convicted of having stolen property from his Master to the amount of 82 Rupees.

The Court do not consider it necessary to specify the other instances in which the Judge on Circuit has passed a sentence of imprisonment without irons & without hard labour, but they deem it incumbent upon them to remark that, in the cases which they have now been called upon to notice and in almost every instance wherein a sentence of imprisonment may be passed by a Court of Circuit two

sentence

Sentence must be wholly negatived unless it be accompanied with hard labour and irons during the term of imprisonment — That cases may occur in which, considering the rank or circumstances of the person convicted, imprisonment may be considered a sufficient punishment, the Court are not prepared to dispute; but they are fully impressed with the conviction that the mode of procedure which has been adopted by the Judge must, when considered with reference to its general operation, eventually tend rather to the encouragement than to the suppression of offences —

Before they conclude these observations, the Court consider it requisite to advert to No 13 of the foregoing Calendar where the Sentence is recorded as follows — "Same Sentence as in No 11, to the 2 first "Prisoners, they being the same Prisoners and "one years imprisonment on Lutchergaendos the "3d Prisoner." The Sentence entered in No 11 is for 1 years imprisonment in irons and with "hard labour;" and as Lutchergaendos would appear to have been convicted of the same degree

6th March 1816

degree of criminality as the two first Prisoners, in case No 13, the Court conclude that he has been also sentenced to hard labour and irons, though it is not so specified in the Calendar.

Ordered that extract of these Proceedings be transmitted to the Sr. Judge in the on Circuit, Centre Division for his information and future guidance

Sent following Letter

/Recr enter D./

M

R. J. / Read Oath dated the 19th ultimo

before and subscribed by Mr Charles Fullerton, as

acting Magistrate of the Settlement of Longwood

before the Lower Prince Judge of the Court

/Recr enter A/

1.

I. C.

At a Court of Vice Admiralty

Present

The Hon.ble Andrew Scott Esq.r

Monday Edward Croft Greenway Esq.r } Judges.

14th March 1816. George Stratton Esq.r

Read Letters dated

the 13th Sept.r last from the 3rd Judge

in Circuit in the Centre

Division, transmitting the

C.C.G proceedings held in Case

No 12 of the Cuddapah Calendar in the

2nd Session of 1815.

(Here enter No 646 of 1815)

The Court having

maturely considered the proceedings

held before the Judge in

Circuit, the Petition of the Provincial

Law Officer and the Petition of

the Cazee at Coojat & Moofties

of the Fry Havee Talaluk, do

confirm the said Petition of

the Cazee at Coojah and Moofties

aforesaid, and acquitting the

Prisoner, Boostum Khan,

do decree that he be released

accordingly.

11th March 1816.

Read letter, dated the 3rd of October last, from the 3rd Judge on Circuit in the Centre Division, transmitting his Proceedings held in Case No 13 of the Cuddapah Calendar, in the 2nd Sessions of 1815.

(Vide order No 696 of 1815)

The Court having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ul Cozāt & Muftee of the Zillah Adalut, do confirm the said Futwas of the Cazee ul Cozāt & Muftee aforesaid, and acquitting the Prisoner,

Rustum Khan,

do direct his release accordingly.

Ordered the following letter

(Vide order A)

Read letter dated the 18th of October last, from the late 3rd Judge of Circuit in the Western Division, transmitting his Proceedings held in Case No 4 of the South

11th March 1816 - Malabar Calendar, on the 3rd
Quarterly Sessions of 1815.

(Here enter No 730 of 1815)

The Court having
maturely considered the
proceedings held before the
late Judge of Circuit, the
Fatwa of the Tillo Mooftee
and the Fatwa of the Cazee
of Cogas and Mooftees of
the Tanjore Zillah, also
confirm the said Fatwa
of the Cazee of Cogat and
Mooftees aforesaid, and do
acquit the Prisoners
accordingly

Ordered by the Court that
the Register do direct that they be
released accordingly.

Sent following Order

(Here enter B)

E.C.C

C.W

P 16

At a Court of the Zoujdaree Adalut

Present

Monday
5.
18. March 1816

Andrew Scott Esqr.
Edwd. Croft Greenway Esqr.
George Stratton Esqr.

} Judges

11

Read Letter, dated 28. Ultimo from the
3. Judge on Circuit for the Centre Division — with returned
Warrant of Execution N. 18. of the Bellary Calendar —

/ Here enter N. 127. /

Read Letter, dated 24. Ultimo — from the 5
Judge on Circuit for the Western Division — reporting his
arrival at Calicut, where he opened the Sessions on the 24 Ultimo

/ Here enter N. 128 /

Read Letter, dated 28. Ultimo — from the 5. Judge
on Circuit in the Centre Division — Reporting the arrival of the Court
of Circuit at Bellary on the 27 Ultimo —

/ Here enter N. 129 /

Read return dated 29. Ultimo. from the Court
of Circuit for the Northern Division — to the Circular precept of
27. Decr. certifying due execution thereof —

/ Here enter N. 133 /

Read Letter, dated 29. Ultimo. from the 3.
Judge on Circuit for the Northern Division — Submitting
Masulipatam Calendar for 5 quarterly Sessions of 1816, with
observations thereon, and remarks on the miserable state of the
Jail at Masulipatam —

/ Here enter N. 134 /

18th March 1816.

Read letter, dated 1st Instant from the Magistrate of the Zillah of Salem — With Register of Proclaimed persons for February —

/Vereenter No. 135/

Read letter, dated 2d Instant from the Magistrate of the Zillah of Vizagapatam — With Report of Proclaimed persons for February —

/Vereenter No. 136/

Read return dated 5th Instant from the Judge on Circuit in the Southern Division to the Courts precept of 27th December, certifying that the Magistrate of Salem has been directed to prepare and transmit the translation of evidence required by the foregoing Precept but that his return has not yet been received —

/Vereenter No 137/

Read letter, dated 6th Instant from the Court of Circuit in the Centre Division — With returned Warrant of execution in case No. 8 of the Chittoor Calendar 4th Quarterly Sessions 1815 —

/Vereenter No 141/

Read letter, dated 6th Instant from the Magistrate of the Zillah of Cuddapah — With report of prisoners confined under sentence —

/Vereenter No 143/

Read letter, dated 8th Instant from the Secretary to Government on the Judicial Department — Communicating copies of letters addressed to Messrs Gregory and Forbes directing the former to proceed to the Presidency and the latter to act as Judge and Magistrate of Salem —

/Vereenter No 140/

F 10

At a Court of the Foujdaree Udalut

Present

Friday March 22d 1816. Andrew Scott Esqr. } Judges
George Stratton Esqr

Read letter, dated 4th December 1815 from the
Judge on Circuit in the Western Division. Submitting his Proceedings
in Case No 15 of the Calendar of South Malabar 2d Sessions of 1815

Severenter trial No 328. of 1815

The Court having maturely considered the
Proceedings held before the Judge on Circuit. the Futwa of the
Provincial Law officer and the Futwa of the Cazee.ool. Coozat and
Mooftees of the Foujdaree Udalut. do confirm the said Futwa of the
Cazee.ool Coozat and Mooftees aforesaid and, acquitting the Prisoner
Powakoden Mahomed Kootty, do direct that he be released
accordingly

Sent following letter

Severenter A/

Read letter dated 24th November 1815. from the
Judge on Circuit in the Southern Division. Forwarding Trial No 1
of the 2d Sessions for the Zillah of Madura 1815

Severenter trial No 816

The Court having maturely considered the
Proceedings held before the Judge on Circuit. the Futwa of the
Provincial Law Officer and the Futwa of the Cazee ool. Coozat and
Mooftees of the Foujdaree Udalut. do confirm the said futwa of
the Cazee ool Coozat and Mooftees aforesaid, and direct that
the Prisoner

Thomy Mootoo

be released, on producing security for his future good behaviour and appearance when required for and during the period of twelve Calendar Months—

Sent following letter

Hereenter B/

The Court deem it necessary to record certain remarks, which have been suggested by a perusal of the proceedings on the foregoing Trial—

It appears from the Magistrates Proceedings that the Prisoner was apprehended on the 10 December 1813. and committed for trial on the 15th July 1814 though he was not brought up for trial before the Court of Circuit until the Second Sessions of 1815— The Court observe, on reference to the Madura Calendars, that the trial was postponed at the 2d Sessions of 1814 on account of the "absence of three material Witnesses" and that it was again deferred at the 1st Sessions of 1815 owing to the "absence of the witness Evoolandy." Now it is stated by the Judge who presided at the trial, in the letter which accompanies the Record that two Witnesses named "Evoolandy and Vencatapetty Naicken were reported absent, but that their evidence was not deemed of sufficient importance to delay the termination of the trial— under these circumstances the Court regret that the Prisoner was not brought up for trial at the 1st Sessions of 1815, when all the Witnesses were in attendance, with the exception of Evoolandy. The discretion vested in the Courts of Circuit by Section XVII Regulation VII A.D 1802 should only be exercised where "there shall appear to them sufficient cause" for postponing the trial, but in the present instance a delay would appear to have taken place owing to the absence of a Witness whose evidence is eventually dispensed with as unnecessary

The Judge presiding at the trial has,

notwithstanding

notwithstanding the repeated injunctions of the Court, entirely omitted to mention in the arraignment, the time when or the place where the crime was said to be committed —

The Court are next compelled to advert to the extreme impropriety of the 2. questions put by the Judge to the 5. and 2. Witnesses. Instead of being couched in such general terms as may bring forth all the information the Witnesses possess, the questions have a direct tendency to suggest a particular answer, and come under the description of those "leading questions" which are expressly forbidden by the Regulations.

The Court cannot conclude without calling the attention of the Court of Circuit to the evidence adduced by the Prisoner with regard to his ill-usage by the Tanadar and Peons, with a view to extort a confession of the crime laid to his charge — The Magistrate should be directed to institute an enquiry into the conduct of the Tanadar and Peons on this occasion, and should it appear, upon investigation, that they used the Prisoner in the manner described, they should be forthwith dismissed from their situations.

Ordered that extract of these proceedings be furnished to the Court of Circuit, by precept, commanding them to communicate the concluding Paragraph, with the requisite instructions, to the Magistrate of Madura for his information and guidance —

Sent following Precept /

Here enter C.

Read letter, dated 8 Instant - from the Secretary to Government in the Judicial Department authorizing increase of pay to the Darogah of Ungadapoor from 15 to 25 Pagodas per mensem to Commence from 5th

ditt

22 March 1816

April last

/ Execution K 144 /

Ordered that [illegible] of the foregoing Letter together with extract from the Courts proceedings of the 26 Ultimo be forwarded to the Provincial Court Western Division for their information & guidance —

Said following Letter

/ Execution D /

Read Letter dated 8 Instant from the Clerk of Circuit in the Southern Division — With returned Warrant of execution in case N 1 of Connaught Calendar 3 Sessions 1815

/ Execution K 145 /

Read Letter, dated 8 Instant from the Clerk of Judge on Circuit in the Western Division — With copy of Calendar, N. Sessions 1816 Gaol Delivery

/ Execution K 150 /

Read Letter, dated 9 Instant from the Clerk of Judge on Circuit in the Northern Division — With copy of Warrant of Case N 4 of the Gaol Calendar for detaining the Prisoners in confinement —

/ Execution K 151 /

Read Letter, dated 8 Instant from the Magistrate of Shellan — With report of Prisoners confined under sentence —

/ Execution K 156 /

Read return, dated 12 Instant from the Clerk of Circuit in the Northern Division to the Courts precept of 5 Instant stating that every endeavour will be used to forward the desired information within the prescribed period and accounting for the delay in forwarding the Report —

/ Execution K 158 /

22 March 1816

Read letter, dated 9th Instant from the Judge on Circuit in the Northern Division - Submitting Copy of the Quarter Calendar and announcing departure of the Court of Circuit for Rajahmundry -

/ Seventeen N. 160 /

R. A.

Read letter, dated 14th Instant from the Magistrate of Salem - With list of Nine convicts who, he submits, might be removed to the Coimbatore Jail -

/ Seventeen N. 163 /

C. W.

F. U. : :1

At a Court of Foujdaree Udalut.

Present

Monday
March 25th 1816

Andrew Scott Esqre
George Stratton Esqr. 2d Judges.

Read letter dated the 16th
October last from the 3d Judge on Circuit in the Centre Division transmitting Copy of a letter from the Magistrate of Bellary and Tusseeldar of the Cumply Talook relative to a horrid system of plunder which has obtained there

Here enter No. 719 of 1815

It would appear from the documents which accompany the foregoing letter that of Thirty persons, inhabitants of the Rajamé dominions, who entered the Company's territories on the 2d of March last, with a view to commit robbery & murder, twenty four were deiged on the night of the 3d owing to the exertions of Ittee Ram Naig and a party of sepoys — These twenty four persons were afterwards tried, together with three, and were convicted at the 2d Sessions held at Bellary in 1815 —

The Court are impressed with a just

full sense of the importance of the Service which has been rendered by Otter Room Ranger and his party and entirely concur with the Judge of Circuit in thinking that such meritorious conduct should meet with an adequate reward; but as the Board are unable, from the papers before them, to form any determination respecting the amount of such reward, they have resolved to call upon the Magistrate of Bellary, thro' the Court of Circuit, for such information regarding the number of persons whom he would recommend for a Remuneration and the sum which he would consider proportionate to their services, as may enable them to authorize the payment of an adequate reward, or to recommend the same for the sanction of Government, as the case may be, under the Provisions of Section XII Regulation VII 1811.

Ordered that instead of these Proceedings be furnished to the Court of Circuit in the Centre Division by Enough commanding them to procure the necessary information from the Magistrate of Bellary and

25th March 1816.

Extract

and to transmit the same with as little delay as possible.

Sent following Precept.

Recenter 4/

Read letter dated the 26th September last from the late Magistrate of Ganjam - Requesting to be informed whether it will be necessary to submit copies of all the proceedings against the Zemindar of Goomsoor to the Foujdary Mdalut.

Recenter No. 694 of 1815/

Mr. Travers the late Magistrate of Ganjam, states in the foregoing letter that "in consequence of Dunoany disturbances, the "Zemindar of Goomsoor, having on several occasions resisted the orders of Mr. Woodcock "the late Judge and Magistrate at this "station, the Zemindary of Goomsoor was "placed under attachment on 13th May "1815." Mr. Travers therein requests to be informed whether it will be necessary for him to "submit copies of all the proceedings "in the Goomsoor business to the Sudr "Foujdary Mdalut," as he entertains doubts "not having passed any judgment on

the

25th March 1816.

"The Complaints preferred against the Late
"Zemindar, how far Clause Sixth, Section II of
"Regulation I of 1810 applies to this case. —

In Clause Second, Section II of
the foregoing Regulations, it is enacted that
where the offender shall be a Proprietor
of land paying Revenue to Government or
"Lakheraj land the Magistrate shall
"declare such lands to be forfeited to Government
"and by a" Precept, under his official Seal &
"Signature, shall immediately give notice to
"the Collector of the District; but it is further
provided, by Clause Sixth, Section II of the
same Regulation, that such judgment must
be immediately reported, with a complete copy
of the Proceedings, to the Court of Foujdaree
Udalut and the orders of that Court be received
before the Judgment be considered final &
conclusive. —

Now it would appear, from
Mr Travers' communication, that the Zemindary
of Goomsoor was placed under attachment in
consequence of a resistance of Process on the
part of the Zemindar, and as this clearly
and expressly provided by the foregoing
Regulation

2°. Fr. 16.
25. March 1816

Regulation that all judgments passed against Proprietors of Land convicted of such resistance, except "in cases not attended "with aggravating circumstances," shall be reported for the orders of the Foujdaree Adalut, the Court resolve to call upon the Magistrate of Goryam to forward the whole of the Proceedings in this case, & according to the provisions of the above quoted Regulation —

Ordered, therefore, that copy of these Proceedings be forwarded to the Magistrate of Goryam, by Precept of commanding him to transmit copy of the Judgment which may have been passed, together with a complete copy of the Proceedings in the foregoing case with the least of possible delay —

Sent following Precept Hereunder B/

Read the following letters from the Magistrates of the Zillas of Canara Vizagapatam, Chingleput, Tinnevelly, Cochin Bellary, Guntoor, Vizagapatam, Madura, Trichinopoly, Cuddapah, Masulipatam, Vizagapatam,

25th March 1816

Seringapatam, Coimbatore, Chittoor, South Malabar, Nellore, North Malabar, Rajahmundry, Combaconum & Salem, with Reports of Prisoners for January last.

/ Here enter Nos 86, 94, 103, 104, 107, 109, 113, 114, 115, 116, 118, 122, 123, 124, 131, 132, 138, 152, 155, 165, & 168 /

Read Letter dated the 26th July last from the 1st Judge on Circuit in the Centre Division transmitting his Proceedings held in case No 12 of the Chittoor Calendar in the 3d Quarter Sessions of 1815.

/ Here enter No 596. 1815. /

The Cazee and Moogaltee Moulvies of the Foujdaree Adalut having in their Futwa on the foregoing case, declared the Prisoner Ram Sing, to be convicted of murder on strong Presumptive proof, the Court, concurring in the conviction of the Prisoner, do, under the provisions of Clause third, Section II Regulation XV A. D. 1803, require the Law Officers to declare by a Second Futwa, to what description of punishment the Prisoner would have been liable, under the Mahomedan Law, if he had

25 March 1816. had been convicted by full legal evidence -

Ordered that extract of these

Proceedings be translated & communicated

to the Law Officers of the Forjdaree

Updated. —

H

A/F

R.A.

2nd [illegible]

F. U.

At a Court of the Fernandina District.

Present.

Tuesday
26th March. 1816.

Andrew Seate Esq.r ——
} Judges.
George Skelton Esq.r ——

Read letter, dated the
Instant, from the Magistrate in the Fields
of Seven, - transmitting his returns of
prisoners for the month of January
last. - (See Returns in No. 168.)

The Acting Judge has under
his direction been authorized and directed
to suspend all proceedings in regard
to minor matters in the
Magistrate's Office shall be brought
up. The Acting Magistrate will proceed
without delay to investigate
the cases which have been left un-
examined by the Magistrate. —

It appears that there are
a great number of women and children
charged with being concerned with
Runaways, but against whom it
does not appear practicable to get
evidence for any crime which is
cognizable under the Ordinance

"Law, but such of them as have not
"friends who will look after them to
"prevent their absconding to join the
"male prisoners still at large
"or kept in restraint, and as their
"male connexions are confined, to
"cut off
"thus as they have no means of gaining
"a livelihood, grain is allowed for
"their subsistence."

The Court know not how
to view the continued confinement of persons
against whom it is not practicable
to procure evidence
sufficient to support a charge
of any crime
Law. - by which the Court understand
meant any crime cognizable by the
Magistrate or the Court of Session
can be punished. The prisoners in
question appear to have been apprehended
on suspicion of being concerned with
Khensagee, a crime which is not well
punishable; but of them is no legal
evidence against them. they are entitled
to be discharged. although the future
if the district should be directed
to exercise an inspection and control
over them as noticed in the 4th para
of the letter from the Secretary to Govt
dated

26 March 1816

in the Judicial Department dated
the 21st January 1816.

It appears that Nicholas
Montmorency and three others, - Nos 83.
to 86 inclusive, - were on the 27th March
1815 apprehended on a charge of re-
sisting the Magistrates process, and
this charge is stated to be "withdrawn
at their own request. 3rd January
1816." - The Court are desirous of
receiving an explanation on this
point. Then on record the charge
stated to be "withdrawn at their
own request," by which the Court
suppose is meant the request
of the parties preferring the charge,
but the Court know not how a charge
of resisting the Magistrates process
can be withdrawn. Resistance to the
process is a public offence, of which
the Magistrate is bound to take notice.

Ordered that a transcript of
these proceedings be sent for the in-
formation and guidance of the
acting Magistrate in the Gaol of
Salem.

(Vide following letter A.)

26th March 1816.

Ordered also that extract be sent for the information of the Court of Circuit in the Southern Division.

(Sent following letter. B.)

Read letter dated 14th March last from the Magistrate in the Zilla of Salem with list of twenty convicts who, he submits, might be removed to the Coimbatore Jail

(Here enter No. 163/5)

With reference to the address which have been issued on this date by the acting Magistrate of Salem the Court do not deem it necessary to take the subject of the foregoing letter into consideration.

R.A.

F 16

At a Court of the Fouzdaree Udalut

Present

Andrew Scott Esqr } Judges.

Wednesday
27th March 1816

George Stratton Esqr

Read letter dated 8th October 1814 from the
Magistrate of the Zilla of Salem enclosing his proceedings in a
case wherein Seveyaw Varradun and others are charged with
resistance to his process—

Sircar No 598 of 1814.

After an attentive consideration of the evidence
and all the circumstances of the foregoing case, the Court are of
opinion that the following eight persons according to the order
in which they appear upon the list of Prisoners Viz.

1st Seveyaw Varradun
4th Ullee apphen
5th Cadamghee Naicken
16th Moyee Swamalay
17th Chinna Appajee Coanden
39th Chengodun
43d Tongulee Couden &
50th Poollee Cutha Coanden

are proved to have been the principal persons concerned in
resisting the Peons who were deputed by the Magistrate
with a Warrant against Seveyaw Varradun and others,
requiring them to appear to answer to a charge which had
been preferred against them for forcibly carrying away property

Under

27th March 1816.

under Distraint—

As it would appear that the abovementioned Persons were foremost in snatching the warrant from the hands of one of the Peons, in destroying the said Warrant and in proceeding to violent measures against the Peons the Court, under the Provisions of Section 3. Regn. I A.D. 1816. adjudge the aforesaid eight Persons to pay ~~each~~ ten Rupees each as a fine to Government, or in the event of their omitting to discharge the fine, to be imprisoned for and during the period of ~~one~~ two Calendar Months—

And the Court do direct that the property of the remaining persons be forthwith released from attachment.

The Court proceed to record their sentiments on the judgments passed by the Magistrate on the foregoing cases—

The measure of punishment would seem to have been determined in every instance, not by the degree of guilt established against the person, but by the numerical strength of the witnesses adduced against them— Thus, according as there may appear five, four or three witnesses, the Magistrate, without adverting in any degree to the extent of participation in the alleged offence which their evidence tends to prove, adjudges a fine of five, four or three eighths of annual Rent, with an eventual commutation to imprisonment for five, four or three Months—

The impropriety of adjudging a punishment, not according to the degree of established criminality, but merely according to the number of witnesses adduced against the parties, is too obvious to require remark—

27th March 1816.

Ordered that Extract of these Proceedings be communecated to the Acting Magistrate, by Precept commanding him to carry the foregoing Sentences into execution —

Sent following Precept

/ Herewith A /

Read letter, dated 6th Instant from the Magistrate of the Zilla of Cuddapah With Copy of letter from the Secretary to Government in the Judicial Department, which acquainted him with the escape from Prince of Wales' Island of 3 Convicts — sentenced in his Zilla and recommending that they be proclaimed under Regulation XIII 1809 and that rewards be offered for their apprehension —

/ Herewith N 12 /

Read also letter, dated 12 Instant from the Magistrate of the Zilla of Cuddapah — Submitting extract from the Annual Return of Madras Convicts, shewing the escape from transportation of Seven persons, for whose apprehension he recommends the offer of a reward, with the issue of a Proclamation under Regulation XIII 1809 —

/ Herewith N 13 /

Annexed to the Copy of the letter from the Secretary to Government in the Judicial Department, which accompanies the Magistrates letter of the 6th Instant, is an extract from a "Return of Convicts transported from this Presidency to Prince of Wales' island," shewing the escape from transportation of three convicts named —

Yanadee Gangadoo

Nursegadoo

Paupadoo.

the first of whom was sentenced to transportation for murder and — he

the remaining two for Contumacy —

The Magistrate submits with his letter of the 12th Instant an extract from the "Annual Return of the Madras Convicts, from the 1st September 1814 to the 31st August 1815" shewing the escape from Prince of Wales' Island of seven other Convicts, Viz —

Anapasay Pedda Obalum,
Anapasay Chinna Obalum,
Sibbendy Chinna Vencatah,
Seelum Vencatah, and
Sungumraugoopully Cumbagherry,

Who were sentenced to transportation for Slander and Slander,

Slogulleegaudoo,

Who was sentenced to Transportation for Highway Robbery and Wounding, and Chinneegaudoo Poolegah, intended, as the Magistrate believes, for Chinneegaudoo Mullaygaudoo, who was transported for Highway Robbery and wounding. —

In his letter of the 6th Instant, the Magistrate states that he has adopted every measure which could be resorted to, under the general authority committed to a Zilla Magistrate, with a view to ensure the re-apprehension of the three first mentioned Convicts, and he submits, for the consideration of the Court, whether it would not be expedient to proclaim these three persons under the provisions of Regulation XIII of 1809 and to offer rewards for their apprehension, to the extent of Six hundred Rupees for Yanadee Gungadoo or Nurseegadoo, and of three hundred Rupees for Saupadoo —

In ~~his letter of the 6th Instant~~ his letter of the 12th Instant, the Magistrate proposes that a reward of one hundred and fifty Rupees should be offered for the —

apprehension

No.

27 March 1816

Apprehension of each of the Seven convicts therein enumerated —

The Court entirely concur with the Magistrate in considering it highly desirable that every practicable step should be taken to ensure the apprehension of these ~~convicts~~ petitioners criminals who, there is reason to believe, have found means to return to these territories and whose return must necessarily be ~~dangerous~~ fraught with danger to the community; but as they doubt how far they are authorized under the Provisions of Regulation XIII A.D. 1809 (which was specifically enacted for the "apprehension of persons concerned in the offence of Gang Robbery") — to sanction the offer of a reward for the apprehension of convicts, sentenced to — transportation for life, who may be suspected of having effected their return to these territories, they resolve to submit the — Magistrates suggestions, for the consideration and decision of Government —

Ordered that extract of these proceedings be transmitted, with the foregoing letters and ~~their~~ enclosures, to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council —

Sent following letter

/ Here enter B /

Read Report dated 5th Instant. from the — Magistrate of the Zilla of Masulipatam. Report of prisoners confined under Sentence —

/ Here enter N. 169 /

Read letter, dated 13th Instant. from the Acting Magistrate of the Zilla of Chingleput — With list of Convicts arrived at Chingleput under sentence of Transportation —

/ Here enter N. 170 /

20.

All
Gff
R.A.

the remaening two for Contumacy —

The Magistrate submits with his letter of the 12th Instant an extract from the "Annual Return of the "Madras Convicts, from the 5. September 1814 to the 31st August 1815." shewing the escape from Prince of Wales' Island of seven other Convicts, Viz^t —

Anapasay Sedda Obalum,
Anapasay Chinna Obalum,
Sibbendy Chinna Vencatah,
Seelum Vencatah, and
Sungumragoopully Cumbaghery

Who were sentenced to transportation for Slander and Slander;

Mogulleegaudoo,

Who was sentenced to Transportation for Highway Robbery and Wounding, and Chinneegaudoo Poolygah, intended, as the Magistrate believes, for Chinneegaudoo Mulloogaudoo, who was transported for Highway Robbery and wounding —

In his letter of the 6th Instant, the Magistrate states that he has adopted every measure which could be resorted to, under the general authority committed to a Zilla Magistrate, with a view to ensure the re-apprehension of the three first mentioned Convicts, and he submits, for the consideration of the Court, whether it would not be expedient to proclaim these three persons under the provisions of Regulation XIII of 1809 and to offer rewards for their apprehension, to the extent of Six hundred Rupees for Yanadee Gungadoo or Nursegadoo, and of three hundred Rupees for Sanpadoo —

In ~~his letter of the 12th Instant~~ his letter of the 12th Instant the Magistrate proposes that a reward of one hundred and fifty Rupees should be offered for the apprehension

2 F W

27 March 1816

Apprehension of each of the Seven convicts therein enumerated —

The Court entirely concur with the Magistrate in considering it highly desirable that every practicable step should be taken to ensure the apprehension of these ~~notorious~~ notorious criminals who, there is reason to believe, have found means to return to these territories and whose return must necessarily be ~~dangerous~~ fraught with danger to the community; but as they doubt how far they are authorized under the Provisions of Regulation XIII A.D. 1809 (which was specifically enacted for the "apprehension of persons concerned in the offence of gang Robbery") — to sanction the offer of a reward for the apprehension of Convicts, sentenced to — transportation for life, who may be suspected of having effected their return to these territories, they resolve to submit the — Magistrates suggestions, for the consideration and decision of Government —

Ordered that extract of these proceedings be transmitted, with the foregoing letters and their enclosures, to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council —

Sent following letter

/Here enter B/

Read Report dated 5th Instant. from the — Magistrate of the Zilla of Masulipatam — Report of prisoners confined under Sentence —

/Here enter N. 169/

Read letter, dated 13th Instant. from the Acting Magistrate of the Zilla of Chingleput — With list of Convicts arrived at Chingleput under sentence of Transportation —

/Here enter N. 170/

20.

RA

27

F. U.

At a Court of Foujdaree Udalut

Present

Friday
29th March 1816.

Andrew Scott Esqr.
George Stratton Esqr. } Judges

Read letter dated the 1st Instant,
from the Secretary to Government in the Judicial
Department forwarding copy of correspondence
with the Magistrate of Chittoor, with regard
to the proposed employment of convicts on
digging tanks, for the consideration, opinion
and guidance of the Court.

(Here enter No. 161 of 1816.)

Read also letter dated the 22d
Instant from the Secretary to Government
in the Judicial Department annexing
copy of the letter from the Magistrate of
Chittoor regarding the number of convicts
in the Centre Division, for the information
and report of the Foujdaree Udalut.

(Here enter No. 177 of 1816)

The Court have perused with
attention the documents which accompany
Mr. Secretary Hill's letter of the 1st Instant
and proceed to offer a few observations on the

Detailed

29th Mar 2 1816.

Detailed Rules proposed by the Magistrate of Chittoor for the employment of the convicts of the Centre Division on constructing a large Tank.—

It is provided in the first part of Section III of the foregoing Rules that "women ---shall be sent to Chittoor from the other "Zillahs of the Division" and again in Section VI that "no women shall be sent from the Jail of Chittoor to work on the Tank." The Court are not aware of the necessity of excluding female convicts from the number of those proposed to be employed in the construction of the Tank: they conceive that the labour of the female would be as useful as that of the male convicts and they are inclined therefore to suggest the expediency of omitting the above provisions when the Rules shall be finally sanctioned for operation.

The Magistrate proposes, in the concluding part of Section III that no convict shall be sent to Chittoor, "who may be "sentenced at Chingleput to less than six; at "Cuddapah to less than twelve and at Bellary "to less than eighteen months imprisonment, or

whose

29th March 1816

"whose sentences may be within those several
"periods of expiring." In modification of this
provision, the Court would propose that a
general limitation should be fixed of not
less than twelve months at either of these
three Stations.

The Court doubt the expediency
of the enactment contained in Section VII of
the foregoing Rules; whereby the Magistrate
proposes that no convict of "considerable
"wealth, influence or connections" shall be
sent from any other Zillah to Chittoor. — Sufficient
precautions might be taken, under the
provisions of Section XX, for the security of
such persons on their way to Chittoor; any
necessary information regarding them might
be furnished under the Column of "Remarks"
in the Muster Rolls, as proposed with
respect to persons of Armenian desperate or
characters in Section X, and the Court do
not apprehend that, with two companies
of Sepoys and the intended proportion of
Peons, there would be any attempt to rescue
persons of the above description while employed
at the Tank. — Indeed, when the Court
advert to the great reduction which is proposed

to

to be made in the Jail establishments at the several Zillahs when the present plan shall be carried into effect, they incline to the belief that the persons here described would have less prospect of escape while confined at the Tanks than when imprisoned in the Jails of the Division.

With reference to Section XIII of these Rules, the Court would recommend that two European Invalid Sergeants should be placed on the establishment, under the office in charge of the convicts; as they would ensure a constant Superintendence over the labor of the Convicts.

The Court are of opinion that the Magistrate should be directed to furnish the Quarterly account of "Contingent charges" specified in Section XLIV to the Court of Circuit at Chittoor, and, in the same manner, that all correspondence relative to the present undertaking should be carried on, and all applications for the sanction of contracts & disbursements submitted through the Circuit Court, in preference to the Court of Foujdaree Udalut, as proposed by the Magistrate in Section XLV, inasmuch as the former Court must possess the best means of forming a judgment

2d Fr Co.
29th March 1816.

judgment regarding every matter connected with
this undertaking.

It would be desirable, in the opinion of the Court, to insert a fresh Section after Section XLVI, stipulating that all released convicts shall be paid one Rupee, together with an allowance of Batta, to carry them to their respective homes.

The Court will submit these modifications for the consideration of Government; and, as soon as they shall receive the sentiments of the Right Honourable the Governor in Council, they will proceed, under the provisions of Clause fifth, Section VIII Regulation XV. A. D. 1803, to issue the necessary instructions to the Magistrates of Chingleput, Cuddapah and Bellary for the removal of the convicts to Chittoor from their respective Zillahs.

The Court have only further to Remark, with reference to the letter from the Magistrate of Chittoor, copy of which is annexed to Mr. Secretary Hills' Letter of the 22d Instant, that a slight error was committed on entering down the number of

convicts

March 1816.

convicts in the jail at Cuddapah, inasmuch as in that number were included a few Prisoners not confined under Sentence of the Court of Circuit; but that, according to the last returns from the Zillahs in the Centre Division, there are 1425 Convicts in the four jails of Chingleput, Chittoor, Cuddapah and Bellary.—

Ordered that extract of these Proceedings be sent to the Secretary to the Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council—

Sent following letter
/ Secretary Ag

S. D.

A1

R. F.

G

F. 11.

At a Court of the Foujdaree Adawlut.

Present.

Sunday
1st April 1816.—

Andrew Scott Esq.r ——
George Stratton Esq.r —— } Judges.

Read letter, dated the 18th
March from the Third Judge of the Court of
Circuit in the Southern Division — forwarding
a letter from the Magistrate of Salem —
referring to the Court proceedings of the
5th February last. —

(Fur. Cons. No. 86)

The Court, having ordered the
release of the prisoners in case No. 1 &
the Supplemental Calendar of the Gaols of
Purneah for the 4th Quarter, 1815
of 1815 called upon the Superintendent to
furnish them with the reasons why
such of those prisoners
as related to the Magistrate's proceedings
should be committed to the
Magistrate's Gaol & how they
were held. —

In the letter forwarded by

1. April 1816.

Marcus

the Third Judge of the Circuit the Superintendence of Salem commences when the Circuit Court for Washington County ends, and continues to the first Monday in October following, when the Circuit Court for Marion County is holden.

It cannot be necessary for the Court to enter into a recitation of their opinions, which they believe to be founded on principles established and known, and both conducive to the ease of the Judges, the Court will only remark that the superintendence determined by the Act of Congress is over and above the Circuits.

With reference to the 12th Paragraph of the Act in relation to the evidence of the Witnesses that shall testify therein directed to attend it seems little doubt of the meaning of the Legislature Marshall and Clerk are likely when such attendance is required to be considered as Officers of the Court within the Act of Congress

1. April 1816

The prisoners Borden alias Dickson
Bidden & Gordon Sinclair, in-
duced as the second of the trial
does not contain the slightest
evidence of any connection between
the prisoners & the informers.
Indeed the course which the Magistrate
pursues in these cases leads to only
one certain result, — the impunity
of those whose criminality can be
least doubted. —

The Court direct that the
decision of the Third Judge of the Circuit for the Southern Division of the Court be reported of the 3d February last, & extract from the Court's proceedings of the 3d Instant, together with the foregoing letter & extract of their proceedings be sent to the Secretary of Government in the Judicial Department, & with a request that he will submit the same for the consideration of the Right Honorable the Governor in Council —

(Sent following letter A.)

As to the second of the trial at St. Vincent of the Settlement Calendar of Criminals for the 4th Quarter Sessions of 1815, the

last

F. 46.

At a Court of Foujdaree Udalut

Present

Wednesday 3d. April 1816. Andrew Scott Esqre

George Stratton Esqre Judges

Read letter dated the 14th February last

No from the 1st Judge on Circuit in the Centre

Division — transmitting his proceedings held in

case No. 35 of the Cuddapah Calendar in

the 1st Sessions of 1816 —

/Here enter No. 153 of 1816/

The Court having maturely

considered the whole of the Proceedings held

before the Judge on Circuit in the abovementioned

Trial concur in opinion with the Judge on

Circuit that the Prisoner

"Mulloogaudoo" alias "Chengadoo."

is not convicted of the crime of contumacy which

is laid to his charge, and the Court do accordingly

acquit the Prisoner of such charge, under the

Provisions of Section VIII Regulation XIII.

A. D. 1809.

Sent following letter

/Here enter A/

Read letter dated the 14th February

last

3d April 1816

last from the 1st Judge on Circuit in the Central Division transmitting his proceedings held in case No 25 of the Cuddapah Calendar in the 1st Sessions of 1816.

/Here enter No 154. of 1816./

The Court having maturely considered the whole of the proceedings held before the Judge on Circuit in the abovementioned Trial concur in opinion with the Judge on Circuit that the Prisoner

'Gungadoo'

is convicted of having returned from Prince of Wales Island, whither he had been sent under sentence of transportation for life.

But it does not appear on evidence that notice of the penalty prescribed by Clause Second, Section IX, Regulation XV A. D. 1803 was duly made to the Prisoner at the time of passing sentence upon him, the Court do adjudge the said Prisoner,

Gungadoo

to be imprisoned and again transported to Prince of Wales' Island, there to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for and during the period of his natural life.

Sent following letter

/Here enter B/

6th April 1816

Read letter dated the 19th ult.mo, from the Magistrate in the Zilla of Cochin — Reporting the arrival of five persons sent by the Magistrate of Salem under a charge of Phansegary, and requesting the authority of Government for bringing them to trial at Cochin before the Circuit Court, as the alleged crime would appear to have been committed in the Travancore Country. —

/ Hereenter No. 185 /

It would appear from the foregoing letter that the Prisoners are charged with an offence committed out of the limits of the British Provinces, the Court resolve to submit the Magistrate's application to the Right Honourable the Governor in Council & to request that he will be pleased to direct that the aforesaid Prisoners be brought to trial before the Court of Circuit at the ensuing Sessions at Cochin —

One of the Prisoners, Shaik Tippoo, represented himself to be a native of Hubely Dorwar in the Marhatta Country. —

The Court ~~Ordered~~ that the aforesaid person shall be brought up for trial, together with the other Prisoners, before the Court of Circuit; and it will remain

remain to be determined by evidence whether or not he is a British Subject & consequently whether he is or is not amenable to the established courts of criminal Judicature for the offence which is charged against him.—

According to the Provisions of Regulation XI. A. D. 1809 the Magistrate should have made his application direct to Government, but the Court do not consider the irregularity of sufficient importance to delay the submission of the case for the consideration and orders of Government.

Ordered that extract of these proceedings, with the foregoing letter, be sent to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honourable the Governor in Council.

Sent following letter

/ Recorder /

Read letter dated the 25th ultimo from the 2d Judge on Circuit in the Southern Division Return to Precept of 2d December stating that the Papers required under the foregoing Precept will be forwarded with the least possible delay.

/ Recorder 3d 1816 /

Read

2° K. U.

3° April 1816.

Read letter dated the 1st ult.mo from the Magistrate in the Zillah of Bellary — With Register of Proclaimed offenders for February.

/Hereunto No 184/

Read letter dated the 16th ult.mo, from the 2d Judge on Circuit in the Southern Division — Reports that the Court of Circuit reached Coimbatore on the 14th and opened the Sessions on the 16th Instant.

/Hereunto No 185/

Read letter dated the 23d ult.mo from the 1st Judge on Circuit in the Western Division — With copy of the Canara Calendar in the 1st Sessions of 1816.

/Hereunder No 189/

R. A.

F. Us.

At a Court of Foujdaree Udalut

Present

Monday 8th April 1816. Andrew Scott Esqre. George Strallon Esqre Judges.

Read letter dated the 15th Ultimo from the 3d Judge of Circuit in the Southern Division — forwarding the evidence respecting Pransegars, with the Return of the Magistrate of Salem to the Precept of 27th December last

Here enter No. 174 of 1816

The Magistrate of Salem was directed, through the 3d Judge of the Court of Circuit in the Southern Division, by Precept under date the 27th December last, to prepare and transmit, for the consideration of the Court, translation of such evidence as he had to bring forward against certain Prisoners whom the 3d Judge considered to be not amenable to the Court of Circuit. —

On examining the documents which accompany the foregoing letter, the Court observe that, of the different Prisoners particularized in the list which was forwarded by

the

8th April 1816

the Judge of Circuit and which was submitted by the Court to Government with their Proceedings of the 8th of May last, there are only two who are not amenable to the Company's Tribunals.—

The first of these two Prisoners named Shaik Ibrahim, is represented as being an Inhabitant of Sungamapuram in Mysoor and he is charged, in the Salem Calendar, for Sessions A. D. 1815, with "Murder and Robbery "near Chinnapatam in Mysoor."—

The documents regarding this Prisoner No. 32 on the Salem Calendar consist of a declaration made before the Magistrate; a confession before the Jailer which is a transcript in the declaration before the Magistrate; extract of a deposition of the said Dumadar respecting the circumstances under which the Prisoner was apprehended and Extracts from the "General depositions given by the various Informants" against the aforesaid Prisoner

In the declaration before the Magistrate the Prisoner confesses that he received a share of the booty taken from the persons murdered near Tankul, though he was not present at the murder, and he acknow-

18th April 1816. Ledges the confession made before the Jailer whereby it would appear that he was concerned with sixteen others in robbing & murdering a "Moorman in a hollow place on the North "side of Chinnyputtam," which would appear to be the crime specified in the Calendar, and that he was "preparing," with fifteen of the above gang, to murder some Arabs in Mysoor when he was apprehended by the Naik Jemadar, Veerasquamy Naick.—

The Court have had occasion to remarke, in former Proceedings upon referred trials of Pharseegars before the Circuit Court at Salem, the extreme irregularity of allowing confessions to be received by the Jailer who has all the various means of intimidation and perswasion in his power, & although the Prisoner, Shaik Ibrahim, acknowledges before the Magistrate the confession previously made before the Jailer, yet the Court are of opinion that the acknowledgment should be received with caution, inasmuch as the Court have reason to believe, from the practice which they know to have been observed with regard to the Pharseegars whose trials have come before them, that the same

Jailer

8th April 1816.

Jailer, who took the Prisoner's confession in the Jail & was present at the examination before the Magistrate.

The Court have considered it incumbent upon them, with reference to Mr Secretary Hills' letter of the 9th June last, to make the foregoing observations regarding the evidence against this Prisoner; in order that they may be communicated to the Resident at Mysoor should Government deem it advisable to send the aforesaid Prisoner to Mysoor, together with the confessions and the examination and the witnesses necessary to substantiate the same.

It may be scarcely necessary to add that the Document entitled "General Information "of all the crimes known against the Prisoner" which consists of Extracts from the Depositions of Informers relating to various other crimes, wholly unsupported by circumstantial or other evidence, cannot be admitted in support of the charge against the aforesaid Prisoner, Shaik Ibrahim.

The Second Prisoner, Mucheo, = deen, is represented as being an Inhabitant of Mysoor, and he is charged in the Salem Calendar, in the 1st Sessions A. D. 1815 with

"murder

2.d F. Co.
2.d April 1816.

"murder and Robbery near Nunjungoodee in
"Mysoor."

The Prisoner denies the charge
in his examination before the Magistrate, &
the only evidence adduced against him
consists of a deposition given by an Informer
on this specific charge, and a "General of
"Information", as in the case of the other Prisoner,
Shaik Ibrahim.

The Court do not hesitate to
record it as their opinion that the assertions
of these Informers, unsupported as they are
by satisfactory evidence, are wholly in-
sufficient for the conviction of the Prisoner,
Mohiedeen; but it will be for the Right
Honorable the Governor in Council to
determine whether it would be expedient,
to send him to Mysoor.—

Ordered that the foregoing
letter; with extract of these Proceedings
~~from the Commissioner to the~~
~~Commissioner back~~ and return of the 3.d
Judge of the Court of Circuit for the
Southern Division to the Precept of 27.th December last
be sent to the Secretary
to Government in the Judicial Department

with

8th April 1816.

with a request that he will submit the
same for the consideration of the Right
Honourable the Governor in Council

Sent following letter

Secretary A/ 250

A1

R.A.

GW

F. Co.

At a Court of Fouzdaree Udalut

Present

Monday
15th April 1816.

Andrew Scott Esqr.
George Stratton Esqr. } Judges

Read letter dated the 22d Sept.
last from the 3d Judge on Circuit in the
Southern Division, submitting his proceedings
in case No. 6 of the Tinnevelly Calendar
in the Sessions of 1815.

Nuncupative No. 681.

The Court having maturely
considered the proceedings held before the
Judge on Circuit, the Futwa of the
Provincial Law Officer and the Futwa of
the Sudder adaulut Cazy and Mooftee of the
Fouzdaree Adalut, do confirm the said
Futwa of the Sudder adaulut Cazy and Mooftee
aforesaid, and it appearing that two of the
Prisoners, Viz.t

5th Perria Samy, and
2d Mannica Vasaca Tawen

have been released by warrant of the Judge
on Circuit, the Court, acquitting the
remaining Prisoners Viz.t

1.st

15th April 1816.

8

1st Kuttiang a poily Tavan;
2d Wodiar Tavan,
3d Nellalen,
4th Tandana Tavan,
6th Bremah Naig,
7th Nella Mundapa Tavan,
9th Chemmany Naig,
10th Mooloo, and
11th Mandon,

do direct that they be released accordingly

Sent following letter

/Here enter A/

Read again

Read letter dated the 6th ult.
last from the Judge on Circuit in the Southern
Division transmitting his proceedings in case
No. 9 on the Cumbaconum Calendar in the
2d Sessions of 1815.

/Here enter No. 6 of 1815/

Read also Return dated the 1st
ultimo from the Court of Circuit in the Southern
Division to the Court's Precept of 30th October
last, with additional evidence &c. in case
No. 9 of the Cumbaconum Calendar in the
2d Sessions of 1815, as required by the foregoing
Precept.

/Here enter No. 130 of 1816./

The

15th April 1816

The Court having maturely considered the whole of the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Udalut, do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and, under the Provisions of Section X Regulation VIII A. D. 1802 do adjudge the Prisoner

"Karoo Sreen"

to suffer death by being hanged at the usual time and place of execution.

Sent following letter

/ Henry Ker Esq. /

The Law officers observe in their Futwa on the foregoing case that "the length and "the thickness of the stick with which the Prisoner "killed the deceased are not ascertained, but it "would appear from the declaration dictated by "the Prisoner before the Daroga that the "stick was a cubit in length".

This observation is supported by the Persian translation of the aforesaid declaration, according to which the Prisoner is said to declare that he took up a stick "a cubit in length and went out;" but the Court observe

15th April 1816

observe, on reference to the English translation of the same declaration, that the words are "I took it in my hand and went out."—

Ld, in all trials for murder, the intention of the criminal and not the manner or instrument of perpetration / except as evidence of the intent / is to constitute the rule for determining the punishment, the Court have proceeded to pass sentence of death upon the Prisoner.

Exception, according to the Regulations; but they deem it incumbent upon them to call the attention of the Judge who presided at the trial to the above mentioned difference in the translations of the original Record and to caution him against the admission of similar inaccuracies in preparing Records of trial for transmission to the Superior Court

Ordered that extract of these Proceedings be sent to the 1st Judge of Circuit in the Southern Division for his information.

Sent following letter

/ Hecc enter C/

Read again letter dated the 26th July last from the 1st Judge on Circuit in the Centre Division - transmitting his proceedings in case

No 12.

12/ F. 16.

15th April 1816.

No. 12 of the Chittoor Calendar in the 3d Quarter Sessions of 1815.

/Here enter No. 596. of 1815/

Read also the second Futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Adalut in case No. 12 of the Chittoor Calendar for the 3d Quarter Sessions of 1815.

/Here enter Second Futwa/

The Court having maturely considered the Proceedings held before the Judge of Circuit, the Futwa of the Provincial Law officer and the Second Futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and adjudge the Prisoner

"Ram Sing"

to suffer death by being hanged at the usual time and place of execution.

Sent following letter

/Here enter D/

Read letter dated the 27th ultimo from the acting Magistrate in the Zilla of Salem With Report of Prisoners confined under Sentence

/Here enter No. 192./

Read

15th April 1816.

Read letter dated the 1st Instant
from the Magistrate in the Zilla of Bellary —
With Report of Prisoners confined under Sentence.

/ Here enter No. 206. of 1816. /

Read letter dated the 1st Instant
from the acting Magistrate in the Zilla of Salem.
With Report of Proclaimed Offenders for March.

/ Here enter No. 202. of 1816 /

Read letter dated the 5th Instant
from the Magistrate in the Zilla of Chingleput
With Report of proclaimed persons for March

/ Here enter No. 210 /

Read letter dated the 1st Instant
from the 1st Judge on Circuit in the Northern
Division — Reports that the Court of Circuit rose at
Rajahmundry on the 31st Ultimo & accounts for the
late period of its arrival. —

/ Here enter No. 197. /

Read letter dated the 6th Instant
from the 1st Judge on Circuit in the Centre
Division — Reporting the arrival of the
Court of Circuit at Chingleput.

/ Here enter No. 200 /

Read letter dated the 5th Instant
from the 3d Judge of Circuit in the Centre Division

With

15th April 1816. With returned warrant of execution in case No. 33. of the Cuddapa Calendar in the 2d Sessions of 1815.

/Hereenter No. 199/

Read letter dated the 5th Instant from the 3d Judge of Circuit in the Centre Division — With Copy of the Chittoor Calendar in the 2d Quarter Sessions of 1816.

/Hereenter No. 209/

Read letter dated the 6th Instant, from the 1st Judge on Circuit in the Centre Division — Explaining his reasons for leaving adjudged sentences of imprisonment, in certain cases, without hard Labour, and promising due attention to the Courts Remarks of 6th Ultimo —

/Hereenter No. 201/ 250

All

97

R. A. Read the following letters from the Magistrates of Vizagapatam, Canara, Masulipatam, Chingleput, Seringapatam, Cochin, Madura, Daraporam, Chittoor, Nellore, South Malabar, North Malabar, Rajahmundry, Bellary, and Salem. With Reports of Criminal Cases depending before them on the 31st December last, and Abstract statement of Crimes and Offences of an heinous nature committed in their Zillas —

Hereenter No. 26, 43, 46, 47, 50, 53, 60, 66, 79, 82, 85, 97, 159, 57 195, 196 & 67.

F. U.

At a Court of Fouydaree Udalut

Present

Monday 22d April 1816. Andrew Scott Esqr. Edward Croft Greenway Esqre. George Stratton Esqr. } Judges

Read Letter, dated 27th December last from the Magistrate in the Zilla of Chittoor containing observations on the offer of Pardons to Thuggs Informers, and recommending Rewards to two Police officers with extract of his Proceedings relative to certain Thuggee Prisoners—

/ Here enter No. 867 /

Read also Letter dated 29th December last from the Magistrate in the Zilla of Chittoor stating that Imam naick, whom he had recommended for a reward, had been removed from his situation by Order of the Court of Circuit— With an Enclosure relative to the Services performed by him.

/ Here enter No. 2. /

Read also Letter dated 11th January last from the Magistrate in the Zillah of Chittoor enclosing Letter from the Magistrate of Cuddapah respecting the Services of Imam Naick.

/ Here enter No. 19 /

Ordered

22d April 1806

The Court do not consider it necessary to offer any particular remark on the observations contained in the former part of Mr Wright's letter of the 27th December last — the general authority which the Magistrate required for offering a pardon to certain Transegars is wholly unwarranted by the Regulations, while the Court do not see in what respect it would conduce to the purposes of justice — The Magistrate is already in possession of the sentiments of the Court, as recorded in their Proceedings of the 18th September last, wherein they explained the circumstances under which an offer of pardon might be tendered consistently with the Regulations, and they have only further to observe that, in almost every instance where a pardon has been granted to Transegar an Informer, the result has been unsatisfactory — Prisoners have frequently been arraigned merely on the strength of these informations, while little attention has been paid to circumstantial evidence which, in the absence of confession, could alone render such informations sufficient for the conviction of the accused —

In the concluding part of the foregoing letter, Mr Wright brings to the notice of the Court the services of two persons, named Seeroowpa Naik and Imam Naik, of whom the latter was formerly

Colonel

22d April 1816 Cutwal of Ranipet and the former is at present
attached to the Police Department in the
Zilla of Chittoor. Mr. Wright recommends that
"each should be presented with two hundred &
"fifty pagodas or a piece of Maunyam land
"of about the annual value of thirty Pagodas."
The Magistrate's subsequent letters of the 29th December
and 11th January last respectively, relate to the
services of Emam Saiks, who, as the Magistrate
observes, has been "removed from his situation
"by order of the Court of Circuit in consequence
"of a communication from the Foujdaree Adalut"
dated the 9th October 1815.

On the subject of the Magistrates
application it seems obvious to remark that the
Courts professing the control over the appointment
and removal of the officers of Police are the
proper channel through which they should be
recommended for Reward. The local knowledge
"professed by the Courts of Circuit and the
"number of cases brought before them at the
"Zilla Jail deliveries in which the conduct of
"the Police officers falls within their observation",
would appear to constitute as powerful an
argument for leaving those Courts to determine

the

the expediency of Rewarding or of Recommending for
Reward, as for investing them with the control
over the appointment and Removal of Police
Officers which they possess under the provisions
of Regulation V. A. D. 1811 — The enactment of
contained in Sections XII Regulation VII a. D. 1811.
is directly in support of this conclusion —

Entertaining these sentiments, the
Court would have declined, under any circumstances
to take the merits of the above mentioned Petitions
into consideration, until their case should have
been regularly submitted by the Magistrate of
through the Court of Circuit; but the Court
cannot conclude their present observations
without adverting, in a more pointed manner
to the extreme irregularity of the Magistrate's of
reference with regard to Emaun Sheik, the
late Cutwal of Ramghet.

The reprehensible conduct of this
person was first noticed by the Court in their
proceedings of the 22d. of May last on case No. 4.
of the Salem Calendar, 1st Sessions 1814, and an
extract from these Proceedings was furnished to the
Magistrate of Chittoor with directions to be informed
Emaun Sheik for having abused the confidence
reposed

Ind. Fe. Ce.
12th April 1816.

"refused in him." The Court had again occasion to be the
to assert to the imfroper conduct of the said
Emam Baks in their proceedings of the 9th
October last in case No. 3 of the Cuddapah
Calendar 2d Sessions 1812. It was there observed
that his conduct had been "marked by glaring
"acts of fraud and duplicity" and such as,
in the opinion of the Court, required investi-
gation by the proper authority. This investigation
would seem to have taken place, and Emam
Baks has been in consequence removed from
his situation by the orders of the Court of
Circuit.

In making the present reference
in favor of this dismissed officer, the Magistrate
states his belief that the Circuit Court would,
"if referred to, from the information on their
"records of his services, consider him deserving
"of reward." Yet the Magistrate omits to make
any representation to that Court whose records
would enable them to judge of the merits of Emam
Baks and, by the course which he has adopted,
appeals as it were to the Superior Court, of
claiming a reward in favor of an officer who has
been dismissed by a competent authority for
misconduct

misconduct

Ordered that Extract of these
Proceedings be sent to the acting Magistrate in the
Zilla of Chittoor for his information and guidance.

Sent following Letter

/ Hereunder /

Read Letter, dated 6th Instant, from
the Magistrate in the Zilla of Vizagapatam Requesting
authority to offer rewards of 500 Rupees each for
the apprehension of five persons who have headed
a gang of Robbers in the Vizeanagrum Zemindary.

/ Here enter No. 216 of 1816 /

The Magistrate states in the
foregoing Letter that the Zemindary of Vizianagrum
has been infested during the last month by a
gang of Robbers amounting to above one hundred
in number; that three Villages have been
plundered, several of the inhabitants wounded
and others carried away to the Hills, and finally
that the alarm excited by the above depredations
has occasioned desertion from the Villages in
that part of the Country.

Under these circumstances the
Magistrate requests authority to offer rewards
of five hundred Rupees for the apprehension

of

22d April 1816 of each of the five Persons whom he considers to be the Leaders of the above gang and whom he has no hope of apprehending according to the ordinary Precepts.

The Court do therefore resolve to authorize the Magistrate, under the Provisions of Regulation XIII A. D. 1809, to offer the following rewards, viz.t, for

Akkeworkee Pearauge	500.—
Dontelatee Veneatrauge	500.—
Koda Reppedrauge	500.—
Sirgum Yerkum Dorah	500.—
Pottepoallee Sunnasee	500.—

Ordered that extract of these Proceedings be communicated to the Magistrate of Negapatam by Precept commanding him to issue proclamations according to the form recited in Section III Regulation XIII A. D. 1809 and directing him to conform in his further proceedings against the parties proclaimed to the provisions of Sections V, VI, & VII of the Regulation above referred to.

/Sent following Precept/

/Here enter B/

Ordered that notice be communicated to the Civil Auditor of the

22d April 1816.

the rewards authorized to be proclaimed as above.

Sent following letter
/ Here enter 6 /

Read Letter dated 17th Instant, from the Secretary to Government in the Judicial Department - authorizing the Magistrate of Cochin to bring certain Prisoners to trial before the Court of Circuit

/ Here enter No. 234 /

Ordered that Copy of the above letter and extract from the Proceedings of the 9th Instant together with extract of these Proceedings be sent to the Magistrate for the Town of Cochin for his information

Sent following Letter
/ Here enter 2 /

Read letter dated 9th Instant from the 1st Judge on Circuit in the Centre Division - forwarding his Proceedings in case No. 1 of the Chingleput Calendar, where the Prisoner would appear to have committed the crime charged against him under the influence of mental derangement

Here enter No. 207.

Read

13 F. U.
22d April 1816.

Read letter dated 6th Instant
from the Magistrate in the Zilla of Guntoor
With report of Prisoners confined under
sentence.

/ Here enter No. 211 / 250

R.A.

Read letter dated 31st January.
from the Magistrate of Chittoor - With enclosures
regarding the crimes committed by Phansegars

/ Here enter No. 70 /

Ordered that the above letter
do lie over for consideration. -

Read letter dated 21st February
from the Magistrate of Chittoor - Suggesting
further measures for suppressing the practices
of Phansegars. -

/ Here enter No. 112 / 5

Ordered that the above letter
do lie over for consideration. -

Read letter dated 4th [illegible]
from the 2d Judge on Circuit in the Southern
Division. With Copy of Salem Calendar
for Sessions of 1816.

/ Here enter No. 182 /

Read letter dated 20th ultimo, -
from

2 22. April 1816.

from the 2d. Judge on Circuit in the Southern
Division With Copy of Dharaphooram
Calendar 1st. Sessions A. D. 1816
/ Vide enter No. 204 /

F. U.

At a Court of Foujdaree Udalut.

Present

Wednesday
24th April 1816.

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read letter, dated 29th Ultimo, from the Magistrate in the Zilla of Cuddapah submitting an amended Statement of Rewards for the apprehension of certain offenders under the Court's instructions of the 20th January last, proposing various other rewards, and offering remarks regarding the construction of the enactments in Regulation XIII A. D. 1809 & Regulation VI A. D. 1811 authorizing the offer of rewards in certain cases.

[December No. 205 of 1816.]

The Magistrate of Cuddapah having submitted a fresh statement of proposed Rewards according to the Court's instructions of the 25th January last, the Court resolve to recommend that the Right Honorable the Governor in Council may be pleased to sanction the offer of Rewards in the following instances and according to the following rates, Viz.t

For

22 24th April 1816.

For the apprehension of either of the three persons charged to have been concerned in the murder of Kehoowidoo, Wighty Naraynadoo, Arunthe Jungum or Gopeedasse Modladoo. Two hundred Rupees.

In the apprehension of Mulla Goona Nagadoo the supposed murderer of a woman named Kutar Nagee; Forty Rupees.

The remaining cases on which the Court resolve to request the authority of Government for the offer of Rewards, are now submitted by the Magistrate for the first time; Viz.t

For the apprehensions of the person or persons who murdered and robbed a Bukal whose body was discovered early in February near the village of Sanagoonda in the Coilcuntla Talook. No particular sum specified by the Magistrate, but the Court would recommend, on a consideration of the circumstances mentioned by the Magistrate, Twenty Rupees payable on conviction.

For the apprehension of Boya Condoogadoo, who is reported to have murdered the sister of one Boya Cistoodoo, Seventy Rupees

24th April 1816 Rupees payable on conviction

For the apprehension of the person or persons who murdered two Children at Isca chintalapullee in the Poolevendoola taloob. Sixty Rupees payable on conviction.

Lastly for the apprehension of the person who inflicted the wounds on a woman named Soabukha and her daughter, Boochumma, at Cumbum on the night of the 16th October 1814, One hundred Pagodas payable on conviction.

The Court also Resolve to support Mr. Newnham's recommendation for rewards of fifteen Rupees to Chendoo Reddy and Sheikh Imam, the Matadee Peon, respectively, for their meritorious exertions in apprehending Pungo Nudreegadoo, who has been convicted of the crime laid to his charge and de sentenced to seven years' imprisonment.

As the cases above enumerated appear to have been marked by circumstances of great atrocity, the Court have felt no hesitation in recommending that Rewards should be offered as the most effectual means of bringing the offenders to justice.

but

24th April 1816.

but the Court consider it necessary to state, with reference to the observations contained in Mr. Newnham's letter, that they are inclined to question the expediency of any extention of the present System under which rewards are granted for the discovery and apprehension of Public offenders — In cases of Gang Robbery, where the ordinary proofs prescribed for the apprehension of the offenders may be ineffectual and where endeavours to apprehend the criminals may be attended with danger, the Courts of Judicature are empowered to authorize the offer of rewards to a certain extent, in order to call forth the active exertions of all the members of the community — The considerations which led to the above enactment do not apply, however, to cases of murder or other crimes committed by individuals, and the Court are decidedly of opinion that the adaption of a more general System of offering rewards is not only unnecessary but objectionable, inasmuch as it might reasonably be doubted whether, under the operation of such a System, either the officers of Police or the other members of the community, whose duty it is to aid in the apprehension of public offenders, would use any active exertions for the detection of persons charged with

12/ F. C.
24th April 1816

with crimes, unless stimulated by the offer of a reward—

While, for the reasons here specified, the Court would consider the introduction of any system which should authorize a too general and too indiscriminate offer of rewards liable to considerable objection, they will at all times be ready to submit, for the consideration of Government, any particular instances of meritorious conduct evinced in the discovery and apprehension of offenders which may not come within the provisions of Section XII of Regulation VI A. D. 1811.

Ordered that the foregoing letter and extract of these Proceedings, together with extract from the proceedings of the 25th January last, be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council.

Sent following letter
Hereunder A

A1

Q1
15

F. U.

At a Court of Fouydaree Udalut

Present

Monday 29th April 1816. Andrew Scott Esqre } Judges.
George Stratton Esqre }

Read letter dated 27th July last from the 1st Judge on Circuit in the Southern Division transmitting his proceedings in case No. 5 on the Commitment Calendar for the 2d Sessions of 1815.

Here enter No. 536 of 1815.

The Court having maturely considered the Proceedings held before the Judge on Circuit; the Futwa of the Provincial Law officer and the Futwa of the Cazee, Mofty & Cozgat and Mooftees of the Fouydaree Udalut do confirm the said Futwa of the Cazee, Mofty Cozgat and Mooftees aforesaid and acquitting the Prisoner

"Sonachellum"

do direct that he be released accordingly.

Read letter, dated 22d August last, from the 1st Judge on Circuit in the Southern Division transmitting his Proceedings

29th April 1816.

Proceedings in case No 9 of the Veridachellum Calendar for the 2d Sessions of 1815.

/ Here enter No 603 of 1815 /

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cageesol Coozat & Mooftees of the Sudder Adalut, do confirm the said Futwa of the Cageesol Coozat & Mooftees aforesaid, and adjudge the first Prisoner

"Mootoo"

to suffer death by being hanged at the usual time and place of execution.

The Court do further direct that the second Prisoner

"Veeradummaul"

be released, on producing security for her future good behaviour and appearance when required for and during the period of twelve Calendar months.

It appears from the foregoing Proceedings that the third Prisoner

"Camapyen"

has been released under warrant of the Judge on Circuit

Sent following letter

/ Here enter A /

29th April 1816.

The Court are compelled to remark that, in the arraignments on the aforesaid Trials, the Judge on Circuit has again omitted to specify the time when and the place where the crimes were charged to have been committed.

Ordered that Extract of these Proceedings be sent to the Sr. Judge of Circuit in the Southern Division for his information and future guidance.

Sent following letter

/Here enter B/

Read letter dated 6th November last from the 2d Judge on Circuit in the Western Division — transmitting his proceedings in case No. 36 of the Canara Calendar for the 2d Sessions of 1815.

/Here enter No. 76 of 1815/

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cazee Sool Coogat and Mooftees of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee Sool Coogat and Mooftees aforesaid

and accordingly direct that the Prisoners.

1st "Dooga,"

2d "Bicaroo" and

3d "Vittoba Sheneoy."

be set at liberty—

Sent following letter

/Here enter C/

On examining the Record of the foregoing Trial, the Court observes that the Judge on Circuit omitted to call for the evidence of the witnesses named on behalf of the second Prisoner, Bicaroo—

Ordered that Extract of these Proceedings be sent to the 2d Judge of Circuit in the Western Division for his information.

Sent following letter

/Here enter D/

Read letter dated 16th February last from the 2d Judge of Circuit in the Centre Division—transmitting his proceedings in case No 18 of the Chittoor Calendar for the 1st Quarter Sessions of 1816.

/Here enter No 100 of 1816./

The Court having maturely considered the Proceedings held before the

12/ F. C.
29th April 1816.

the Judge of Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cazee col Cozgat and Mooftees of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee col Cozgat and Mooftees of aforesaid and, in respect that two persons have already suffered sentence of death for the same offence, do direct, under the discretion vested in them by the sentence of Cockoobut, that the Prisoner,

"Nuncalasagandoo"

be imprisoned and transported to Prince of Wales's Island, there to be kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

Sent following letter

/ Herewith /

Read letter, dated 17th Instant from the Secretary to Government in the Judicial Department calling for the Proceedings of the Magistrate of Ganjam and of the Fouzdaree Adalut regarding the forfeiture of the Goomsur Zemindaree

/ Herewith No. 233 of 1816. /

Ke

29. April 1816.

The Magistrate of Gairjam was directed by Precpt dated the 25th ultimo to forward his Proceedings regarding the attachment of the Goomsur Zemindary with the least possible delay. On receipt of the Proceedings in question, the Court will act in conformity to the Provisions of Regulation I of 1810.

Ordered that extract of these Proceedings, together with extract from the Proceedings of the 25th ultimo be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter

/ Here enter F /

Read letter, dated 17th Instant, from the Secretary to Government in the Judicial Department authorizing the Magistrate of Cuddapah to offer the proposed Rewards for the apprehension of certain convicts who have effected their escape from Prince of Wales' island.

/ Here enter at p. 231 /

Ordered that copy of the above letter and extract of these Proceedings together

29th April 1816

together with extract from the Proceedings of the 27th ultimo be sent to the Magistrate in the Zillah of Cuddapa for his information.

Sent following letter

/Vide enter G/

Read letter dated 31st ultimo,

from the Magistrate in the Zilla of Darapooram - With report of Prisoners confined under sentence -

/Vide enter No 227 of 1816/

Read letter dated 22d Instant

from the 2d Judge on Circuit in the Southern Division - Reporting the commencement of the Sessions at Madura -

/Vide enter No 228/

Read letter, dated 11th Instant,

from the 1st Judge on Circuit in the Western Division - Reporting the completion of the Jail delivery at Calicut and his departure for Cochin -

/Vide enter No 218./

Read letter, dated 18th Instant,

from the acting Magistrate in the Zillah of Chinglepet - With list of convicts on arrival at Chinglepet under sentence of

Transportation

29th April 1816.

Transportation.

/ Here enter No. 226 /

Read letter dated 20th Instant from the Acting Magistrate in the Zillah of Chingleput – With report of Prisoners confined under Sentence.

/ Here enter No. 240 of 1816 /

Read letter, dated 10th Instant – from the 2d Judge on Circuit in the Southern Division – Transmitting with explanation his proceedings held in Case No 4. of the Trichinopoly Calendar 2d quarterly Sessions A.D. 1815 –

/ Here enter No 215. /

AS R. A. The Court considers the explanation
GH to be satisfactory.

20

At a Court of the Soufdaree Adalut

Present

Andrew Scott Esquire
Edward Croft Greenway Esqr. } Judges.
George Stratton Esquire

Tuesday 25th April 1816.

Read Letter, dated 23d March 1815, from the Magistrate of Salem, requesting for the determination of the Court a question arising on the interpretation of certain parts of Regulation E/C/S
M II of 1808.

/ Here enter No 235 /

W The prisoner in the case referred to in the foregoing Letter was committed by the Magistrate for trial before the Court of Circuit "for having, contrary to clause 9th Section V Regulation "I. of 1808. received grain in exchange for liquor" Section V. Regulation I of 1808 consists only of one clause it recites the form of a License for the manufacture and sale of country Arrack and foreign Spirits Section VII provides that persons receiving Licenses according to the preceding Section shall execute a cabooleat or counterpart engagement — There is no provision throughout the Regulation authorizing a Magistrate to punish for a breach of the engagement, although certain offences for which the Magistrate, and certain others for which the Court of Circuit shall punish are specified in Sections VIII. & XIII.

30th April 1816.

of the Regulation such special power not being
given, cannot be assumed, and neither the Magistrate
nor the Court of Circuit can exact the penalty of a
regular engagement. The breach of such a covenant
can only be matter of civil suit, - though the
Magistrates may, under the general powers which
they possess of a superintendance over dealers in
spirituous liquors, withdraw their licenses from a person
proved before them to have been guilty of misconduct
deservedly - in awarding the penalty of forfeiture
the Commitment being thus
unwarranted by the Regulation, the directions
of the Judge on Circuit to the Magistrate to
try the case himself are equally irregular - the
Judge on Circuit has fallen into the same
error with the Magistrate of Salem as to the 9th
and 11th Paragraphs of the form of license and
moreover the Judge on Circuit refers, as a
ground for thinking that the penalty provided
in / what he terms / Clause XII Section V should
be levied by the Magistrate, to the provision for
"levying on conviction before the Magistrate
"the pecuniary penalties stated in clause second Section II,
Both Clause second Section II provides for the execution,
by the party receiving a license to distil, of a
counterpart of such license - Clause first
recites that license, the second paragraph of
which has been quoted by the Judge on Circuit
as the second clause of the Section - The use
of

30th April 1816

of the term "Magistrate" in the License may lead to the conclusion that it might have been in contemplation to invest the Magistrate with the power of levying the fine; but as that power is nowhere given in the Regulation, and as the amounts of the fines there mentioned far exceeds the sum to which the Magistrates' general powers of fining are extended throughout the Regulation, no Magistrate would be borne out by the passages quoted in levying the penalty.

The Court direct that extract of these proceedings be sent to the Court of Circuit for the Southern Division by Provost Commanding them to communicate the same to the Magistrate of Salem and to order the immediate release of the prisoner Poitevin now in confinement in the Jail of the Gibbet of Salem.—

Return to this precept to be made within fifteen days from the Receipt thereof—

Sent following Receipt

/Here enter A/

Read Letter dated 23d. Instant from the Acting Magistrate of Salem requesting the orders of the Court on the subject of the Magistrates' Letter of 23d. March 1815 relative to a Person now in confinement for violation of Regulation 2 of D.— 1808.—

/Here enter A. 24/

The Acting Magistrate

said

29.

of the Regulation such special power not being
given, cannot be assumed, and neither the Magistrate
nor the Court of Circuit can exact the penalty of a
regular engagement. The breach of such a covenant
can only be matter of civil suit, — though the
Magistrates may, under the general powers which
they possess of a superintendance over dealers in
spirituous liquors, withdraw their licenses from a person
proved before them to have been guilty of misconduct
deservedly — in assuming the penalty of forfeiture
unwarranted by the Regulation, the directions
of the Judge on Circuit to the Magistrate to
try the case himself are equally irregular — the
error with the Magistrate of Salem as to the 9th
and 11th Paragraphs of the form of license and
moreover the Judge on Circuit refused, as a
ground for thinking that the penalty provided
in what he terms Clause XI. Section V should
be levied by the Magistrate, to the provision for
"levying on conviction before the Magistrate
"the penalties stated in clause second Section III.
This Clause 2nd Section III provides for the execution,
by the party receiving a license to destel, of a
counterpart of such license — Clause first
recites that license, the second paragraph of
which has been quoted by the Judge on Circuit
as the second clause of the Section — The use
of

30th April 1816

of the term "Magistrate" in the License may lead to the conclusion that it might have been in contemplation to invest the Magistrate with the power of levying the fine; but as that power is nowhere given in the Regulation, and as the amounts of the fines there mentioned far exceeds the sum to which the Magistrates' general powers of fining are extended throughout the Regulation, no Magistrate would be borne out by the passage quoted in levying the penalty.

The Court direct that extract of these proceedings be sent to the Court of Circuit for the Southern Division by Express Commanding them to communicate the same to the Magistrate of Salem and to order the immediate release of the prisoner Soriano now in confinement in the Jail of the Gibbah of Salem.—

Return to this precept to be made within fifteen days from the Receipt thereof.—

and following Receipt

/Here enter A/

Read Letter, dated 23d. Instant, from the Acting Magistrate of Salem, Requesting the orders of the Court on the subject of the Magistrates' Letter of 23d. March 1815 relative to a Person now in confinement for violation of Regulation L. of D. - 1808. -

/Here enter No. 261/

The Acting Magistrate

will

30th April 1846.

will receive orders from the Court of Exchequer on the Southern Division on the subject of the foregoing Letter.—

Ordered that extract of these proceedings be sent to the acting Magistrate on the Zeitah of Salem for his information

E.C.S

M

G.H

sent following Letter
/ See enter B/

F. C.

At a Court of Foujdaree Udalut

Present

Monday 6th May 1816. Andrew Scott Esqr.
Edward Croft Greenway Esqr. } Judge
Geo. Stratton Esqr.

Read letter dated 25th June last from the 3d Judge of Circuit in the Western Division

E.C.S. transmitting his proceedings in case No. 6 on the Calendar of North Malabar for the 2d quarterly Sessions of 1815.

Hereunto No. 474 of 1815

The Court having maturely considered the proceedings held before the late Judge of Circuit the Futwas of the Provincial Law officer and the Futwas of the Cazee ool Coozat and Mooftees of the Foujdaree Udalut do confirm the said Futwas of the Cazee ool Coozat and Mooftees aforesaid and accordingly direct that the Prisoners

1st "Kanipally Nambeen"

2d "Kanipally Chatten"

be set at liberty

Sent following letter

Here enter Ag

Read

6th May 1816.

Read letter dated 5th February last from the 2d Judge of Circuit in the Western Division transmitting his proceedings in cases Nos 294 & 30 of the South Malabar Calendar for the 3d Sessions of 1815.

Recorded No 101 of 1816

The Court having maturely considered the Proceedings held before the Judge on Circuit on the foregoing Trials, the Futwas of the Law Officer and the Futwas of the Sudder and Moofty and Futwas of the Foujdaree Adalut, do confirm the said aforesaid and adjudge the Second Prisoner "Chalayil Mandum Kooty" who is convicted, on his own confession before the Magistrate of the crime laid to his charge in case No 29, to be imprisoned and kept to hard labour in irons on the public roads or other public works for one during the period of twelve Calendar months

The Court do further adjudge the Sixth Prisoner "Chakaetatil Kuny Pungan" who is convicted, on his own confessions before

the

6 May 1816.

the Magistrate, of the crimes charged against him in cases Nos 29 and 30, to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of eighteen Calendar months -

And, it appearing that the fourth Prisoner,

"Monadata Shangoo"

died prior to the transmission of the Record, the Court do direct that the remaining Prisoners

1st "Soloony Moideen Koatty"

3d "Soombranatta Vellen"

5th "Kazzattit Coorkapsee"

be set at liberty -

Sent following letter

Here enter N3

The Court consider it requisite to notice the defective shape in which the examinations appear upon the Magistrates Proceedings in the foregoing Trials. At the foot of each examination the Magistrate merely subscribes his signature, without certifying whether or not such examination was

6th May 1816.

was taken in his presence — Unless the examinations be so certified, it is obvious that they do not appear upon the Record in a properly authenticated form, and the Court do therefore direct that the Magistrate be careful, in attesting depositions taken before him, to render such attestation complete by certifying that they have been taken in his presence and by subjoining the date of the examination

The Court also deem it incumbent on them to point out an irregularity which has occurred in the Proceedings of the Judge on Circuit in the Trial of [illegible] Amongst the evidence supporting to be on the part of the defence appear the depositions of two persons named Snowdy and a Mr [illegible] Conby Moiden, who are not included in the list of witnesses on behalf of the Prisoner and the nature of whose evidence would seem to be designed rather for the Prosecution than the defence.

Ordered that instead of these Proceedings be sent to the 2d Judge of Circuit in the Western Division by Precept commanding

him

12/ F. U.
6th May 1816.

him to communicate the necessary part to the Magistrate of South Malabar for his information and future guidance —

Sent following Precept

/ Hexcenter C /

Read letter dated 6th March last from the 1st Judge of Circuit in the Northern Division transmitting his Proceedings held in case No 4 of the Gantoor Calendar for the 1st Sessions of 1816 —

/ Hexcenter No 147 of 1816 /

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Principal Law officer and the Futwa of the Cazee ul Cozzat and Mooftee of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee ul Cozzat and Mooftees aforesaid & acquitting the Prisoners

1st "Indagoola Venkatigaudoo."

2d "Rouge Boosaudah."

do direct that they be released accordingly.

Read letter dated 12th February last from the 1st Judge of Circuit in the Northern Division — transmitting his proceedings

6th May 1816.

was taken in his presence — Unless the examinations be so certified, it is obvious that they do not appear upon the Record in a properly authenticated form, and the Court do therefore direct that the Magistrate be careful, in attesting depositions taken before him, to render such attestation complete by certifying that they have been taken in his presence and by subjoining the date of the examination.

The Court also deem it incumbent on them to point out an irregularity in the Proceedings of the Judge on Circuit in the Trial of [illegible] Amongst the evidence purporting to be on the part of the defence appear the depositions of two persons named Smoltz and Maureen Sutter Conky Moideen, who are not included in the list of witnesses on behalf of the Prisoners and the nature of whose evidence would seem to be designed rather for the Prosecution than the defence.

Ordered That instead of these Proceedings be sent to the 2d Judge of Circuit in the Western Division by Precept commanding him

12 F. U.
6th May 1816.

him to communicate the necessary part to the Magistrate of South Malabar for his information and future guidance—

Sent following Precept

/ Hereunder /

Read Letter dated 6th March last from the 1st Judge of Circuit in the Northern Division— transmitting his Proceedings held in case No 4 of the Jurisdiction Calendar for the 1st Sessions of 1816—

/ Hereunder No 147 of 1816 /

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Pundits law officer and the Futwa of the Cazee cool. Coozat and Mooftees of the Foujdaree Adaulut do confirm the said Futwa of the Cazee cool. Coozat and Mooftees aforesaid & acquitting the Prisoners

1st "Indagoola Venkatigaudoo" &

2d "Rangee Boosanah"

do direct that they be released accordingly.

Read Letter dated 12th February last from the 1st Judge of Circuit in the Northern Division— transmitting his

proceedings

6th May 1816.

Proceedings in case No. 19 of the Collector's Calendar for the 1st Sessions of 1816

/ Encl. No. 96 of 1816 /

The Court having maturely considered the Proceedings held before the Law Officer and the Fetwa of the Provincial Cozzat and Mooftee of the Zillah Zungpore and Mooftee of the Sungpore Adalut do confirm the said Fetwa of the Cozzat and Mooftee aforesaid and adjudge the said Prisoners

1st. Sungoolee Dass

2d. Sungoolee.

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of twelve Calendar months

Sent following letter

/ Here enter D /

The English translation of the Record

6th May 1816

Record of the foregoing trial appears to have been somewhat hastily prepared; it exhibits various inaccuracies, though of generally of an unimportant nature, and a difference is occasionally observable between the English and Persian translations, wholly inconsistent with that degree of attention which is obviously essential in order to a correct report of the Proceedings held upon the Trial. The Court will only notice one passage, with the view of impressing upon the Judge who presided at the trial the necessity of a careful perusal of his Proceedings prior to their transmission to the Foujdaree Adaulut. The 2d Witness Fotaccara Alekanah, States in the course of his answer to the 5th Question before the Court of Circuit, that "the Prisoners had "halted for three days at Gillakupeandoo for "Cooks, from all which marks I concluded "they were the people and having been told "their names I recollected and mentioned "them accordingly; whereas the witness's statement, according to the Persian is, to the following effect- "the Prisoners had halted

for

"for three days at Gillaseapundoo to punchade
"cocks: I saw them and heard their names:
"therefore I recollected them."

The Court are also compelled to call the attention of the Judge on Circuit to an irregularity in the mode of conducting the trial which, if generally admitted, might eventually lead to considerable abuse.— Nearly the whole of the Proceedings in this case are conducted by the Provincial Law officer.— The Witnesses are asked by the Court whether they know the Prisoners at the Bar, and the Cages where they proceeds with their examination and conducts it in almost every instance, without any further comment or observation from the Bench.— A power is provided by the Regulations that the Law officer is to be present during the whole of the trial and that he is to be consulted whenever it may be in contemplation to dispense with the evidence of a witness. Hence it may reasonably be inferred that, where any point may remain uninvestigated by the Judge presiding at the trial, which may be in any degree material to the issue of the

case

[illegible] & Fr. Co.
6th May 1816.

cudes it shall be competent for the Law officer to interrogate a witness upon such point, with a view to the decision which he is to pass upon the charge, but to entrust a Law officer with the almost exclusive management of the Proceedings on the trial is to transfer to that officer the important duties which the Judge is bound to perform.

Ordered that extracts of these proceedings be sent to the 1st Judge of Circuit in the 2d (Third) Division for his information and future guidance.

Sent following letter

Recorder &c

Read letter dated 23d Ultimo from the Magistrate in the Zilla of Chingleput enclosing extract from the Proceedings of the Circuit Court and proposing that the Prisoner Timmen therein referred to be sent to the Presidency to be confined in the Lunatic Hospital

(Recorder No 239 of 1816)

Before the Court can come to any decision on the subject of the foregoing letter they deem it necessary to call the attention of the [illegible] Acting Magistrate to their Circular Orders

f

6 6th May 1816.

6

of the 9th July 1814 to ascertain what steps had been taken in the resolution of Government respecting persons confined in the Zilla Jails under confirmed mental derangement, whom it may be considered advisable to send to the Residency in order to their being placed in the Lunatic Hospitals

With reference to the above Order, it will be incumbent on the Acting Magistrate to forward a medical certificate respecting the insanity of the Prisoner Timmun, and he will further observe that according to the instructions from Government the insanity of the Prisoner should be attested by three medical officers "before he quits the Jail where he is confined"

Ordered that extract of these proceedings be sent to the Acting Magistrate in the Zilla of Chinglepet for his information & guidance.

Sent following letter

Recd letter dated 3d Inst. from the Secretary to Government in the Judicial Department desiring that the necessary measures be taken for carrying

into effect

8 May 1816

convicts to Penang, together with the Malay Prisoner mentioned in his letter of the 8th July last, by the Honourable Company's Ships Searey & Europe.

Here enter No 259

Ordered that copy of the above letter, with Extract of these Proceedings, be transmitted to the Acting Magistrate of Chingleput, and that he be directed to send to the Presidency all the convicts who may have arrived at Chingleput under sentence of transportation, together with a list specifying the named, crimes and sentences of the several convicts, and that he be further desired to send the Malay Prisoner agreeably to the orders communicated in the above letter.

Sent following letter

/Here enter 6/

Read letter dated 23d Ultimo, from the Secretary to Government in the Judicial Department. announcing copy of letter to the Resident at Mysore regarding the two Persons, natives of that country, who are confined at Salem under charge of

Poonaseeroo,

6. May 1816.

Pleas[illegible] one of whom is ordered to be liberated and the other to be sent to Mysore

/ Recr enter No 242 /

Ordered that Copy of the above letter and extract of these proceedings together with extract from the Cannanore proceedings of the 8th Ultimo be sent to the acting Magistrate in the Zilla of Salem, for his information and guidance.

And following letter

/ Recr enter No /

Read letter dated 1st Ultimo from the Magistrate in the Zilla of Bellary, with Report of proclaimed offenders

/ Recr enter No 248 /

Read letter dated 20th Ultimo from the 1st Judge on Circuit in the Western Division Reporting the commencement of the Criminal Sessions

/ Recr enter No 243 /

Read letter dated 17th Ultimo from the 1st Judge on Circuit in the Canara Division - With copy of Calendar for the 1st Sessions A.D. 1816.

/ Recr enter No 244 /

Read letter dated 19th Ultimo from the 1st Judge of Circuit in the Southern Division

(4 4) F. No.
6th May 1916.

Division submitting copy of 4th Trichinopoly Calendar for the 2d Quarterly Sessions A. D. 1916. and calling the attention of the Court to the indiscriminate confinement of Civil and Criminal Prisoners in the Jail at that station.

G.C.S. R.A. / Hercenter No 235 / 25.

H

F. 46.

At a Court of Foujdaree Udalut.

Present

Wednesday 8th May 1816.

Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre

Read letter dated 5th Instant, from the Acting Magistrate in the Zillah of Chingleput forwarding lists of the 23 Convicts and the Malay Prisoner whom he had sent to the Presidency Henceforth &c 262

The Court direct that the usual Report be prepared, with Minutes of the Sentences passed on the several Convicts, and that the said documents be submitted, together with copy of the Enclosure in the Acting Magistrates letter describing the Malay Prisoner, for the information of the Right Honourable the Governor in Council.

Sent following letter

Rd. Peon entr 9th

F. U.

At a Court of Fouzdaree Udalut

Present

Monday
13th May 1816.

Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
} Judges

At
E.C.S.
Cp

Read letter dated 17th ultimo,
from the Secretary to Government in the Judicial
Department approving the proposed modifi-
=cations in the Rules regarding the employment
of convicts; but stating that obstacles exist
to the immediate execution of the measure,
and observing, that it may eventually be
found necessary to supply convicts from other
Zillas, in the place of those who may be
required at Cuddapah and Bellary

(Here enter No. 224 of 1816)

With reference to the concluding
part of Mr. Secretary Hill's letter, the
Court resolve to make the following amendment
in the Detailed Rules submitted by the
Magistrate of Chittoor, in addition to the
modifications, which have received the
sanction of Government

Instead

13th May 1816.

Instead of limiting the operation of the Rules to the Lillas in the Leeward Division the Court proceeds to express their discretion in selecting other Lillas, from which convicts may be sent to work at the Lunatic near Clutha

The Court accordingly directs that a new draft be prepared, including the former modifications, and such other alterations, as may appear to arise out of the above proceedings, and that the Rules be submitted in their revised form, for the consideration of Government

Ordered that extract of these proceedings together with a copy of the Rules be sent to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honourable the Governor in Council

Sent following letter

Read letter dated 24th Instant from the Magistrate in the Lillo of Gorgon stating that the Proceedings regarding the Establishment of the Lunatic Asylum will be forwarded as soon as circumstances permit, but

13th May 1816.

expressing his doubts, whether he should, or should not send his Proceedings, in other cases of resistance, to Civil & criminal process.

/ Here enter No. 260 /

The Magistrate states in the foregoing letter, that "Several heavy charges "of resistance of Process, Civil and Criminal "have been framed against the Zemindar of "Goomsur; in addition to that, which led to the immediate attachment of the Zemindary, and Mr. Woodcock submits, whether the Proceedings in these several cases should, or should not be forwarded to the Foujdaree Adalut.

As repeated resistance of Process must be held to constitute one of those circumstances of aggravation, on which the nature of the punishment to be adjudged, materially depends, the Court consider it necessary, that they should be in possession of all the documents connected with the several instances of Resistance, on the part of the Zemindar, to the Process of the Magistrate.

The Court accordingly direct, that extract of these Proceedings be communi-

-cated

13th May 1816

=nicated to the Magistrate in the Zilla of
Ganjam by Precept, commanding him to
forward all the papers relative to the
Resistance of Criminal Precepts by the
Zemindar of Goomsur, with as little delay
as possible. Sent following Precept
/ Reference B /

Ordered also, with Reference to the
Communication from Government under date 17th
April last, that the Magistrate's letter be forwarded with
extract of these Proceedings
to the Secretary to Government
in the Judicial Department, for the purpose
of being laid before the Right Honourable
the Governor in Council
Sent following letter
/ Reference C /

Read letter dated 1st Instant, from
the Register to the Provincial Court in the
Southern Division — Enclosing the official oath
taken and subscribed by the Assistant to the
Register

/ Reference No. 2641 /

Read letter, dated 30th ultimo.
from the 1st Judge on Circuit in the Northern
Division — Reporting his arrival at
Vizagapatam

12/ Fr. 16.
13th May 1816.

Vizagapatam

/Recr enter No. 265./

Read letter, dated 1st Instant, from
the acting Magistrate in the Zilla of Salem With
Register of Proclaimed Offenders for April

/Recr enter No 264/

Read letter dated 27th Ultimo, from
the 1st Judge on Circuit in the Western Division
Reporting the completion of the Jail delivery at
Cochin and the departure of the Court for
Seringapatam

/Recr enter No 266/

Read letter dated 7th Instant,
from the acting Magistrate in the Zilla of
Chingleput Reporting the arrival from
Cuddapah of five convicts under Sentence
of Transportation, and enclosing the Orders of
the Magistrate of Cuddapah and the Native
Doctor's Certificate

/Recr enter No 263/

Read letter, dated 18th Ultimo, from
the 1st Judge on Circuit in the Northern Division
transmitting a Copy of Rajahmundry Calendar for the
1st Sessions A. D. 1816. and announcing his departure
for Vizagapatam

/Recr enter No. 244/

11 Qr
565
R. A.
250

13

F. C.

H.M. Court of Fowjdaree Udalut

Present

Wednesday
15th May 1816.

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated 26th ultimo from the Magistrate in the Zilla of Bellary — Enclosing of documents regarding the murder of the Male Prisoner Permaul Rayo by the Maniac Perumbum Lauge, requesting authority to send the latter to the Lunatic Hospital, together with three persons mentioned in the accompanying Warrants from the Sr. Judge on Circuit, and stating the necessity of detaining in confinement a fifth Person whom he does not feel authorized to recommend as a fit subject for the Lunatic Hospital.

Hereunto No. 2581

In the foregoing Letter the Magistrate recommends that four insane prisoners named Perumbum Rauge, Tippoogoudoo, Naugadoo & Bheemah should be sent to the Lunatic Hospital at the Presidency. The Magistrate forwards

15th May 1816.

forwards various documents regarding the murder of Pernaud Baar by the first Prisoner, Purrunbum Kauge, in the Lilla Jail on the 13th Instms, and he encloses copies of warrants from the Bd Judge on Circuit respecting the other three Persons whom he considers it "impossible to release without "endangering the lives of Individuals"

The Court entirely concurs with the Magistrate in opinion that the release of the above Prisoners would be attended with danger to the community, but before they can discharge the Removal of these Prisoners to the Presidency, in order to their being placed in the Lunatic Hospital, it is necessary, with Reference to the orders from Government under date the 24th June 1814, that certificates of the insanity of the several Prisoners should be furnished to the Court. Government further direct that "the insanity of the Prisoners should, "when practicable, be attested by two "medical officers before they quit the Jail "where they are confined."

Ordered that extract of these

proceedings

15th May 1816 proceedings be sent to the Magistrate in the Zilla of Bellary for his information and guidance.

Sent following letter

Hereunto A/

Read letter dated 25th Ultimo from the 2d Judge of Circuit in the Northern Division submitting copy of Masulipatam Calendar, 2d Quarterly Session of 1816, with Report of his visit to the jail, &c. and recommending the appointment of a Jailer

Hereunder No. 254

The 2d Judge of Circuit observes at the conclusion of the foregoing letter that the Jail at Masulipatam is at present entirely under the Fajirs Superintendence and he recommends that a Jailer should be appointed for the better security of the Prisoners

Concurring in the expediency of such appointment the Court direct that the Magistrate of Masulipatam be required to specify the expence which will be incurred by this addition to his establishment, in order that it may be submitted for the

sanction

15th May 1816

sanction of Government.

Ordered that extract of these proceedings be sent to the 2d Judge of Circuit by Precept, commanding him to make the necessary communication to the Magistrate of Masulipatam.

Sent pattowing Precept

/Hereunder B/

Read letter dated 30th ultimo from the Acting Magistrate in the Zilla of Salem submitting, for the consideration of the Court the plan which has occurred to him with regard to the Prisoners who are to be sent to take their trials at the within named Stations under the Courts orders of the 8th June last

/Hereunto No 255/

The order in which the acting Magistrate proposes that the Informers, who have been admitted as witnesses, should be sent to the different Stations at which the Prisoners are to be tried, appear to be well calculated for the earliest practicable completion of the several trials.

The Court accordingly direct

That

12/ F. C.
15th May 1816

That the aforesaid witnesses be sent in the first instance to Cuddapah to await the arrival of the Judge on Circuit at the 2d Sessions of the present year. — The witnesses will proceed with the Circuit Court to Bellary, and when the trials shall have been closed at that station they may be sent to Sellore, whence they can proceed successively to Guntoor & Masulipatam; but as the Jail deliveries of the Northern Division commence with Sellore and Guntoor, the Court do not consider it possible that the trials can come on at these two Stations before the 1st Sessions of 1817.

Ordered that extract of these proceedings be sent to the acting Magistrate in the Zilla of Salem for his information and guidance.

Sent following letter
/ Vide inter C /

Ordered also that extract of these proceedings be sent to the Courts of Circuit on the ~~Western~~ Centre and Northern

Divisions

15th May 1816.

Divisions for their information and guidance
Sent following letter

R.A. / Here enter D/ 50

Read letter dated 7th Instant, from the Register to the Court of Circuit in the Northern Division, Submitting extract from the Proceedings of the Circuit Court: Recommending that Rewards be offered for the apprehension of King & Robbert who committed a daring act of robbing & murder in the town of Nagapatam on the 30th Ultimo; at the rate of 500 Rupees for each and 100 Rupees for each of the inferior offenders: together with extract from Proceedings of the 9th August last and Recommendation that increased Rewards be offered for the apprehension of the offenders mentioned therein

/Here enter p. 275/

The Court have read with concern the particulars communicated in the foregoing letter regarding the daring and atrocious act of Robbery and murder committed by a gang of about thirty persons on the evening of the 30th Ultimo in the Town of Nagapatam, and do direct, under the Provisions of

Section

15th May 1816. Section X Regulation VII. A. D. 1811, That Rewards be immediately offered for the apprehension of the members of the Gang, at the rate of 500 Rupees for each Sardar and 100 Rupees for each of the inferior offenders —

With reference to the concluding part of the Proceedings of the Court of Circuit of the above Date and to their proceedings of the 9th August last, the Court do further direct, in the hope of stimulating all classes of the community to the active pursuit of delinquents who have been guilty of such aggravated acts of violence and outrage, that increased Rewards be offered for the apprehension of the Persons concerned in the Robbery & murder committed at Conadah on the night of the 29th July last, at the rate of 300 Rupees for each of the Leaders & 60 Rupees for each of the Inferior offenders. —

Ordered that extract of these Proceedings be sent to the Court of Circuit in the Southern Division by Precept commanding them to communicate the same to the Magistrate of Nagapatam for

15. May 1816

for his information and guidance."

Sent following Receipt

[Recenter 6]

Ordered also that extract of these

Proceedings be sent to the Civil auditor

Sent following letter

R. A.

[Recenter 5]

[Recenter F]

J. A.

At a Court of Foujdaree Adalut.

Present.

Monday 20th May 1816. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read letter dated the 10th Instant,

H from the Secretary to Government in the
Judicial Department, sanctioning the rewards
605 proposed in the Court's letter of 24th ultimo.-

/Here enter No. 279/.

Ordered that copy of the above
letter with extract of these proceedings and extract
from the proceedings of the 24th ultimo be sent
to the Magistrate in the Zilla of Cuddapah
for his information and guidance.-

Sent following letter.-

/Here enter No/

Read letter dated the 2d Instant
from the Magistrate of Vizagapatam, with
Register of Proclaimed Offenders for April.-

/Here enter No. 269/

Read letter dated 4th Instant, from
the 2d Judge on Circuit in the Southern Division.
Reporting his arrival at Tinnevelly and the
commencement of the Sessions.-

/Here enter No. 267/

Read

F. C.

At a Court of Fouzdaree Udalut

Present

Wednesday 22.d May 1816.

Andrew Scott Esq.re
Edward Croft Greenway Esq.re } Judges
George Stratton Esq.re

All

Read letter dated 10.th January last from the 2.d Judge on Circuit in the Western Division transmitting his proceedings in case No. 32 on the Calendar of South Malabar for the 2.d Sessions of 1815.

GP

EGS

Here enter No. 22 of 1816

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee col Coozat and Mooftees of the Fouzdaree Udalut, do confirm the said Futwa of the Cazee col Coozat and Mooftees aforesaid and accordingly direct that the Prisoner

"Eeshoora Dosh Lala"

be set at liberty

Read letter dated 19.th February last from the 2.d Judge of Circuit in the Western Division transmitting his proceedings in case No. 34 on the Calendar of South Malabar

for

22d May 1816

for the 2d Session of 1815.

/ Vide entry No 119 /

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Coozzat and Mooftees of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee ool Coozzat and Mooftees aforesaid and acquitting the Prisoners,

1st "Aranattil Kutty Ajen."

2d "Parrukunnitel Manny Koaty."

3d "Kambdea Kaut Kroonjee Kalendan" &

4th Cherekolangara Amod Koaty."

do direct that they be released accordingly—

Sent following letter

/ Vide entry ditto

In the letter which accompanies the Record of the foregoing trial No 34 the Judge on Circuit states it to be his opinion that the Prisoners have failed to prove in their defence the severe treatment which they allege to have received from the Jemadar and Head people of the Village, whom interrogated regarding the commission of the crime laid to their charge—

23d May 1816.

Of the eight witnesses named on behalf of the Prisoners four only were examined before the Court of Circuit, and the deposition of the third witness Koonjanood, who deposes that the Prisoner, Koonjee Kalender was bound a second time before he made his confession, would appear to militate against the opinion expressed in the above letter.

Adverting to this circumstance & to the obvious necessity which exists for ascertaining whether "confessions made by "Prisoners are free and voluntary" the Court conceive that it was particularly incumbent on the Judge who presided at the trial to go through the whole of the evidence on the part of the defence, before he drew any conclusion regarding the merits of the confession.

On examining the Records of these trials, Nos. 32 and 34 of the South Malabar Calendar, the Court observe the same informality in the Magistrates attestation of the depositions taken before them as they had occasion to point out in their Proceedings of the 6th instant and they consider it necessary to notice an omission in the

English

22d May 1816

English and Persian translations of the Proceedings of the Judge on Circuit. It appears from these translations that the names or marks of the witnesses were affixed to their respective depositions but there is nothing to shew that the depositions were attested by the Judge who presided at the trial.

Ordered that extract of these Proceedings be sent to the 2d Judge of circuit in the Western Division - by Precept commanding him to communicate the necessary part to the Magistrate of South Malabar for his information and future guidance.

Sent following Precept

/Here enter B./

Read letter dated 23d March last from the 1st Judge on circuit in the Western Division - transmitting his Proceedings held in case No 11 on the Calendar of Cannara for the 1st Sessions of 1816.

/Here enter No 188./

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Future of the Provincial Law officer and the Future of the Cazee of Cogat and Mosfat

of

10 F. Mc.
22d May 1816

of the Foujdaree Adalut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and, under the sentence of Kisaas passed against the first Prisoner Babby Bhutta, do adjudge him the said Prisoner

"Babby Bhutta"

to suffer death by being hanged at the usual time and place of execution —

And under the sentence of Arsh-oobut passed against the second Prisoner Kenoka, the Court do adjudge him, the said Prisoner

"Kenoka,"

in conformity with the provisions of Clause First, Section IV, Regulation XV A. D. 1803 to suffer death by being hanged at the usual time and place of execution.

Sent following letter

/ Herewith /

The Court have to remark with reference to the English and Persian translations of the Proceedings held before the Court of Circuit on the foregoing trial that, although the signatures or marks of the several witnesses would appear to have been affixed to their

respective

respective depositions. There is nothing to shew that the depositions were attested by the Judge who presided at the trial.

Ordered that extract of these Proceedings be sent to the 1st Judge on Circuit in the Western Division for his information & future guidance —

Sent following Letter
/Here enter D/

Read letter dated 17th Ultimo from the 1st Judge on Circuit in the Northern Division transmitting his Proceedings held in case No. 3 on the Calendar of Rajah Maundry for the 1st Sessions of 1816.

/Here enter No. 236./

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Cozat and Mooftee of the Fouzdaree Adalut, do confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid and accordingly direct that the Prisoner

"Yarlagudda Kistnadoo"

be set at liberty —

Sent following Letter
/Here enter C/

22nd May 1816

In the Future passed on the foregoing case the Law officers remark that, when the Prisoner was arraigned he remained "silent" and the Court observe, on reference to the Persian translation of the trial, that no answer is there recorded, but, as it is stated in the English translation that the Prisoner pleaded "not guilty," the Court conclude that the Persian Record is defective and they accordingly Resolve to point out this disagreement between the translations of the original Record to the Judge who presided at the trial.

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information

Sent following letter

Fort William

The 1st Judge on Circuit in the Northern Division was directed by Precept from the Court under date the 6th March last to forward, with as little delay as possible, his Proceedings in case No 114 of the Nellore Calendar wherein the Prisoner, who was charged with having uttered a Kuttalutsamah knowing it to be forged, was sentenced to be marked

respective depositions. There is nothing to shew that the depositions were attested by the Judge who presided at the trial.

Ordered that extract of these Proceedings be sent to the 1st Judge on Circuit in the Western Division for his information & future guidance —

Sent following letter
/Here enter D/

Read letter dated 17th instant from the 1st Judge on Circuit in the Northern Division - transmitting his Proceedings held in case of [illegible] on the Calendar of Rajah Mundry for the 1st Sessions of 1816.

/Here enter No 236./

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cazee ool Cozat and Mooftee of the Foujdaree Udalut, do confirm the said Futwa of the Cazee ool Cozat and Mooftee aforesaid and accordingly direct that the Prisoner

"Gurlagudda Kistnadoo"

be set at liberty —

Sent following letter
/Here enter E/

22nd May 1816

In the Futwa passed on the foregoing case the Law officers remark that, when the Prisoner was arraigned he remained "silent," and the Court observe, on reference to the Persian translation of the trial, that no answer is there recorded; but, as it is stated in the English translation that the Prisoner pleaded "not guilty," the Court conclude that the Persian Record is defective and they accordingly Resolve to point out this disagreement between the translations of the original Record to the Judge who presided at the trial.

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information

Sent following letter

Fort William

The 1st Judge on Circuit in the Northern Division was directed by Precept from the Board under date the 6th March last to forward, with as little delay as possible, his Proceedings in case No 114 of the Nellore Calendar wherein the Prisoner, who was charged with having uttered a Rukahdumah knowing it to be forged, was sentenced to be marked

respective depositions. There is nothing to shew that the depositions were attested by the Judge who presided at the trial.

Ordered that extract of these Proceedings be sent to the 1st Judge on Circuit in the Western Division for his information & future guidance —

Sent following letter
/Hereinafter D/

Read letter dated 17th Instt from the 1st Judge on Circuit in the Northern Division — transmitting his Proceedings held in case No 3 on the Calendar of the Roll mundry for the 1st Sessions of 1816.

/Here enter No 236./

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law officer and the Futwa of the Cageeool Cozaat and Mooftees of the Fouzdaree Adalut, do confirm the said Futwa of the Cageeool Cozaat and Mooftees aforesaid and accordingly direct that the Prisoner

"Yarlagudda Kistnadoo"

be set at liberty —

Sent following letter
/Here enter C/

22nd May 1816

In the Futwa passed on the foregoing case the Law officers remark that when the Prisoner was arraigned he remained "silent" and the Court observe, on reference to the Persian translation of the trial, that no answer is there recorded; but, as it is stated in the English translation that the Prisoner pleaded "not guilty," the Court conclude that the Persian Record is defective and they accordingly Resolve to point out this disagreement between the translations of the original Record to the Judge who presided at the trial.

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information

Sent following letter

Fort William

The 1st Judge on Circuit in the Northern Division was directed by Precept from the Court under date the 6th March last to forward, with as little delay as possible, his Proceedings in case No 14 of the Nellore Calendar wherein the Prisoner, who was charged with having uttered a Kutkahutsumah knowing it to be forged, was sentenced to be marked

on the forehead with the word "Liar" in Greek characters, &c.

No return has been made to the Precept abovementioned, but the Court conclude that the Judge has issued orders to the Magistrate of Nellore to suspend the execution of such part of the Sentence as relates to the process of "godna" until the receipt of instructions from the Foujdaree Adalut

Ordered that extract of these Proceedings be communicated to the 4.th Judge on Circuit in the Northern Division, by Receipt again commanding him to forward his Proceedings in the foregoing case and to explain the cause of the delay which has occurred in making return to the Courts Precept of 6.th March last

Sent following Precept

/Here enter G/

Read letter dated 13.th March last from the 3.d Judge of Circuit in the Southern Division - transmitting his proceedings held in case N.o 3 of the Trichinopoly Calendar in the 1.st Quarterly Sessions of 1816.

/Here enter No. 166/

The Court having maturely

considered

13/ F. 116
22.° May 1816

considered the proceedings held before the
Acting
Judge of Circuit, the Futwa of the Provincial
Law officer and the Futwa of the Cazee ool=
=Coogat and Mooftees of the Foujdaree Adalut
do confirm the said Futwa of the Cazee ool=
=Coogat and Mooftees aforesaid and acquitting
the Prisoner

"Noor Mohummud, alias
Mohummud Sahib"

do direct that he be released accordingly

Sent following letter
/Recorder R/

/Recorder's Letter dated 1st February last
from the 1st Judge on Circuit in the Centre Division
transmitting his Proceedings held in case of No 32
of the Cuddapah Calendar in the 1st Session
of 1816.

/Recorder's No 128/

The Court having maturely
considered the Proceedings held before the
Judge on Circuit, the Futwa of the Provincial
Law officer and the Futwa of the Cazee ool Coogat
and Mooftees of the Foujdaree Adalut do confirm
the said Futwa of the Cazee ool Coogat &
Mooftees aforesaid and it appearing that

the

22d May 1816.

The Second Prisoner

"Condadoo"

has been released under warrant of the Judge on Circuit, the Court do direct that the first Prisoner

"Paupiah."

be forthwith set at liberty.

Read letter dated 3d February last from the Hon.ble Judge on Circuit in the Centre Division transmitting his proceedings held in case No.2 of the Cuddapah Calendar in the present year of 1816.

/ Here enter No.149./

The Court having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cageeaul Cozgat and Mooftees of the Foujdaree Adalut, do confirm the said Futwa of the Cageeaul Cozgat and Mooftees aforesaid and acquitting the Prisoner

"Cheneskoo."

do direct that he be released accordingly

22d May 1816

Read letter dated 24th January last
from the Sr. Judge on Circuit in the Centre Division
transmitting his proceedings held in case No 17.
of the Cuddapah Calendar, in the Sessions
of 1816.

/ Here enter No 146.

The Court having maturely
considered the Proceedings held before the
Judge on Circuit, the Futwa of the Provincial
Law officer and the Futwa of the Cazee or Cooga
and Mooftee of the Foujdarce Adaulut, do confirm
the said Futwa of the Cazee and Cooga and
Mooftee aforesaid and accordingly direct
that the Prisoners
1st "Timmadoo" &
2d "Kummumboogadoo"
be set at liberty.

Sent following letter
/ Here enter /

The Provincial Law officer on
delivering his Futwa on the foregoing trial
states that the evidence of a Brahmin &
Sooba Row, the witnesses to the declarations
of the Prisoners, is inadmissible as their
signatures are not affixed to the said
declarations, but the Judge on Circuit's

Remarks

22d May 1816.

Remarks in the Letter which accompanies his Proceedings that he does not consider the above omission to be a circumstance of "any importance"

In the opinion of the Judge on Circuit the Court are unable to concur as they conceive that the above recited declarations, even had they contained a full confession of the crime, would in their present unauthenticated shape, have been legally insufficient for the conviction of the Prisoner, and they accordingly direct that the Magistrates of Cuddapah do examine & take depositions over that all confessions or confirmations of former confessions made before him be properly authenticated by the signature of the Deponents.

Ordered that extract of these Proceedings be sent to the Hon.ble Judge of Circuit & the Zillah Dewanny & Sheristadary & that the Magistrates of Cuddapah do take the necessary measures for the Magistrates of Cuddapah for his information and future guidance.

Sent following Extract

(47) Fa. 116.
22nd May 1816.

from the acting Magistrate in the Tillah of Salem - to the Courts precept of 27th March last, stating that seven persons have paid their fines according to the sentence, but that the 8th has absconded, that the amount of the fines has been paid into the Treasury and that the property of the remaining persons has been released from attachment

/ Hereunto No. 268. /

In the foregoing return the acting Magistrate states that the person named Sawyar Nundum cannot be found after diligent search and that he is reported to have absconded from the Tillah

The Court presume that the above mentioned person gave good and sufficient Bail for his appearance according to the Provisions of Section V Regulation I of A.D. 1810, and they accordingly direct that the acting Magistrate be required to report whether the necessary measures have been taken in consequence of the non-performance of the condition of the Bail

Ordered that extract of these Proceedings be transmitted to the acting Magis-

22. 22d May 1816.

=trate in the Zilla of Salem by precept commanding obedience to the directions therein contained. Return to the said precept to be made within fifteen days from the receipt thereof—

Sent following Precept

/Here enter K/ 50

M

R. A

W

G. C. S

F. U.

At a Court of Fouzdaree Udalut

Present

Andrew Scott Esq.re

Wednesday May 29th 1816. Edward Croft Greenway Esq.re Judges.

George Stratton Esq.re

Read letter dated 17th Instant

from the Magistrate in the Zilla of Cuddapah

wishing to be informed whether, with

reference to Section XXXV Regulation VII of 1802

prisoners sentenced to be transported to

Prince of Wales Island are liable to Podenda

and whether, as in the case of Dungeon, a

certificate purporting a Serzaulidge of the

penalty consequent on a Return from transportation

shall be taken in future from persons under

such sentence.

Reference to 285

The Magistrate states in the

foregoing letter that some scruples have been

entertained whether the enactment contained

in Section XXXV Regulation VII of 1802 be

strictly applicable to convicts transported

for life to Prince of Wales Island or

"because

"because it is believed that the convicts on
"that island are not kept continually
"confined to a Jail; but at times are employed
"on various Services about that small territory."

The Court have not any information
before them regarding the confinement of convicts
transported to Prince of Wales's island;
but they do not consider the question to be
of material importance, as they are of opinion
that the Spirit of the foregoing enactment
cannot be destroyed by any variation which
circumstances may occasion in the mode of
their confinement. The object of the enactment
is "to facilitate the Recapprehension of convicts
"sentenced to confinement for life, who may make
"their escape from jail" or, as the Section may be
fairly interpreted, from any place where the
aforesaid convicts may be confined in pursuance
of the Sentence of the Law; and it is obvious to
remark that the considerations which suggested
the expediency of the provision contained in the
Section above quoted must apply in every respect
to convicts transported beyond the Seas. In
fact, the Section to which the Magistrate
refers, after reciting the grounds of its enactment,

and

29th May 1816

goes on to declare that "all convicts of this description (ie who are sentenced to confinement for life) are to have the following particulars inscribed on their foreheads &c.

The Court accordingly repeat their circular instructions of the 1st May 1815 and again direct that in all cases in which a Sentence of transportation may be passed or confirmed by this Court, the Court of Circuit by which such sentence may be communicated to the Magistrate of the Zilla in whose charge the convict may be to, in transmitting such Sentence, direct that the inscription prescribed by Section XXXV Regulation VII A. D. 1802 be made in the forehead of the convict.

It is proposed by the Magistrate at the conclusion of the above letter that a certificate purporting a knowledge of the penalty consequent on a return from transportation should in future be taken from all persons under such sentence, but the Court are disposed to consider the adoption of this measure altogether unnecessary, as it must sufficiently appear from the Magistrate's

29th May 1816.

Magistrates Proceedings whether notice of the penalty 5 Rs or Rs not been made to the convicts at the time of passing sentence upon him.

Ordered that Copy of the above letter and extract of these Proceedings be sent to the Courts of Circuit in the several divisions for their information and guidance.

Sent following Circular Letter

/ Here enter A /

Ordered also that extract of these proceedings be sent to the Magistrate in the Zilla of Cuddapah for his information

Sent following letter

/ Here enter B /

R. A.

Read letter dated the 15th instant

letter and enclosures by Mr Geo. Gregory - re Magts. duties of the gaoler of Penitentiary before the Senior Judge of that Court.-

/ Here enter A /

F. M.

At a Court of Foujdaree Adalut.

Present

Andrew Scott Esq^re
Edward Croft Greenway Esq^re } Judges
George Stratton Esq^re

Friday 31st May 1816.

Read Letter dated 27th Instant from the Magistrate in the Zilla of Chinglepute forwarding that the circular order referred to in the Extract of the proceedings of the Foujdary Adalut of 6th Instant could not be found on Record in his office and in consequence requesting a copy thereof.

Recorded No. 302

The proceedings of the Foujdaree Adalut on the subject of applications from the Zilla Magistrates with regard to forwarding insane Prisoners to the Presidency were transmitted on the 9th July 1814, together with the orders of Government, to the several Courts of Circuit, for circulation to the Magistrates in their respective divisions—

Ordered, therefore, that Copy of the foregoing Letter with Extract from these Proceedings be forwarded to the

Court

2/ 31st May 1816.

Court of Circuit in the Centre Division by
Precept commanding them to furnish Copy
of the aforesaid Proceedings of the 8th July 1814 to
of Chinglepet the Magistrate
for his information & guidance

Sent following Precept

/ Vide entry A /

Ordered also that extract of these
Proceedings be communicated to the Magistrate
of Chinglepet for his information

Sent following Letter

/ Vide entry B /

Read Letter dated 28th instant
from the Secretary to Government in the
Judicial Department approving the new
Draft of Rules regarding the employment of
the Convicts in digging a tank near Chitoor
and desiring that they be communicated to
the Magistrate of those Talluk where the
convicts are to be drawn, with information
that the measure will soon be carried
into execution.

/ Vide entry No. 301 /

The Court direct that copy of the
above Letter, together with the revised draft of
Rules and Extracts from the Courts Proceedings

31st May 1816

of the 29th March and 13th May last respectively, be transmitted to the Court of Circuit in the Centre Division by Precept commanding them to circulate the same to the several Magistrates in their Division and to require them that they must be prepared to act in conformity with the aforesaid Rules as soon as they shall receive the final orders of Government with regard to carrying the proposed measure into execution &c.

The Court do further direct that copies of the foregoing documents be forwarded to the Magistrate of Salem that he be ordered to hold himself in readiness to furnish the Magistrate of Chittoor with the information required by Section IV of the Rules abovementioned as soon as the final instructions shall be received for carrying the proposed measure into execution.

Sent following letter

December 6th.

Read letter dated 30th ultimo from the Magistrate in the Zilla of Bellary with Register of proclaimed offenders

31st May 1816.

Read letter dated 18th Instant
from the 1st Judge on Circuit in the Western
Division - Reporting commencement of Sessions at
Seringapatam -

/ Recenter No 286 /

Read letter dated 15th Instant
from the Magistrate in the Zilla of Cochin -
With Report of Prisoners confined under sentence -

/ Recenter a No 292 /

Read Return dated 15th Instant -
from the Magistrate in the Zilla of Nyagapatam -
to the Courts precept of 22d April stating
that in conformity to foregoing Requisition
had been offered for four of the prisoners
therein mentioned and that the 5th Surgeon
Yerkum Dorah had given himself up
previous to the receipt thereof -

/ Recenter No 293 /

Read letter dated 25th Instant -
from the Magistrate in the Zilla of Chinglepat
Reporting the arrival of a convict from Chittoor
under Sentence of transportation, and forwarding the
usual documents transmitted by the acting
Magistrate of Chittoor

/ Recenter No 295 /

Read

12/ F. 16.

31st May 1816.

Read returns dated 20th Instant,
from the Court of Circuit in the Southern
Division - to the Courts precept of 30th
Ultimo - stating that the acting Magistrate
in the Zilla of Salem reports that the
Prisoner mentioned in the foregoing precept
died in Jail on the 3d May 1816.

/Bere enter No. 296./

Read Letter dated 22d Instant
from the 1st Judge of the Court of Circuit in
the Southern Division - forwarding warrant
of execution of Mootoo Prisoner in case No. 9
on the Nundydrellum Calendar in the 2d Session
of 1815.

/Bere enter No. 297/

Read return dated 20th Instant
from the 2d Judge of Circuit in the Western
Division to the Courts precept of 6th Instant
stating that in conformity to the foregoing
precept the necessary communication has been
made to the Magistrate of South Malabar

/Bere enter No. 298./

Read letter dated 27th Instant from the
1st Judge of Circuit in the Centre Division -
with returned warrant of execution of

Ramsing

31st May 1816.

Remitting No. 12 of the Chilton Calendar of Sessions of 1815.

/Here enter No. 303/

R. X.

GW

copied

F... U.

At a Court of Foujdaree Udalut

Present

Wednesday 5th June 1816.

Andrew Scott Esqr.
Edward Croft Greenway Esqr. Judges
George Stratton Esqr.

Read Returns dated 8th ultimo.

from the Magistrate in the Zillah of Ganjam —
to the Courts precept of 25th March last
Forwarding the proceedings and extracts from
his correspondence with Government in Septr.
1814 in the case of resistance to process on
the part of the Zemindar of Goomsoor.

/Here enter No. 300/

It appears from the Proceedings
which accompany the foregoing Return that a
warrant was issued by the Magistrate of Ganjam
on the 15th of March 1815. for the apprehension
of Stree Chettreyawara Deo Damoryayabunge
Zemindar of Goomsoor who was charged with
having murdered Goreya Puttamahalance
the wife of Stree Chettreyawara Deo of
Streecarabunge late Zemindar of Goomsoor
on or about the 2 July 1814 —

The

5th June 1816.

The Writ was executed with the execution of the aforesaid Warrant made return on the 21st of March, certifying that it had been duly served on the Defendant who had refused to accompany him to Gargrave. Depositions were given to the same effect before the Magistrate on the same Date by the Sager and the four Persons who accompanied them to Holland, the residence of the Defendant. These persons declare on the course of their depositions that the Defendant failed of ready bail further declared to be unfounded, and that on his asking the Defendant whether he would come when he got better, he made no answer but refused to comply with the Warrant.

The Sager was directed on the same day / the 21st of March / to serve the warrant again served by two of his Peers, or, in the event of them being prevented from proceeding to Holland, to have a short Summons / marked B / transmitted through the Defendant's Servants. Return made under by the Sager on the 23rd of March, setting forth that the Peers had been prevented from

from proceeding to Kalladda, but that they had forwarded the Perwana B, which, with the Zemindar's remarks, accompanied the foregoing Return; and the Depositions of the Peons appointed on the part of this Return.

A Proclamation was accordingly issued by the Magistrate on the 23d of March, in conformity with Clause first, Section II of Regulation I A. D. 1810, specifying that should the Zemindar not appear within one month from the date thereof to answer to the charge of murder and the aforesaid Resistance of Process, his Zemindary would be declared forfeited to Government under the Provisions of the above quoted Regulation.

On the 28th of March the Sayir made return that the Proclamation had been published by beat of Tom Tom and had been affixed on the Court House &c.; but that as the Peons had been prevented, by the Zemindar's people from proceeding to Kalladda, they had affixed a copy of the said Proclamation at the Pwarum or Barrier, according to the Magistrate's instructions. The depositions of the Sayir peons, Nos. 52 & 53, substantiate

the

5th June 1816.

the foregoing Return —

As the Zemindar of Goomsoor did not appear in pursuance of the above Proclamation the Magistrate of Ganjam issued a proclamation on the 13th of May following, declaring the lands of the said Zemindar forfeited to Government, and began the requisite notice to the Collector under Clause Second, Section II Regulation I A. D. 1810 —

The Court having maturely considered the evidence and the circumstances of the above case, do confirm the judgment for a forfeiture of the Zemindar's Lands and accordingly Resolve, under the provisions of Section III Regn II A. D 1810, to transmit their proceedings, with those of the Magistrate of Ganjam, for the consideration and decision of Government.

Ordered that extract of these Proceedings, with the foregoing letter and enclosure be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council —

Sent following letter

/ Rec'd Enter'd

12/ Fr. 16.
5th June 1816.

Read letter dated 20th January last from the 2d. Judge on Circuit on the Western Division transmitting his Proceedings held in Case No. 10 on the Calendar of South Malabar in the 2d. Sessions of 1815.

/ Herewith No. 55 /

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Fouzdaree Adaulut do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid, and it appearing that the fifth Prisoner,

5th "Pattatool Ramen Tattan"

has been released under warrant of a Judge on Circuit, do under the discretion vested in them by the Sentence of Fogeer, adjudge the three first Prisoners; viz.t

1st "Corapa Menon"

2d "Pattee Cannen" and

3d "Cotangate Moideen-Cootty"

to be imprisoned and kept to hard labour in irons, on the public roads or other public works for and during the period of five years.

And

5.

5th June 1816.

And the Court negativing the first
Prisoner
4th Magillahee Soombye
do direct that he be released accordingly
Read Letter dated 28th December last
from the 2d Judge on Circuit in the Madura Division
transmitting his Proceedings in cases Nos 25 & 26
on the Calendar of South Malabar on the 2d
Sessions of 1815. with his opinions thereon
/ Here enter a No. / of 1816 /
The Court having maturely
considered the Proceedings held before the Judge on
Circuit / in case No. 25 / the Futwas of the Provincial
Law Officer and the Futwas of the Cazee and Moofties
and Moofties of the Fouzdarry Adawlut do confirm
the said Futwa of the Cazee and Moofties
aforesaid and being of opinion that the Prisoner
Yakem is not convicted of the crimes laid to his
charge by / under the directions allowed by the
foregoing Futwas, direct that the said Prisoner
be set at liberty
" Cheroman Yakem "

The Court having maturely
considered the Proceedings held before the Judge
on Circuit / in case No. 26 / the Futwas of the
Provincial

12th Ft 11

5th June 1816 Provincial Law Officer and the Futwa of
the Cageeal Coogat and Mooftee of the
Fouzdaree Mdalut do confirm the said Futwas
of the Cageeal Coogat and Mooftees aforesaid
and accordingly direct that the Prisoners
1st Ekurmen Ekoreapjun alias "Kerickan"
2d Ekurmen Colliaken "
3d "Callaken" and
4th Ekurmen Yaken"
be set at liberty

Sent following letter

/Here enter D/

Read letter dated 16th February last
from the 3d Judge of Circuit in the Southern
Division transmitting his proceedings in
case No 1 of the Trichinapoly Calendar in the
1st Quarter Sessions of 1816.

/Here enter No III of 1816/

The Court having maturely
considered the Proceedings held before the
Judge on Circuit the Futwa of the acting
Provincial Law officer and the Futwa of
the Cageeal Coogat and Mooftees of the
Fouzdaree Mdalut do confirm the said
Futwa of the Cageeal Coogat and Mooftees
aforesaid

aforesaid and accordingly direct that the Prisoner,

"Ramadoonmy."

be set at liberty—

Sent following letter

/Here enter B/

Read letter dated 11th. Instant, from the 1st. Judge of Circuit in the Southern Division transmitting his Proceedings held in case No. 2 of the Trichinopoly Calendar in the 2d. Quarterly Sessions of 1816.

/Here enter No. 276. of 1816./

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cageecool=Coozat and Mooftees of the Foujdaree Adalut, do confirm the said Futwa of the Cageecool=Coozat and Mooftees aforesaid and, under the sentence of Kittâs declard in the foregoing Futwa, do adjudge the Prisoner

"Kencalapully"

to suffer death by being hanged at the usual time and place of execution.

NB. not sent—see Record of the Trial.

Sent following letter

/Here enter D/

Read

13/ F. 116.
5th June 1816.

Read letter dated 29th ultimo,
from the Magistrate in the Tillah of
Cuddapah - Proposing increased Rewards
for the apprehension of Nursegaudoo and
Venkatramdoo and Submitting that Moteraz
Jungum and two others of the gang be proclaimed
under Regulation XIII of 1809, & Specified rewards
being offered for their apprehension

/ Here enter No. 311. /

The Court are of opinion
that the dangerous character of the
free booter, Jungum Nursegadoo, and
the terror which has been occasioned
to the community by the daring and
deliberate manner in which Nursegadoo
and his gang have revenged the death
of their comrade Nursegadoo, require the
adoption of the most effectual measures for
his seizure, and they accordingly Resolve to
Recommend that Government may be
pleased to authorize an increased Reward
of a thousand Rupees for the apprehension
of the said Jungum Nursegadoo, as
Recommended by the Magistrate of
Cuddapah.

Fee

5th June 1816.

The Court direct that the warrant for the apprehension of Hendrik Brandon, brother in law of the aforesaid Insurgents, be increased from two hundred to five hundred Rupees according to the Magistrates recommendation, and they further authorize the Magistrate to proclaim the three members of the Gang named Mooteay Jungum, Pyamadee and Pyandee Pedro, offering two hundred and fifty Rupees, under the explanation suggested by the Magistrate, for the apprehension of the former, and one hundred & fifty Rupees for the apprehension of each of the other Offenders, in conformity with the Provisions of Regulation XIII A. D. 1809.

Ordered that instead of these Proceedings with the foregoing letter, be sent to the Secretary to Government in the Judicial Department for the information of the Right Honorable the Governor General

Sent following letter

R. A. / Recorder's Office

5th June 1816.

Recd Oath, dated the 18th ultimo.

taken and subscribed by Mr. Charles Butterton, a Magis-
trate of the Colln of Connecticut before the Senior
Puisne Judge of this Court.

[illegible] order A.J

F. U.

At a Court of Foujdaree Udalut

Present

Wednesday 12th June 1816.

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated 5th Instant,
from the 1st Judge of circuit in the Southern
Division Enclosing copy of a letter from the
Magistrate in the Zilla of Tinchinopoly Reporting
the death of the Prisoner Nuncadapetty in case
No 2 of the Calendar of 2d Quarterly Sessions
of 1816. and which was Referred for the final
Sentence of the Foujdarry Udalut

/Here enter No 318./

Read letter dated 22d Ultimo,
from the Judge on Circuit in the Western Division.
Reporting completion of the Jail delivery in the
Zilla of Seringapatam and his return to Tellicherry

/Here enter No 316./

Read return dated 3d Instant.
from the 1st Judge of Circuit in the Centre
Division to the Courts precept of 22d Ultimo
stating that its exigence has been complied with.

/Here enter No 315/

Read

F. U.

for April and

ing. next departure for the Zilla of

Ganjam.

/Here enter N.o 305/

Read letter dated 7.th Ultimo.

from the 2.d Judge on Circuit in the Southern

Division forwarding copy of the Calendar

of Prisoners committed for trial in the

Zilla of Tinnevelly in the 1.st Sessions of 1816.

/Here enter N.o 314/

Read return dated 6.th Instant

from the 2.d Judge of Circuit in the Northern

Division to the Courts precept of 15.th Ultimo,

with return from the Magistrate in the

Zilla of Masulipatam, stating that the

Jailor's Salary will be 5 Pagodas per month.

/Here enter N.o 320/

The Court resolve to Submit

the proposed appointment of a Jailer at

Masulipatam, together with the Magistrate's

estimate of the expence, for the sanction of

Government.

Ordered. that extract of these

Proceedings, with the foregoing Return, be sent

to the Secretary to Government in the Judicial

Department

12th June 1816.

Read letter dated 1st Instant
from the Magistrate in the Zilla of Nigagapatam
with report of proclaimed persons for May

/ Here enter No. 303 /

Read letter dated 1st Instant
from the acting Magistrate in the Zilla of Salem
transmitting Register of Proclaimed persons for
May

/ Here enter No. 317 /

Read letter dated 23d Ultimo,
from the Magistrate in the Zilla of Tinnevelly
with Report of prisoners confined under Sentence

/ Here enter No. 309 /

Read letter dated 23d ultimo
from the Magistrate in the Zilla of Tanjore
with report of Prisoners confined under Sentence

/ Here enter No. 304 /

Read letter dated 23d ultimo from
the 2d Judge of Circuit in the Western Division
with the Calendar of the Zillah of North
Malabar for the 2d Quarterly Sessions of 1816

/ Here enter No. 306 /

Read letter dated 20th ultimo
from the 1st Judge of Circuit in the Northern
Division - reporting conclusion of the Sessions at

Nigagapatam

12. June 1816. Nugagapatam, enclosing copy of the Calendar of Prisoners at that Station for April and commencing his departure for the Zilla of Sanjam

/Here enter N. 305/

Read letter dated 7th Ultimo from the 2d Judge on Circuit in the Southern Division forwarding copy of the Calendar of Prisoners committed for trial in the Zilla of Tinnevelly in the 1st Sessions of 1816.

/Here enter N. 314/

Read return dated 6th Instant from the 2d Judge of Circuit in the Northern Division to the Courts precept of 15th Ultimo, with return from the Magistrate in the Zilla of Masulipatam, stating that the Jailor's Salary will be 5 Pagodas per month.

/Here enter N. 320/

The Court resolve to submit the proposed appointment of a Jailer at Masulipatam, together with the Magistrates estimate of the expence, for the sanction of Government.

Ordered. That extract of these Proceedings, with the foregoing Return, be sent to the Secretary to Government in the Judicial Department

Mark

12th June 1816.

Department, for the purpose of being laid before the Right Honourable the Governor in Council

No 665 W.O. R.A. Sent for Mowing Letter / Hore entr. A/ 20

Ent for Mutt

F. C.

At a Court of Foujdaree Adaulut

Present

Monday 17th June 1816. Andrew Scott Esqre. Edward Croft Greenway Esqre. George Stratton Esqre. } Judges

A1

E65

C11

Read letter dated 8th Instant from the Magistrate in the Zilla of North Malabar recommending a conditional pardon the Prisoner Palicandy Packroo by whose confession two of the Principals in a daring robbery committed on 5th Instant had been apprehended & much of the property recovered, & requesting an early answer

/ Vide order No. 330 /

After describing the circumstances of a daring Robbery committed at Cannanore on the 5th Instant, the Magistrate of North Malabar proceeds to observe that he deemed it advisable to propose to one of the Principals apprehended that he should disclose the whole of the facts and bear witness against his confederates under a promise that a pardon should be obtained for him provided he made an unqualified confession of all which had occurred

Vide

12th June 1816.

Department, for the purpose of being laid
before the Right Honourable the Governor
in Council

No 885 W.O. Sent for Mowing Letter
Encl per Mail / Hereunto A/ 20

F. C.

At a Court of Foujdaree Udalut

Present

Monday 17th June 1816. Andrew Scott Esqr.
Edward Croft Greenway Esqr.
Jeorge Stratton Esqr. } Judges.

81

Read letter dated 8th Instant from the Magistrate in the Zilla of North Malabar recommending a conditional pardon the Prisoner Palicandy Packroo by whose confession two of the Principals in a daring robbery committed on 5th Instant had been apprehended & much of the property recovered & requesting an early answer

/Here enter No. 330/

After describing the circumstances of a daring Robbery committed at Cannanore on the 5th Instant, the Magistrate of North Malabar proceeds to observe that he deemed it advisable "to propose to one of the Principals "apprehended" that he should disclose the whole of the facts and bear witness against his companions "under a promise that a pardon "should be obtained for him" provided he made an unqualified confession of all which had occurred.

Mr

2d June.

27th June 1816.

With reference to the latter part
of this communication, the Court considers it
necessary to remark that the Zeal of the Magis-
trate has prompted him to exceed, in some
degree, the exact limits of his authority.
The expediency or unexpediency of sanctioning an
offer of pardon must be determined in every
instance exclusively by Government, and that
obvious therefore that an promising to obtain
a "pardon" for the Prisoner, provided he made
a free & unqualified confession, the Magistrate
exceeded his powers. The course which a Magistrate
should pursue on occasions of this nature is
simply to ascertain whether a Prisoner be
willing to accept the conditional offer of pardon
and then to acquaint him that the case will
be submitted, through the Board of Paupers
Medals, for the consideration and orders of
Government.

In the next place the Court
have to observe that the case now submitted
does not come strictly within the Provisions of
Section XX Regulation VIII A. D. 1802, since
this Section expressly confines the offer of pardon

17th June 1816

"to one or more of the suspected accessaries", or
whereas the Magistrate would seem to have
held out an assurance of pardon, in the
present instance, to one of the principal persons
concerned in the Robbery

Advertising, however, to the
promises which has been made by the Ma-
=gistrate of North Malabar and to the
probability that a conditional offer of pardon
to the Prisoner, Paliecandy Packroo, may
lead to the conviction of some of the other
principal Offenders, the Court resolve to
submit the Magistrates letter to the Right
Honourable the Governor in Council, with
their recommendation that he may be pleased
to authorize the offer of a pardon to the
Prisoner, Paliecandy Packroo aforesaid, on
condition of his making a full disclosure of
every circumstance within his knowledge
relative to the commission of the crime &
regarding the several persons therein concerned.

Ordered that extract of these
proceedings with the foregoing letter be sent to the
Secretary to the Government in the Judicial
Department for the purpose of being laid before

the

7th June 1816.

The Right Honourable the Governor in Council.

Sent following letter

(Recorded A)

Read Return dated 4th Instant, from the 2d Judge of Circuit in the Western Division to the Courts precept of 22d Ultimo, stating that in conformity to the foregoing precept the necessary communication has been made to the Magistrate in the Zilla of South Malabar.

(Recorded No. 321)

Read the following Letters from the Magistrates of the Zillahs of Cuddapah, Nellore, Cochin, Canara, Vizagapatam, Seringapatam, Darapooram, Bellary, Rajahmundry, Madura, North Malabar, Nellore, Combaconum & Chittoor, with Reports of Prisoners for March last

Recorded Nos. 214, 217, 220, 221, 223, 225, 229, 230, 237, 238, 245, 246, 247, 250, 251, 252, 256, 257, 258, 270 & 280

25

R. A.

Fo 16.

At a Court of Foujdaree Udalut.

Present

Wednesday Lndrew Scott Esqre
26th June 1816. Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read letter dated 22d Instant,
from the Secretary to Government in the
Judicial Department authorizing the
Magistrate in the Zilla of North Malabar
to make the proposed conditional tender
of pardon to the Prisoner Paliconndy Packro.

(Vide enter 1. 251)

Ordered that Copy of the
above letter and extract of these proceedings be
together with extract from the proceedings of the
17th Instant be sent to the Magistrate in the
Zilla of North Malabar for his information
& guidance.

Sent following letter

(Vide enter 1.)

Read letter dated 12th Instant,
from the Judge on Circuit in the Western
Division - Enclosing Warrant of execution
of Babby Bhatta and Keencha [illegible]

in

26th June 1816.

re case No 11 of Tellicherry Calendar Sessions 1816 - certified by the Magistrate & a letter from the same who attended on the occasion

(Here enter No 333.)

Said letter dated 3d Instant from the 1st Judge of Circuit in the Southern Division - Reporting his arrival at Beremgoor on 2d Instant

(Here enter No 326)

Read Return dated 12th Instant from the Acting Magistrate in the Talloor to the Courts Receipt of 22 Rattans taken against the Inhabitants of Tengaratoor but that under a Second Survey, there is Paid where owing to his inability to pay the fine he will undergo the Sentence for two months

(Here enter No 331.)

Read letter dated 7th Instant with Report of Pedamee confined under Sentence

(Here enter No 332)

Read

Read return dated 10th Instant,
from the 1st Judge on Circuit on the Northern
Division to the Courts precept of 22d Ultimo
stating that the heavy pressure of business
has prevented the preparation of the Record
in No 16 of Nelloor Calendar; requesting
that he may be allowed to defer the same
till the conclusion of the Circuit and
stating that no orders were issued
regarding the suspension of part of the
Sentence as the Warrant was returned
about the time that the Courts precept
was received

/Recorded No 341/

Read Return dated 11th Instant
from the Register to the Provincial Court
on the Southern Division to the Courts
precept of 31st Ultimo stating that in con-
formity to the foregoing precept the necessary
communication has been made to the
Magistrate of Chingleput

/Recorded No 342/

Read Letter dated 12th Instant
from the Magistrate on the Zillah of Nagapatam
with report of Prisoners confined under Sentence

/Recorded No 340/

Read

/Recorded/

26th June 1816.

Read letter dated 19th Instant
from the Magistrate in the Zilla of Chinglepute
with a List of Convicts arrived at Chinglepute
under Sentence of transportation

Referred No. 335 / 250

R. A.

G. W.

Ent

Dec 1st July 1816 ... Letter to Circuit on the Subject of the ...

F U

At a Court of Foujdaree Udalut

Present

Monday 1st July 1816 — Andrew Scott Esqre
Edward Croft Greenway Esqr
George Matton Esqre
} Judges

Read Letter dated 22d Ultimo from the Secretary to Government in the Judicial Department authorizing the Magistrate in the Zilla of Cuddapah to offer the increased reward of 1000 Rupees for the apprehension of Dungum & Surdeegaroo

/ Here enter No. 358.

Ordered that a Copy of the above Letter and extract of these proceedings together with extract from the proceedings of the 5th Ultimo be sent to the Magistrate in the Zilla of Cuddapah for his information & guidance.

Sent following Letter

/ Here enter A /

Ordered also that extract from the Proceedings of the 5th Ultimo be furnished to the Civil auditor for his information

Sent following Letter

/ Here enter B /

26.

1st July 1816.

Read letter dated 22d ultimo from the Secretary to Government in the Judicial Department ~~informing~~ stating that the Government approve the proceedings concerning the Gomba Zemeendary and confirm the forfeiture of it accordingly

Here enter No. 357.

Ordered that Copy of the above letter and extract of these proceedings together with extract from the proceedings of the 5th ultimo be sent to the Magistrate in the Zilla of Ganjam for his information

Sent the following letter

Here enter a No. 358

Read Return dated 21st ultimo from the Register to the Provincial Court for the Southern Division to the Court's present of 22d March last

~~to Ganjam~~ transmitting Returns from the Magistrate of the Zilla of Madura and Tinnevelly connected therewith, and stating that of the Statements by the Tannahdars and Pons of the Pycarum in order 1st of the Fusly Calendar 23 Jethums of 1816. has not been formed they have been returned on their Situations

Here enter a No. 359

Read

1st July 1816

Read Letter dated 25th Ulto
from the Magistrate in the Zilla of Madu
with Reports of Prisoners confined und
Sentence and stating that the delay in
transmitting them has been occasioned
by the Removal of the Magistrates Office
to the Sea Coast

R. H.

Recentered No. 360 / 20

F. 16.

At a Court of Foujdaree Mdalut

Present

Wednesday 3d July 1816. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read Letter dated 3d ultimo from the 1st Judge on Circuit in the Western Division transmitting his proceedings held in case No 22 of the South Malabar Calendar for the First Sessions of 1816 / Vide order of 3d 324 /

The Court having maturely considered the Proceedings held before the Judge on Circuit the Futwa of the Provincial Law officer and the Futwa of the Sergeeat Cazzat and Mooftee of the Foujdaree Mdalut dissenting from the said Futwa of the Sergeeat Cazzat and Mooftee aforesaid and accordingly direct that the Prisoner

Padinharaa Kuttiat Vikunha Menon

be set at liberty.

Sent following letter

2

3d July 1816.

Read letter dated 25th ultimo, from the Magistrate in the Zilla of Combaconum Wishing to be informed whether, with reference to the Courts proceedings of 31st January 1814, the Assistant Magistrate is authorized in cases referred to him under Section XVII Regulation XII 1802 and Section XIV Regulation IV 1814, in the event of Perjury to quash the cases and commit the Parties and their witnesses without any reference to the Magistrate

Ordered [illegible]

The Magistrate of Combaconum Submits in the foregoing letter whether, under the Courts instructions of the 31st January 1814, the Assistants to the Magistrates be authorized, in the event of Perjury being proved before them, to stop the proceedings and "to commit the Parties and witnesses to take their trials at the Sessions without any "reference to the Magistrates as directed to be made in all other cases."

Section XIV Regulation IV of 1811 to which the Magistrate refers expressly declares that when a case may be Referred by a Zilla Magistrate to his

Assistant

... of July 1816 ... Several Courts of Circuit on the subject of the ...
... substance of

3d July 1816 assistant for examination the order of reference shall be recorded on the Magistrates' Proceedings with instructions whether to submit the proceedings held upon the examination for the Magistrates' decision or whether the determination upon the charge is to be passed by the assistant, if it be such as he is authorized to determine under the Regulations." The Court have quoted this part of the enactment in order to shew the qualification with which the concluding part of the Magistrates letter is to be admitted. —

The Section then goes on to declare that, as far as the general duties of the Magistrates may admit, they shall examine the proceedings held by their assistants in such cases and pass judgment thereupon themselves" and in "all instances wherein the sentence may "be passed by an Assistant, if the Magistrate "on representation made to him without "unnecessary delay, shall see cause to revise "the proceedings held by the assistant and "shall disapprove the judgment given by "the latter, he shall annul the same &

pass

3d July 1816.

such further sentence or order as may appear
just and conformable to the Regulations
and Stand the present legislature
provisions with regard to proceedings held by
the Assistants to the Magistrates, and the Court
are not aware that these proceedings are reported,
either in Writing or Print, by the 3d order of the
31st January 1814. It is there ordered that in
Cases of perjury, the Court before which the
perjury may be uttered is the proper authority
to commit or to direct the commitment of the
offender for trial, but the proceedings held upon
such commitment by an Assistant to a Police
Magistrate must of course be always subject
on representation, to the Revision and Orders
of the Magistrate. When the Court advert
to the expediency of using the most Standard
caution in making Commitments for the jury
and to the injurious consequences which are
likely to ensue from an immoderate Report
to prosecutions for this crime, they are further
of opinion that the Superintendance and
control of the Magistrate should invariably
be exercised in cases of perjury which may arise
out of proceedings held before their Assistants
and

Several Points of Record on the [illegible] subsistence of

2.° F. 116.

3.° July 1816.

and that no person should be finally committed by an Assistant to take his trial for perjury until the whole proceedings in the case shall have been submitted for the consideration and orders of the Magistrate —

Ordered that extract of these proceedings be sent to the Magistrate in the Zilla of Combaconum for his information & guidance

Sent following letter

/ Here enter B /

Read letter dated 29.th ult. from the Secretary to Government in the Judicial Department sanctioning the appointment of a Judge in the Zilla of Masulipatam with a Salary of 5 Pagodas Pr mensem.

/ Here enter No. 366 /

Ordered that Copy of the above letter and extract of these proceedings together with extract from the proceedings of the 12.th Ult.o be sent to the Court of Circuit in the Northern Division, to be by them communicated to the Magistrate in the Zilla of Masulipatam for his information

Sent following letter

/ Here enter C /

of July 1816 the several Courts of Circuit on the subject of

Judicial buildings and the subsistence of

J. U.

At a Court of Vice Admiralty

Present

The Hon.ble Andrew Scott Esq.re
Edward Croft-Fitzmaurice Esq.re } Judges
George Stratton Esq.re

Monday 1st July 1816.

Read letter dated 13th February 1815

from the Register to the Provincial Court of

Circuit for the Western Division - with extract

from the proceedings relative to the list of

buildings on that division.

Here enter No 138 of 1815

Read also letter dated 17th March

1815 from the Register to the Provincial Court

of Circuit in the Southern Division enclosing

an extract of that Courts proceedings under date

the 17th instant with sundry reports therein

referred to.

Here enter No 234 of 1815

Read also letter dated 27th November

last from the Court of Circuit in the Centre

Division transmitting extract of their proceedings

and reports from

and Records of Criminal the Magistrates of

relative

8th July 1816

relative to the Acting of Convicts in the Jails

/ Here enter No 812 of 1815 /

Read also letter dated 1st December last from the Court of Circuit in the Centre Division transmitting extract from that Courts proceedings containing their report on the Judicial buildings in the Centre Division

/ Here enter No 822 of 1815 /

Read also letter dated 16th March last from the 2d Judge of Circuit in the Northern Division submitting extract from the proceedings of the Court of Circuit with Reports from the Magistrates in the Northern Divisions regarding the Judicial buildings and subsistance of Prisoners

/ Here enter No 175 & 176 /

Also Read letter dated 30th August last from the 2d Judge of Circuit in the Northern Division transmitting a letter from the Acting Magistrate of the Lillah of Gunboor proposing the removal of the Court to another Station

/ Here enter No 235 /

Read again letter dated 19th april last from the 1st Judge of Circuit in the Southern Division submitting copy of Tirhoota Calendar 2d Quarterly Sessions A. D 1816. and calling the attention of the Court to the indiscriminate confinement of Civil & Criminal Prisoners in the Jail at that Station

/ Here enter No 625 of 1815 /

The Court proceed to take into consideration the foregoing Reports from the several

8th July 1816

Several Courts of Circuit on the subject of the Judicial buildings and the subsistence of Prisoners in the Gaols within their respective jurisdictions, submitted in obedience to the Orders of the Court under date the 22d November 1814.—

The Court will first bring under review such parts of the Reports as relate to the

"Judicial buildings"

regarding which the Courts of Circuit were required to prepare a general Statement, or to submitting their particular opinions with respect to the buildings mentioned in the General Letter from England dated 29th October 1813, so far as the time which had elapsed since their construction or alteration would admit of a Report of their durability & usefulness.

Northern Division.

According to the Returns submitted with the Report from the Court of Circuit in the Northern Division it would appear that the Judicial buildings & prisons are in good repair and answer the purposes for which they were designed.

The

8th Letter

8th July 1816

The Magistrate of Vizagapatam States that the Court House is sufficiently commodious but that it requires considerable Repairs for which he was about to submit an estimate for the sanction of Government. The only public building at this Station in addition to the Court House is an old Cutcherry which is altogether inadequate to the accommodation of a few Civil Prisoners of high Cast or of the female Sex. — The private houses which have been hitherto rented in this Zilla for a Jail are stated to be deficient in point of accommodation and Security, but the Magistrate observes that he was on the point of renting another building well adapted for the purpose.

The return from the Magistrate of Rajahmundry shews that the Judicial buildings in this Zilla are convenient and substantial, the Jail only requiring a very trifling repair.

The Magistrate of Masulipatam Reports that he has recommended the erection of a new Court House and Jail and that his suggestion has received the approbation of Government.

The Report furnished by the Magistrate of Guntoor to the Court of Circuit merely States that

the

No 16.
3d July 1856

there are no Judicial buildings on the Zilla belonging to Government; but on the 5th September last a letter was received by the Court from the late 2d Judge of Circuit in the Northern Division, enclosing copy of a letter from the acting Magistrate at that Station which requires more particular Remark — After pointing out the necessity of erecting a new Jail, the acting Magistrate proceeds to offer a few observations on the advantages to be obtained by removing the Seat of the Court from Gundoor to Nundarow Pettah. His arguments for the Removal of the Court from Gundoor are supported by the Judge of Circuit; but Mr Travers names the village of Nakrikul, about 14 miles West North West of Nundarow Pettah, as a place to which it might be deemed advisable to remove the Court in preference to the last mentioned village which is the Residence of Goondarow, one of the principal Proprietors in the Zilla. — Nakrikul, as Mr Travers observes, is not quite so central as Nundarow Pettah; but it possesses the advantage of

"of being nearer to the Palmaud District &
"on the high road from the Nellore and
"Angole districts to Hyderabad." Under the
circumstances to which the acting Magistrate
and the late 2nd Judge of Circuit have so
fully adverted and under the necessity which
would exist for the erection of Judicial Buildings
should the Court eventually remain at
Guntoor, it may become matter of
consideration for Government whether the
proposed Removal should not take place
either to Cuddapah or Kurnoor at
which place would be expedient

The Return from the Magistrate
of Nellore does not make any mention of the
Judicial Buildings at that Station. The Board
will not defer [redacted] submitting
to Government on account of the above omission,
but they direct that the Magistrate be called
upon, through the Court of Circuit, to furnish
the Required Report without delay, in order
that it may be forwarded for the information of
Government

The Court of Circuit for the
Northern Division conclude this part of their

3 F. 16.

8th July 1816 — "and a new Jail in the Zilla of Chingleput

8th July 1816

Report with stating that the only Judicial building under their immediate charge is the Provincial Court house, and they enclose Copy of a letter addressed to the Secretary to Government in the Judicial Department under date 20th July 1814, with copy of the descriptive list of the building by which it would appear to be in an extremely decayed State.—

Centre Division.

The Court of Circuit for the Centre Division describe the Provincial Court House at Chittoor as extensive, commodious, substantial and in excellent repair.—

The same description applies to the Zilla Court House and Jail at the above Station.

With regard to the Judicial building at Cuddapah, it would appear that a new Court House is indispensably required, as the present Structure, which was used by the Nabob of Cuddapah as an Ecksoorkhana for the place appropriated for the Solemnities of the Mohurrum is in a decayed State and wholly unfit for the purposes to which it is applied.— The Jail at this Station is represented to be commodious and

8th July 1816

strong. Though it may occasionally require a few trifling repairs.—

In reporting on the State of the Judicial buildings at Bellary, the Court of Circuit point out the great inconvenience which is occasioned by the separation of the Civil and Criminal Courts at this Station and they suggest the expediency of erecting a new Court House sufficient for the two departments on the site of the present Criminal Court House, which is in the same enclosure with the Jail. The latter building would seem to be perfectly substantial, but the Circuit Court state that it will require to be enlarged.

The Court House at Chungleput which was originally used as a Barrack, is described as fast falling to decay and as affording neither space for business nor custody for the Records. The Jail at this Station is also represented to be extremely deficient both in point of accommodation and security, and the Court of Circuit conclude their Report on the State of the Judicial buildings with observing that "a new Court house

and

3 F. 46.
8th July 1846.

"and a new Jail in the Zillah of Chingleput
"appear to be indispensable and required
"without delay."

Southern Division.

It appears from the Report of the Court of Circuit for the Southern Division that the Provincial Court House at Trichinopoly is the property of a Mayo Lessee.

The buildings appropriated to the use of the Zillah Court at Trichinopoly are also private property. The Magistrate of States that the Court House might, with a trifling addition, be made sufficiently commodious, but he observes that the distance of the Jail from the Court House is attended with great inconvenience. Adverting to the high rate of Rent paid for these buildings, the Magistrate recommends, on the ground of economy, either that a new Court House and Jail should be erected, or that the present Court House should be purchased and a new Jail be constructed in its more immediate vicinity. This Suggestion of the Magistrate is, in the opinion of the Court, the more deserving of consideration, as it appears

8th July 1816.

all requisite purposes and to be in a thorough state of Repair.

In making Return to the Precept of the Circuit Court, the acting Magistrate of Madura forwards copies of documents formerly submitted to the Judicial Secretary to Government on the subject of the Judicial buildings, and it would appear from the Descriptive list which forms one of the above documents, as well as from the acting Magistrates return, that the Magistrates office, Hospital and many parts of the Jail are in a very decayed and ruinous State.

The Judicial buildings in the Zilla of Tinnevelly are also shown by the Descriptive list forwarded with the Magistrate's Return to be generally in want of Repair.

Western Division

The Report from the Court of Circuit for the Western Division contains a satisfactory account of the Provincial Court House at Tellicherry. It is represented to be in good general Repair and to afford ample accommodation.

The Tellak Court House at this Station, which was formerly the dwelling of the Chiefs

4. F. 16.
8th July 1816

Chiefs of that Settlement, is described as an old building and as requiring some trifling annual Repairs, but as well adapted for the purpose to which it is appropriated. The Jail, which is composed partly of the Lower part and wings of the Court House and partly of other detached buildings or would seem to be in a good State of Repair and to be sufficiently commodious. The building at present occupied as a Zilla Court House at Calicut is held at a monthly Rent of 20 Pagodas and the Lower part of the building noticed in the 25th Paragraph of the Honorable Courts Letter, is used principally as a place of confinement for Civil Prisoners the Jail to which the Honorable Court allude in the same Paragraph, is considered as commodious and in all Respects well adapted for the purpose.

The Magistrate of Canara describes the Court House at Mangalore as a substantial building and as answering every requisite purpose. The Prisoners at this Station are confined in a range

of

8th July 1816

range of warehouses hired at a monthly Rent.
The buildings are said to be very ill adapted for
the purposes of a Jail and their reception is
represented as having been a mere temporary
expedient, until measures could be adopted
for the construction of a regular Jail. The
estimate to which the Honourable Court
have adverted in the 22d Paragraph of their
general letter was prepared on account of
the Jail which stood in contemplation
to erect at Anore, before Government had
determined upon the Removal of the Seat
of the Court from that place to Alangalore.

The Judicial buildings at
Cochin, though old, are represented to be
both useful and substantial.

The Court House at Seringapatam
would appear, with the exception of the
roof, to be in a tolerable State of Repair.
It is described as a commodious building, and
the Jail is represented to be nearly returned
both in point of accommodation and Security.

This Return closes the Reports
concerning the present State of the Judicial
buildings, and the Court will now bring
under

8th July 1816 under consideration those parts of the Reports which have Reference to the "Subsistence of Prisoners"

Instructions were issued on the before mentioned date to the several Magistrates through the Courts of Circuit, to reduce the allowances of persons confined in the criminal jails to the lowest scale consistent with their health, and as it was considered desirable that the foregoing Orders should be carried into effect with as little delay as possible the Court directed that the several Magistrates should be instructed to regulate the diet of the Prisoners on a reduced scale, where a reduction might be practicable, without waiting for the sanction of the Sovereign Mandate

After an attentive perusal of the Returns submitted by the Magistrates and a careful comparison of the observations recorded by the several Courts of Circuit, the Court are satisfied that the Magistrates have regulated the subsistence of the Prisoners confined in their jails respectively on the lowest practicable scale, and

they

8th July 8th July 1816.

they are of opinion that the mode of distributing the allowance to the Prisoners should be left to the discretion of the Magistrates under the general superintendence of the Judges presiding on Circuit

It may here be observed that the Reports which have been forwarded to the Court in conformity to Section XXXVII Regulation VII of 1805 and which shall hereafter be submitted to Government, notice some modifications which it has been found necessary to introduce in certain Bills with regard to the subsistence of Criminal Prisoners

The Court will conclude these Remarks with citing a passage from the Return made by the Magistrate of [illegible] Pergunnah Sea calculated to remove, in a very material degree, the apprehension which is found to have been entertained by the Honorable Court that the condition of the Prisoners in the Criminal Jails of Cuttack rather as a temptation to Robbers than as a punishment for the commission of offences — After remarks

51 No 16.
8th July 1816

that "there has been no increase of crimes"
and thence drawing the inference that
the allowances have not operated as an
encouragement to their commission, Mr Lacey
proceeds to express his more particular conviction
"that no effect of the kind has been produced
"by them from the very rare instances which
"have occurred of convicts once discharged
"after punishment being ever again brought
"forward for other offences."

Ordered that the foregoing
letter with extract of these Proceedings
and extract from the Proceedings of the
22d November 1814. be sent to the Secretary
to Government in the Judicial Department
for the purpose of being laid before the
Right Honourable the Governor in Council

Sent following letter

Here enter

Ordered also that extract
from the former part of these Proceedings
be furnished to the Court of Circuit in
the Northern Division by Precept, re-
commanding them to communicate the
same to the Magistrates of Pellore for

his

8th July 1816

his information and guidance.

Sent following letter

R.A.

/Here enter B/ 25

91

605

G/

Read letter, dated 6th March last from the

assistant Magistrate of Nellore – Report of prisoners

confined under Sentence –

/Here enter N 139/

Read letter, dated 11 May last – from the

Acting Magistrate of Masulipatam – Report of prisoners

confined under Sentence –

/Here enter N 277/

I. U.

At a Court of Sessions Adalut

Present

Monday 2d July 1816. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated 15th ultimo from the Secretary to Government in the Judicial Department transmitting copy of a letter from the Accountant General with enclosures, and desiring that the Magistrate of Nagapatam may be called upon for an explanation of his conduct as therein represented.

Vide Encloser No 349. of 1816

It would appear from the documents accompanying the foregoing letter, that on the 27th February last the Acting Government Vakeel in the Zillah Court at Nagapatam was directed by the Collector to move the Magistrate of the above Zillah for a copy of his proceedings relative to the examination or trial of one Jakerry, who had been delivered over, in the month of December last, by the Cuzy Sunadar of Negamagum to the Police Darogah of that place, "in compliance with orders" from the Collector

The application so made through the Acting Vakeel of the Court was rejected by the Magistrate who, in acquainting the Government Vakeel with his reasons for rejecting the motion, observed that, according to the Darogahs report "the Collector had

"suddenly

22 July 1816

"Suddenly apprehended and confined for having"
requesting his house which was afterwards obtained
to him. That the Collector had in the first instance
the said Jakeny through the channel of the
Government Vakeel was made any alteration
communication to the Magistrate on the subject
that it was consequently deemed improper
to grant any copy of his proceedings to the
Collector who had not otherwise as a party
had been included, as appeared by
Draughad report that there was sufficient evidence
to substantiate the charge against him.

The Court have considered
circumstances of this case and they are
of opinion the conduct of the
Magistrate of Nagapatam was strictly regular
in ordering the release of Jakery, on the
orders of the Collector, but against whom
an complaint whatever would appear to have
been preferred before the Magistrate the
Court are further of opinion that the
assigned sufficient grounds for negating the
Collector's motion for a copy of his proceedings
the grant of which is expressly solicited to
the further review of

The Court direct that the Collector
should pursue on occasions of this nature
as clearly pointed out in the Regulations, the
not, as in the present instance, confine to the mere

the Court

23rd July 1816. Magistrate ought the prescribed
to demand, of any information which he may receive;
but such statement must be corroborated by the
depositions on oath or over solemn Declaration
of one or more persons present or otherwise
personally informed of the truth of the
complaint, when the Magistrate will either
issue process against the party accused or
make the previous inquiry authorized by
Section V Regulation IV of 1811.

Under these circumstances the
Court resolve to submit their Proceedings for
the consideration of Government, as it is
probable that, on a Review of the explanation
which had now been afforded, the Right
Honourable the Governor in Council may
concur with the Court in opinion that it
will not be requisite to make any Reference
on the subject to the Magistrate of
Negapatam.

Ordered that extract of these
proceedings be sent to the Secretary to Government
in the Judicial Department for the purpose
being laid before the Right Honourable the
Governor in Council.

Sent following letter
Mem entered

22d July 1816.

[illegible]

[illegible]

[illegible]

[illegible]

Ordered that warrant do issue for
[illegible]

[illegible]

Read following letter

[illegible]

Read letter dated 2d Instant from the
Hon. Judge of Circuit in the Western Division
with copies of the Calendars of South Malabar
Cochin and Seringapatam in the 1st Sessions 1816

[illegible] No. 376

Read letter dated 1st Instant from the
Hon. Judge on Circuit in the Southern Division with
copy of the Trichinopoly Calendar of Prisoners tried
at the 3d Quarterly Sessions of 1816.

[illegible] No. 375

Read letter dated 20th ulto.
from the Hon. Judge of Circuit in the Southern
Division stating that from 16th to 20th ulto.
he was prevented by a severe cold and fever
from attending the duties of the Circuit

[illegible] No. 363

Read return dated 25th ulto.
from the Court of Circuit in the Northern
Division to the Courts precept of 15th May last
stating that in conformity to the foregoing the

necessary

No 16.

2d July 1816.

Necessary communications were made to the Magistrate in the Zilla of Nagapatam and transmitting return from the same certifying the issue of proclamations offering the specified Rewards

/Herewith No 368/

Read letter dated 6th Instant from the 3d Judge on Circuit in the Southern Division reporting his arrival at Combaconum on 5th Instant and commencement of 2d Sessions of 1816

/Herewith No 377/

Read letter dated 11th Instant from the 2d Judge on Circuit in the Northern Division Reporting his arrival at Vellore

/Herewith No 380/

The following Minutes having been Read in circulation are now recorded.

/Herewith A.B.& C./

R.A. Read letter dated 3d Instant from the Secretary to Government in the Judicial Department forwarding copy of letter from Court of Directors under date 20th December last with a letter and 3 drafts of Regulations proposed by the Commissioners for revising the Judicial System desiring that the Foujdaree Adalut will submit their report on the proposed Regulations within 15 days from the receipt hereof

/Herewith No 381/

22d July 1816

Read letter, dated 1 Ultimo from the Magis-
trate of the Zillah of Bellaire — With register of proclaimed persons for
May —

/ Here enter N 362 /

Read letter dated 8th Instant — from the Ma-
gistrate of the Zillah of Salem — With Register of pro-
claimed offenders for June

Here enter N 371

Read letter, dated 8th Instant — from the
Magistrate of the Zillah of Tuscarawas — Transmitting Report
of Proclaimed persons for June —

/ Here enter N 378 /

No. 11.

At a Court of Vice Admiralty

Present

Wednesday 24th July 1816.

Andrew Scott Esqr.
Edward Croft Greenway Esqre. } Judges
George Stratton Esqre.

No 11
Q
W
E&S

Read again Letter dated 22d June &c
from the 1st Judge of Circuit in the Northern Division
transmitting his proceedings held in case No 4 of
the Gunjam Calendar in the 1st Sessions of 1815
(Recorded No 476 of 1815)

Read also letter dated 20th Ultimo
from the Register to the Provincial Court in the
Northern Division transmitting Extract of the
Courts proceedings of 20th Instant in the first
Evidence in Case No 4. of the Gunjam Calendar
1st Sessions 1815. and Senior Judges letter in reply to the
said Mofussil Receipt of 30th October 1815.
(Recorded No 356 of 1816)

The Court having maturely considered
the subsale of the Proceedings held before the
Judge on Circuit, the Pleadings of the Provincial
Law Officer and the Pleadings of the Cazee-
Coorgut and Mooftees of the Foujdarree Adalut

do

24th July 1816

do confirm the said Finding of the Cage and Elder and Moodies aforesaid, and accordingly direct that the Prisoner

"Poojaurry Nauraparah."

be set at liberty

Sent following letter

No 1 entered A/

As it appears from the evidence annexed to the Original Record in the above case that the Prisoner, Poojaurry Nauraparah is disordered in his intellects, the Court are of opinion that the 1st Judge of Circuit should, in issuing a warrant to the Magistrates of Goruckpore for the Release of the said Prisoner direct the Magistrate to adopt measures of precaution, in order that such Release may not be attended with danger to the community.

Ordered that extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information and guidance.

Sent following letter

No 2 entered B/

Read letter dated 3d ultimo from the 1st Judge on Circuit in the Western

Division

24th July 1816 Division transmitting his proceedings held in case No. 8 on the Calendar of the Zillah of Canara in the 1st Sessions of 1816.

[Here enter No. 325 of 1816]

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Futwa of the Pundit Law Officer and the Futwa of the Cazee and Cazigat and Mooftee of the Sudder Adalut do confirm the said Futwa of the Cazee and Cazigat and Mooftees aforesaid and, as it appears that the fourth Prisoner "Nagoo" has been Released under warrant of the Judge on Circuit, do direct that the remaining Prisoners, viz.

1st "Venkapa."

2d "Ramapa." &

3d "Soobraya."

be set at liberty.

Sent following letter

[Here enter 6]

Read letter dated 12th Ultimo from the 2d Judge on Circuit in the Western Division transmitting his proceedings in case No. 10

24th July 1816.

No 10 on the Calendar of the Zillah of North Malabar in the 2d Quarterly Sessions of 1816.

/ Hon.ble Order No 392 of 1816 /

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Future of the Zillah Mooftee and the Future of the Sudr Dewanny Adalut do confirm the said Sentence of the Sudr Coozat and Mooftees aforesaid and, as it appears that the first Prisoner Pannakadon Pottan is of notorious bad character, do direct that he, the said Prisoner "Pannakadon Pottan" be released only upon producing Security for his future good behaviour and appearance when required

The second Prisoner in the case

"Narangolly Pomreken"

has been released under warrant of the Judge of Circuit.

Sent following letter

/ Hon.ble Order /

Read the following Letter from the Magistrates of the Zillahs of Tondiar Malleam,

Tirumeid

4th July 1816

Tinnevelly, Guntoor, Canara, Salem, Cuddapah,
Cochin, Bellary, Coimbatore, Tinnivelly,
Masulipatam, Chingleput, Seringapatam
North Malabar, South Malabar, or
Nizagapatam, Nellore, Madura, Combaconum
Chittoor and Rajahmundry with Reports of
Prisoners for April last.

Here enter Nos 278, 281, 282, 283, 284
287, 288, 289, 290 291. 294, 299, 307, 310, 308, 313,
322, 323, 328, 352 and 355.

20

21

E 88

R. A.

97

S. U.

At a Court of Foujdaree Udalut

Present

Thursday 25th July 1816. Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read Letter, dated the 20th Instant
but received this day from the Secretary to
Government in the Judicial Department,
desiring that the Draft of a Police Regulation
transmitted with his Letter of the 8th Instant
may be returned. —

(Nercunter a No 409)

The Court in conformity with
the orders conveyed in the foregoing Letter
direct, that the draft of the Regulation
referred to be returned. —

The Court take this opportu-
nity of supplying an omission in their
proceedings on the Police Regulation for-
merly submitted, by suggesting that Reference
be made to the Revenue Department to
ascertain, whether due attention has been
paid to preserving entire the public obligations
contracted

25th July 1816.

contracted in forming the Police establishment
for the Bleak of Bishopsgate

The publication of Regulations

I of 1816. And also given reasons to the Surgeon
that the Referees be extended to the nature
of the engagements contracted with the Pa
in consideration of the Surrender of Surgeries

The Board will take the same
of submitting their observations on the two other
drafts prepared by the Commissioners within the
smallest time compatible with a due discharge
of the duty which the Right Honourable
the Governor in Council
to confide to them and which there has
no reason to believe will exceed the limit
of the expectation conveyed in the Secretary
Hulls letter.

Ordered that extract of these
proceedings be transmitted to the Secretary
to Government in the Judicial Department
for the purpose of being laid before the
Right Honourable the Governor in Council
for the following letter

Hereunto
Read letter dated 23rd ultimo from

25th July 1816 The Judge and Magistrate in the Zillah of Bellary Submitting with the documents charges preferred against Mr. Vaughan in his Seperate capacities of Register and Assistant Magistrate

Here enter No 592 of S. Mo

It appearing by two enclosures in the foregoing letter, that two persons named Kristnapa and Ittlaw Burra Bawa Saib have been severally committed to the Jail of the Zillah Court of Bellary by Mr John Vaughan, the Assistant Magistrate, to take their trial before the Court of Circuit on a charge of perjury, and the commitments in those cases, directing that the said prisoners be confined in irons, the Court orders that the Magistrate in the said Zilla be by precept commanded to cause the said Kristnapa and Ittlaw Burra Bawa Saib to be immediately released from their irons and farther that the said Magistrate be authorized to release the said prisoners from confinement whenever they may produce good and sufficient bail for their appearance, before the Court of Circuit, to take their trial at the ensuing Sessions

Return

23 July 1816

Return to this Journal
made in the week from the Journal then
last following Journal
Return this Bill

End
No 46

No. 1211

In the
Hon'ble Court of Sudder Adawlut

Present

Monday
29th July 1816.

Hudson Scott Esqr
Edward Croft Greenway Esqr } Judges
George Skallon Esqr

Read again letter dated the 8 Inst received
the 16th Instant from the Secretary to Government on the
Judicial Department forwarding copy of a letter from
the Hon'ble the Court of Directors, dated the 20th
last and draft of their Regulations proposed by the Com
-ee for revising the Judicial System together with copy
a letter from the Commissioners respecting the drafts—

Ordered

In the foregoing letter it is observed in
reviewing these drafts the Sudder Adawlut will abst
-ain from all discussion with regard to the principles laid d
in the letter from the Court of Directors, which are to
their guide, and as it is considered of great importance to
delay, the Governor in Council desires that their report m
be submitted within a period not exceeding fifteen days
the receipt of this letter—

Ordered

If the first part of the above quote
be intended to convey a censure on any former proceed
of the Sudder Adawlut, the Court must regret that an
opportunity has not been afforded them of explaining any
error into which they may have inadvertently fallen. If
be intended to censure the proceedings of the Court of Sud
Adawlut

2

2d July 1816

Adalust on the revision of the drafts to the consideration of those drafts only. It is the duty of the Court to observe that those drafts contain a decision on the Articles XI XII XIII, XIV and XVI specifically referred to the Court in the proceedings of Government bearing date the 8th March 1815, which articles were together with the others referred to the Court in its Civil capacity, transmitted to the Several local authorities for their opinions as required by the orders of Government conveyed in those proceedings.

The returns of the Several Judicial authorities were long ago received; and the delay which has occurred in forwarding them to the Office of Government is solely to be ascribed to a violent illness which seized the Second Puisne Judge of the Court not long after the revised drafts of the Regulations formed by the Commission were sent to the Office of Government, and entirely interrupted the preparation of the report, which he had undertaken to frame on the returns of the Several Judges and Magistrates regarding the points referred to them. But for this accident, the proceedings of the Court during Adalust on the important subjects included in the articles referred to, would have been submitted to the consideration of Government before this time; and any Regulations which might subsequently to the receipt of such proceedings have been sent to the Court, with a communication that the principles contained in them had been sanctioned by the Governor in Council, might be revised in a comparatively short period, because the revision would be confined to the transposition of words and Sections

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with the view of having the drafts free all ambiguity and rendering them as clear and familiar to common understanding as the nature of the subjects admitted.

But on bringing the drafts before the Court the learned authorities of the Right Hon^ble the Governor in Council has been pleased to desire that the Court shall be furnished with two distinct drafts to admit of a revision of their several provisions in detail. We are ordered [illegible] from that very limitation not to be expected, and on the contrary view, which the Court have been enabled to take of the drafts, they have observed the instructions from the orders of the Right Hon^ble Court of Directors on the propriety of which it is for the Right Hon^ble the Governor in Council to decide, and allow of the several departures from the principles on which

The orders of the Court are further that their instructions for "the transfer of the duties of Magistrates to the Collectors be carried into effect so as that the Zillah Judges may be enabled to give their whole time to the administration of Civil Justice." Whereas the arrangements have made from under the table of the annexed Judges of the Zillah the Court by Magistrates in all cases triable by the Court of Circuit, and their reasons for so doing, if the Court understand their letter correctly, is to obviate the confusion which they apprehend would unavoidably ensue between the Collector, Magistrate, and the Court of Circuit, if he were

were brought to too much into contact with that Court by being
required to perform the duties of Magistrate as directed by
the Honble Court. The material consideration which it
would occasion to his other business is also stated as an
objection to the measure; but in the Commrs Judge these duties are not considered likely to occasion any
of these bad consequences. With regard to the objections founded
on the interruption likely to be occasioned to the Revenue duties of
the Collectors the Commrs apprehend that the Commitment of
Offenders for trial would form but a small part of the interruption
which it is considered desirable to occasion in attendance on
the Court of Circuit twice in the year would not extend to any
considerable occupation of the Collectors time. These consequen-
ces constitute but small objections on the opinion of the
Court to the complete execution of the orders of the Honble
Court of Directors. And with regard to the apprehended
Collision between the inferior and superior authorities, it is
evidently a consequence for which the Honble Court of
Directors were not prepared, and which if it do happen
must flow from the same source as the most weighty
objections to the arrangement, viz. the revenue administration
being the primary, and that of justice the secondary duty of
the Officer. A collector considering himself as prime in his
department, duly, and efficient the orders of the Court of Circuit
but any instance of this nature would constitute an evil
which it is to be presumed needed only to be known to the
Government to be immediately removed. The most zealous
Collector might doubtless be readily replaced by another

of he should prove to be a wilfully bad Magistrate. An instance of this nature, supposing it to occur, would not however constitute a collision of Authority, which indeed cannot occur between two authorities distinct in themselves, and the one subordinate to the other—

The Commission have provided, and it is understood to be the intention of the Court of Directors, that all persons charged with criminal offences shall be brought when apprehended before the Collector as Magistrate, and in all cases of a trivial nature the Commission have provided that the enquiry shall be perfected by the Collector whom they have empowered to pass Sentence to a certain extent — but in cases of a degree of criminality exceeding this limitation if there shall be reason to suspect the persons concerned in the perpetration of the crime, the regular Magistrate, is required to send the prisoner to be examined Witnesses and the prisoner with the proceedings of the case to the Criminal Judge of the Zillah in a sealed cover. It shall not be necessary for the Magistrate to go further into the examination than to satisfy his own mind that there is ground to believe the prisoner guilty of the crime charged against him.

The introduction of this duty by a negative may lead to different interpretations as to the sufficiency of the ground on which the Magistrate is at liberty to form his belief of the guilt of the accused If, as the Court would interpret the Regulation, the belief on which the Magistrate is to forward the accused

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to the criminal Judge of the Zillah for trial or commitment according to the nature and degree of his criminality. be required to be the result of a grave proceeding sufficient to warrant the commitment of the prisoner for trial. all that is left to be done is to make out the petitions of the prisoner, to ascertain and record the names and residence of his witnesses, and to take Recognizances from the prosecutor and his witnesses to appear on the day fixed for the trial and to take those matters of form from the Magistrate is to afford him relief in appearance rather than in reality; while in order to enable the criminal Judge to expedite the discharge of the duty, which has already been performed by the Magistrate, of enquiring into the alleged guilt of the prisoner previous to committing him for trial before the Court of Circuit, the prosecutor in most cases and the witnesses for the prosecution in all, will be put to the inconvenience and expence of making a journey to a distant tribunal, which they will have again to go this at the trial of the prisoner.

If the preliminary proceedings of the Magistrate should not be conducted with sufficient care, which it is reasonable to apprehend may happen where responsibility is incurred by defective proceedings, it may be necessary for the Criminal Judge to call before him and examine other witnesses whose evidence may be found necessary to elucidate the case, and inconvenience & delay may thus be occasioned which might be avoided by requiring the Magistrate to perfect his proceedings on his own responsibility in the first instance

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has been shown that the relief which is intended to be given
to the Magistrate by incurring the [illegible] expence & inconvenience is immaterial

With regard to the preparation of all papers for the trials before the Court of Circuit, and the charges of the Jail which are proposed to be given to the Officer designated the Criminal Judge of the Zillah, this may be done without in any respect interfering with the discharge of the duties of Magistrate; but in view to the provisions which require that the Magistrate [illegible] the Sessions certificates & Calendars to be delivered to the Courts of [illegible] days before [illegible] proper that the Officer charged with the superintendence & control of the Police, and with the preservation of the peace of the Zillah should [illegible] to enquire into the manner in which those duties [illegible] the returns showing [illegible], and [illegible] receive such answers as that Court may think [illegible] on such returns. Due regard for the preservation of given outward forms of respect, which the Government have been pleased to direct that the Magistrates shall pay to the Courts of Circuit, would appear to require that this obligation shall be transferred with the other duties of the Office & as the occasions for it will occur no oftener than twice a year they cannot occupy the Collectors time and attention for any inconvenient length of time.

These observations have no reference to the general inconveniences which have been considered by many of the Judicial Servants as likely to result from the transfer

being considered to be put at rest, for the present at least, by the positive orders of the Honble Court of Directors, but it is impossible entirely to overlook the distresses to which the poorer classes may be subject in pursuing the motions of a wandering tribunal, or not to contemplate the probability of a future arrangement, at a very distant perhaps, for declaring that the Office for receiving and hearing complaints of personal injuries and outrages shall be held at a known fixed station, and that it shall not be necessary for an aggrieved party seeking redress to follow the footsteps of any individual public Officer.

2d The measures under consideration, although so far salutary as they relieve the Zillah Judge from the duties of Magistrate, include so obvious a defect that they may be regarded as merely preliminary to some more permanent arrangement; and although the Honble Court have resolved that the experiment shall be tried, it is to be concluded that they will be guided by the result of that experiment in determining on the arrangement which may be indicated by it as most expedient and permanently beneficial in the administration of criminal justice in India. This consideration would appear to point out the propriety of assigning new names to the new Offices created in the course of the experiment rather than to strip an existing Office of its known designation, and give to it an appellation indicative of a change which has not taken place in the authority vested in the Office. This Observation is applicable to the Regulation constituting the Judges of the Courts of Adawlut of the several Zillahs — Criminal Judges of their respective Zillahs, a title which would lead to the supposition that a new Office had been

(Constituted)

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constituted in each Zilla, whereas on an examination of the said Provisions it appears that the several Zilla Magistrates have been exercising the authorities and powers proposed to be vested in the Criminal Judges for several years past. But having conferred on the Collectors the title of Magistrate because a part of the duties of the Magistrates are to be transferred to them, a necessity arose of giving a new name to the old office and if the commitment of offenders in cases cognizable by the Courts of Circuit be continued in that Office the title of Criminal Judge cannot be considered as applicable to the committing Magistrate. But setting the practice of considerations of Verbal propriettes, in consequence of the transfer of the title of Magistrate to the Collector, a difficulty has arisen, and the Commission have proposed a reference to the legality of which the Right Hon.ble the Governor in Council may deem it expedient to request the opinion of the Company's legal adviser.

In the 19. Para of the letter to seek Commission they state as follows "We have not given the Criminal Judge any cognizance of crimes committed by European British Subjects because the 53 Geo III Sections "105 and 106 speak of the Magistrate only." This would appear to admit that the fixed resident Magistrate is the Officer to whose authority European British Subjects ought to be amenable in the cases stated in those Sections, and that it is the authority contemplated by the legislature in framing the act, but by taking from the Judicial Officer the appellation by which his Office was known at the time when the act was framed, the Commission deprive the native Subject of the

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the means of prompt redress of injury intended to be given by the
bear by the Legislature, and they render the European British Subject
liable to be dragged in attendance on the travelling Office of the
Collector in a manner which could never have been in the contemplation
of Parliament.

The difficulty would be removed by leaving
to the Zilla Magistrate his present title, and distinguishing
the Collector by that of Police Magistrate of the City.

With regard to the instances on which the
proposed draft of the Regulation for the Office of Magistrate
recedes from the rescission of provisions in the criminal code, for the
to a Abrogation of which the Commissioners quote no authority, the first
is described in the 13 Para of their letter. They observe that
"by Clause fifth Section IV Regulation I 1810 the power of
"Government in confirming the attachment of
the "any previous report from the Foujdary Adalut but by
"Sections II and III of the same regulation in cases of resistance
"to process the Sentence of the Foujdaree intervenes and their
"Report is necessary previously to the final determination of
"Government. We make the matter in both cases referible
"directly to Government for their decision without any report
"from the Zilla Foujdaree, because we see no sufficient reason
"for incurring delay in the one case more than the other, and
"because we think that the decisions of Government should
"be prompt wherever the authority of the Magistrate is to be
"supported."

These reasons for changing the existing
law have no application to the process pursued in either case

for with reference to the first the delay is not on the side on which the Commission have supposed it to be, and with regard to the latter, altho the Court would be disposed to agree in principle with the Commission on the abstract proposition that where the decision of Government may be necessary to support the authority of the Magistrate, such decision should be prompt, it is not for this purpose that Government is called upon for a decision in either of the two cases in question. A concise abstract of the law will be sufficient to explain this matter.

The first case in the 6th practice is the second in the order they are treated of in the Commission, is a charge of resistance of process, the penalty provided for which offence is forfeiture of property & fine (with eventual imprisonment or corporal punishment) "not to exceed" "fifty rupees".

This is the case in which I have supposed the delay to happen, but the proceedings on the regulation would appear to be sufficiently plain. "The Magistrate of the Zillah in which such resistance "may have been made, on the same being charged on oath, "shall if practicable cause the party to be apprehended and "brought before him to answer to the charge. If the party "shall abscond or conceal himself so that he cannot be "apprehended the Magistrate is to cause a written proclama- "tion requiring the party to appear to answer to the charge "against him within a fixed period of time not less than "one month to be publicly read and proclaimed by beat of "drum &c.a

If

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If the party charged as above cannot be apprehended
and shall not within the period fixed by proclamation appear to
answer to the charge against him; or if he shall appear in pursu-
ance of the proclamation, and after receiving his answers to the
charge and hearing the evidence he may adduce in his defence it
shall be proved to the Satisfaction of the Magistrate that he is
guilty of the charge, the Magistrate is to pass Judgment
against him

If the Offender be a proprietor of lands,
whether paying or exempt from paying Revenue to Government,
Magistrate is to declare such lands forfeited to
Government, and immediately to cause the Collector of the District
to attach such lands

If the Offender be a Sudder farmer,
holding a farm from Government within the Zilla in which
the resistance may have been made, the Judgment against
him shall declare his lease forfeited and the Magistrate
is to require the Collector to proceed as above directed with
regard to lands declared to be forfeited

If the Offender be not a proprietor or
Sudder farmer the Judgment is to declare him liable to the
payment of a fine to Government, commutable under certain
circumstances with the concurrence of the Foujdaree Adalut
to imprisonment or corporal punishment

In cases of resistance to process not
attended with aggravating circumstances, the Magistrate
may pass such sentence as appears to him proper and
carry the sentence into execution without reference to the
Foujdaree Adalut such sentence being subject to

revision

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(4) F 11.
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revision by the Court of Circuit under the general and the Magistrate that Court

Provided always that the whole proceedings passed by Magistrates under this Regulation (with exception to the last mentioned case) be immediately reported with a complete copy of their proceedings to the Court of Foujdaree Adawlut and that the orders of that Court be received before the Judgment passed by a Magistrate be considered final and conclusive.

The Foujdaree Adawlut on the receipt of the proceedings above referred to are empowered to pass such orders thereon as they may think proper on due consideration of the practice and all the circumstances of the case, and in case of any wherein the forfeiture of the offenders lands or tenure may appear to them too severe a punishment for the offence they are authorized to commute the same for such other punishment as they may deem adequate, and order the lands to be taken off on payment thereof to the Government. And the Foujdaree Adawlut is to be final in all cases of imprisonment and corporal punishment; but in case it shall confirm the Judgment of the Magistrate for a forfeiture of the offenders lands or lease, they are previous to ordering such sentence to be carried into execution to transmit their proceedings with those of the Magistrate to the Governor in Council, who will finally determine whether the sentence of forfeiture shall be put in force or commuted to a fine or otherwise; and who whenever he may order the land or lease of the offender to be forfeited to Government will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to

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If the party charged as above cannot be apprehended
and shall not within the period fixed by proclamation appear to
answer to the charge against him; or if he shall appear on pursuit-
ance of the proclamation, and after receiving his answer to the
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"and shall

"answ

Collector thro the Board of Revenue

Throughout the whole of these provisions the
vern of Government is not called for to support the authority
the Magistrate — The law already gives sufficient
pport to his authority in declaring the forfeiture of property
to be the penalty for resistance to process; and so far as the
authority of the Magistrate is concerned it is upheld by the
immediate attachment of such property — The subsequent
of the matter is towards such a mitigation of the Sentence
may
may be obtained in the higher Court — If the forfeiture
overnment,
uld be confirmed, a reference to the Governor in Council
to allo
for every such case must be necessary in order that he may
issue orders for the disposal of the property accruing to
Government by such decree of forfeiture; and here the law has
hold
the gro
judiciously provided a further opportunity for the offending indivi-
dual to endeavour to preserve the property which he may
him to
have forfeited endangered, the Governor in Council being
to the
unrestricted as to the circumstances which he may be pleased
reg
to take into consideration in determining whether the Sentence
shall be enforced, mitigated, or remitted altogether —

There is nothing in the Regulations to
prevent the case from going thro all these stages in three
months or less —

The other case is of a totally different
nature; it is that of a person charged with an offence of a
criminal nature, the penalty provided for which must vary
according to the degree of its criminality —

In this case, if the accused person
abscond or conceal himself so that after a process [illegible]

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him by the Magistrate he cannot be found, the Magistrate is to require him by proclamation to attend, and answer to the charge addressed him within a fixed period of time not less than one month, and in case he shall not appear and deliver himself up within the period fixed by such proclamation the Magistrate, on receiving the report return to this effect, is to order the attachment of any land or other real property held by the before within his jurisdiction

It is unnecessary to specify the descriptions of persons who may happen to be found within this or which are correspondent to those described in the 1st Section of this Act

In all instances wherein any attachment of property may be ordered, under the foregoing Section the Magistrate immediately on the attendance of the party for whose appearance it was ordered shall discharge the attachment by written precept that the attachment be removed, and a full and fair account be rendered of all the disbursements during the period of attachment & such

The attachment of the lands in this case has no reference whatever to the punishment of the offence with which the individual may be charged, its sole purpose is to compel the attendance of the party accused; and there its operation ends — Neither is any particular period specified during which the non appearance of the party shall be taken to annul his title to his property. Nor is the Magistrate required to declare such property forfeited to Government —

Should the party neglect to attend for a period of Six months after the lands have been ordered

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Ordered under attachment, the Magistrate is required to send the case to the Governor in Council, who will pass such order as and the future disposal of the lands as he may judge proper

But this provision does not necessarily imply the forfeiture of the property altho it may be considered after the lapse of so many months to have been abandoned, and it may be deemed efficient that orders should be given for the future disposal of the property — The appearance of the party at any time before the Magistrates report may have been transmitted to the Governor in Council, is sufficient to procure the restoration of his property; and even if his attendance should not be given till after the lapse of a period of Six months it is not to be concluded against him that the delay will not admit of explanation —

The charge is supposed to be preferred by some individual, as charges of offences of a criminal nature generally are, and it may appear on investigation that advantage has been taken of the occasional absence of the party to fabricate the accusation, and the date of his concealment such a result of the investigation would of course lead to the restoration of his property —

Thus it must be observed in the case in which a positive delay of Six months is prescribed before making the report to the Governor in Council, whereas there is nothing in the Regulations to prevent a decision being obtained on the other case within half that time —

The next instance of a proposed alteration of the existing provisions of the criminal code is noticed in the 4th Para of the letter from the Commissioners in which

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state that "In Sections XVII to XX inclusive We have
"retained with some modifications the first five Sections of
"Regulation XIII 1809 but no parts of the rest. By this
"Regulation, if the proclaimed Offender surrender within the
"limited time, he has all the benefit of a treat. But if he
"surrender or is apprehended after the time, it is only necessary that
"the Judge should be satisfied of the identity of the Prisoner
"and of his contumacy in not appearing before the Magistrate
"within the prescribed period in order to sentence him to be imprison-
"ed and transported for life. We have given him a regular trial
"in both cases, because we see no cause for the practice of the use
"of so extraordinary and severe a law. We have also new
"the Sections XIII and XIV. of the same Regulation
"which, among other penalties, persons convicted of a
"their proclaimed Offenders lodging, money, provisions
"are liable to forfeiture of their estates because
"screened from the dread of assassination, and it
"to ascertain whether the aid had been given or
"this or of any other motive; and because the punishment tends
"and encouragement to private animosity to bring forward
"information against persons who may have given money, or
"from fear, or from not knowing of the proclamation."

The foregoing observations do not appear to have been dictated by any consideration of the history of the laws in question, or of their operations; but it is unnecessary to go beyond the paragraph itself for a cause to justify the continuance of the penalty annexed for disobedience of the Commission proclamation which they have termed "so extraordinary and severe a law;" for it must be kept in mind that the existing law

enactments—

The latter part of the fourteenth paragraph contains a postulatum on which much might be written, but as it entirely begs the question with regard to the state of the country prior to 1809 it may be sufficient for the Court to state for the information of the Right Honble the Governor in Council that the Judicial Courts were not generally in operation until 1809 and completely so

that the Regulation in question is numbered IX of the Bengal Code for the year 1808; and that it was adopted into the Madras Code in the following year—

With regard to augmenting the authority vested in the Magistrate for granting rewards as far as one hundred Rupees, as mentioned in the 16th Paragraph of the letter from the Commission, the Court concur in their recommendation that it be adopted; and the authorizing Magistrates to move Police Officers from one station to another without reference to any other Authority, as stated in the 17th Paragraph, may in the hands of an active and intelligent officer contribute to the efficiency of the Police. Indeed the efficient administration of Police must always be greatly dependent on personal character. It is a department which cannot be strictly controuled by Regulation, and will therefore be ever liable to great abuses: but this is a necessary evil, which it will be the duty of the European Officers to endeavor to circumscribe within the narrowest limits possible for they cannot remove it altogether—

The Court have not extended their remarks to the Regulations by which "Offences against the Revenue laws of Customs, Tobacco monopoly, Spirit licenses are rendered "criminal" which the Commission state to be left unto

(6) F. C.

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of which, it must be observed, the Character has been totally altered by transferring them to the cognizance of the Collectors and this appears to the Court to be done in direct opposition to the expressed intentions of the Honble Court of Directors who in the 18th Paragraph of their letter dated the 20th of December 1815 declare that "it is not their intention to give to Collectors a power of deciding upon Complaints which may be preferred either against themselves or the native Officers of Revenue subject to them respectively—

In all complaints made under the laws in question against the Officers employed in the several departments the Collector is interested as their immediate Master, and in all complaints against individuals for infringing those laws he has an interest on account of the Revenue derived from those Sources. For all regulations he derives no personal emolument from them, but his situation as Revenue Officer is concerned in maintaining the standard of the Collections, which is liable to be injured by every fraud—

With regard to the Regulations for the Office of Criminal Judge the Court have already remarked on the inexpediency of assigning to established Offices appellations indicative of a change in such Office which has not taken place, or of an addition of authority which has not been conferred on the—

The employment of the Zillah Judge on the discharge of duties in the criminal department is not altogether consistent with the instructions conveyed in the 16th Para of the Honble Courts Letter, and the Court consider the proposed arrangement to be objectionable, as it imposes on the Judge a fair

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part of the duties of the Magistracy without leaving him powers of a Magistrate. He would then be able to have his attention daily called to the cases of persons who may be forwarded to him by the Collector after perhaps but a defective preliminary enquiry, or to those of persons forwarded by a Police Officer whose proceedings, if it is to be effected, will be still more defective, but over whom he holds no control, and to whom he cannot even issue letters of instruction.

If it be necessary, as well to continue the assistance at present afforded by the Magistrate as diminishing the duties of the Criminal, as to afford relief to the Collector on the discharge of the duties of Magistrate (which the Court have no doubt will be found to be very necessary) it would in the opinion of the Court be better to make the Zilla Judge (in fact what the new appellation given to him by the Commissioners designates him to be) a Judge of Sessions, holding Sittings for the cognizance of particular Offences, and passing judgment on the cases of the persons charged with such offences. His sittings might be held monthly commencing on a particular day of the first week of the month and continuing until the business of the Session should be gone through, and he might be aided in the discharge of this duty by the Law Officer of the Station. A Court so constituted, under the name of the Magistrate's Court (for a new name is unnecessary) might be very serviceable in the Criminal Department, without materially increasing the time of the Zilla Judge.

To avoid the collision, which it appears to be apprehended, may arise between the two authorities exercising in the same Zilla, all official correspondence between

authorities which the Court would distinguish by the titles of "Magistrate" and "Police Magistrate" of the Zilla might be prohibited; and if the proceedings of the Police Magistrate, on whose commitments the Offenders would be brought to trial, should in any instance appear to be irregular and to require correction, it might be made the duty of the Magistrate to bring the case to the notice of the Judge on Circuit for his information and orders, and those orders might be conveyed direct to the Police Magistrate.

Under such an arrangement, the necessity for the prosecutors and Witnesses proceeding twice to the Zilla Station would be obviated. The proceedings of the Police Officers would in every instance come under the notice of their Superiors; and it is to be expected that they would in consequence pay greater attention to regularity.

With regard to the powers to be entrusted to the Magistrate, they must be sufficient to enable him to accomplish the purposes of the act 53d Geo III in regard to European British Subjects, but he may be restricted from inquiring into the details of Police, the duty of which will be vested in the Collector [illegible]

The foregoing sketch may be sufficient to shew the principles on which in the opinion of the Court a preferable arrangement may be formed to that which has been proposed by the Commission. It would not be practicable to complete the details in the time within which the Right Honble the Governor in Council has expressed his desire to receive the proceedings of the Court on the draft prepared

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prepared by the Commission —

Almost the only remark which the Commission appear to have considered necessary on explanation of the draft of the Regulation for the Criminal Judge is contained in the following words "We have made all the reports quarterly which before were monthly, because the same object of proper control may be obtained and time and labor saved by this arrangement." Whatever application this observation may have to the other reports, it has none to the list of prisoners apprehended in each month, of which it is desirable that the earliest information should be conveyed to the Superior Court, or the report of casualties and of prisoners released in each month. If the quarterly reports are to be in substance the same as those at present received monthly (and the forms are copied verbatim from the forms printed in Regulation VI of 1802) the information contained in the proposed quarterly reports of these cases will contain the precise information at present contained in the reports furnished monthly — The labor saved to the writer, therefore, will be that of the heads & titles of each report, and to the Judicial Officer that of affixing his signature thereto — The Court would therefore recommend that these reports at least be continued monthly — The others are not of so much consequence —

It is proper to remark on a part of the proposed Regulation for the Magistrate which is not explained in the letter, that which is provided by Section XXXI ——— that the Court of Circuit shall refer to the Foujdaree Adalut, and the Foujdaree Adawl

(7) F 4.

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Government any instance in which the Magistrates or their assistants may be guilty of misconduct or neglect in the discharge of their Official duties, this very proper provision is rendered useless by that contained in Section XLII. which declares it to be unnecessary for the Magistrates to make the depositions taken by them, in the cases referred to, matters of record, and requires only a registry of dates, names and the quantum of punishment inflicted in each case affording no information beyond the result of the Magistrate proceedings, none whatever of the nature of such proceedings. And this document the Magistrate is to cause to be delivered to the Court of Circuit. It is supposed that he will be too much engaged in other duties to deliver it in person and that it will be dangerous to bring him so nearly in contact with the Superior Court. Now then is the Court of Circuit to discharge the duty required of it.

By these provisions the administration of Justice, so far as the Collectors are concerned, is made a secondary duty; and the utmost to take exemption from control, which is herein provided for them, may lead to neglect in the discharge of functions which appear to be thought as unimportant —

The Honble Court of Directors cannot be supposed to have been aware that this would be a necessary consequence of employing the Collectors in the discharge of the duties of Magistrate —

In concluding these observations, which have been hastily thrown together in order that the

stricter

29. July 1816.

structest observance might be found to the Orders of the Sign
Humble the Governor in Council that their report should
made without [illegible], that they may have to state that
all the they have given to the subject all the consideration
which the shortness of the period allowed them admitted,
have endeavoured to perform the duty which the Sign
Humble the Governor in Council has been pleased to en
to them in the best manner. That it is to be apprehended that
on the cursory view which they have been enabled to take
of the drafts, and of the Letter of explanation which
accompanied them, something may be found to have been
omitted, which on more mature consideration ought to be
supplied. But from what the Court have stated of
will be clearly understood that
be defective in
the subject, they doubt not that the Right Hon.
the Governor in Council will deem it proper to have
before him all the informations that has been received
from the Judicial authorities previously to forming a final
determination regarding it.

The Court were desirous of submitting to
information which has been furnished by the several
Judicial authorities on the points referred for their opinion
along with these observations, but the commands of the
Government requiring that all these documents should be
given to the drafts framed by the Commissioners on or before the
the reports on them might be completed within the present
time, occasioned the suspension of their proceedings on the

Reports

29 July 1816

Reports connected with the important subjects under discussion, which are properly the duty of the Court — I shall beg to assure the Right Honble the Governor in Council that no unnecessary delay will take place in forwarding this information to the Office of Government —

+

(Here enter Minute of the 3rd Inst.)

Ordered that extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honble the Governor in Council.

(See following letter A.)

Secretary Administration Minute

Proceedings of the 29th July 1811

F. W.

At a Court of Fouzdaree Udalut

Present

Wednesday 31st July 1816. } Andrew Scott Esqr. / Edward Croft Greenway Esqrs. / George Stratton Esqr. } Judges

H

E08

W

Read letter dated 19th Instant from the 2d Judge on Circuit in the Northern Division transmitting Record of trial No. 5 of the Nellore Calendar in the 2d Sessions of 1816.

(Here enter No. 404 of 1816)

It is clearly established both by the Proceedings of the Magistrate and by those of the Judge on Circuit in the foregoing case that the Prisoner, Ballem Chenchoo, is insane and that the crime charged against him was perpetrated under a State of mental derangement.

It will remain with the Magistrate of Nellore to Report for the information of the Court whether, consistently with the public safety, the Prisoner can remain confined in the Zilla Jail or whether the circumstances of his insanity be such as

Proceedings of the 29th July 1811

F. W.

At a Court of Fouzdaree Udalut

Present

Wednesday 31st July 1816.

Andrew Scott Esqr.
Edward Croft Greenway Esqr. } Judges
George Stratton Esqr.

Read letter dated 19th Instant from the 2d Judge on Circuit in the Northern Division transmitting Record of trial No. 5 of the Nellore Calendar in the 2d Session of 1816.

Ordered that No. 404 of 1816 be entered.

It is clearly established both by the Proceedings of the Magistrate and by those of the Judge on Circuit in the foregoing case that the Prisoner, Ballem Chenchoo, is insane and that the crime charged against him was perpetrated under a state of mental derangement.

It will remain with the Magistrate of Nellore to Report for the information of the Court whether, consistently with the public safety, the Prisoner can remain confined in the Zilla Jail or whether the circumstances of his insanity be such

31st July 1816

as to render it expedient that he should be
sent to the Residency in order to his being
placed in the Lunatic Hospital. In the
latter event the Magistrate will observe
the Rules pointed out for his guidance
in the Court's circular Orders of the 9th
July 1814

Ordered that extract of these proceedings be sent
to the 2d Judge on Circuit in the Northern Division
by Receipt commanding him to communicate the same to the
Magistrates in the Villages of Pallore for his information & guidance
and to return Receipt

Received

Read letter dated 17th Instant
from the 2d Judge on Circuit in the Northern
Division — forwarding with remarks, copy of the
Cumbacoonum Calendar on the 2d Sessions of
1816.

/ Here enter No 390 /

Read letter dated 15th Instant
from the Magistrate in the Village
Chinglepet — With report of Prisoners under
sentence of transportation —

/ Here enter No 391 /

Read letter dated 15th Inst
from the Acting 3d Judge on Circuit in the Cen

31st July 1816

Division Reporting arrival of the Court of Circuit at Cuddapah on the 14th Instant and commencement of Sessions the next day

/ Here enter No. 384. /

Read letter dated 1st Instant from the Acting Magistrate in the Zillah of Darapooram with list of convicts sentenced to transportation & Banishment

/ Here enter No. 382 /

Read letter dated 18th Instant from the 3rd Judge on Circuit in the Western Division Reporting his arrival at Mangalore and commencement of the Sessions at that Station

/ Here enter No. 389 /

Read letter dated 19th Instant from the 2d Judge on Circuit in the Northern Division Signifying his intention to proceed to the Zilla of Guntoor on 20th Instant

/ Here enter No. 399 /

R. A.

H

W 603

F. 16.

At a Court of Fouydaree Adalut

Present

Friday 9th August 1816 — Andrew Scott Esqre. / Edward Croft Greenway Esqre. / George Stratton Esqre. } Judges

11

Read Letter dated 19th ult. from the 2d Judge of Circuit in the Northern Division with the Nellore Calendar for the 2d Septr 1816.

/ Execution No. 406 of 1816 /

In case No. 11 of the foregoing Calendar the 2d Judge on Circuit remarks that, "when the Prisoner was brought to the Bar, he "appeared to be an Idiot, but that the Law "Officer deemed it right he should be put upon his "Trial." The Judge accordingly proceeded with the Trial and the Law Officer declared in his Futwa "that the Prisoner was guilty of the crime "laid to his charge but that he did it under "a fit of insanity."

The Court are compelled to observe that, in proceeding under such circumstances to put the Prisoner upon his trial, the Judge evinced a total disregard of their circular orders of the 29th October 1807, which expressly declare that, whenever it shall appear to the Judge on Circuit either from the Magistrates Proceedings "or otherwise" that there are grounds for suspecting a Prisoner committed for trial to be deprived of reason, he shall in the first instance enter upon an investigation

of

9th August 1816.

of this fact

With these instructions before him it was obviously incompetent to the Judge on Circuit to take any opinions from the Law agents as to the expediency or inexpediency of putting the Prisoner on his Trial — From the Prisoners appearance, when placed at the Bar, the Judge would seem to have been strongly impressed with the belief that he was deficient in intellect and under such an impression it only remained with the Judge to institute an inquiry, in order to ascertain whether such deficiency was absolute or also whether the crimes charged against him was perpetrated under such deprivation of the Senses —

Instead the Jury had to comprehend on what grounds the Judge on Circuit, entertaining such strong belief of the Prisoner's want of understanding, could have directed him to be put upon his trial for the crimes charged against him, without deeming it necessary to enter upon any investigation regarding the State of his mind; since it should have occurred to the Judge that although the Commission of the act might be clearly established against the Prisoner yet the deficiency in mind would excuse him from the guilt and of course from the punishment of such acts —

The Court trust that the observations which they have submitted it may be here to remark with reference to the above cases will form the ground

9th August 1816

of a similar irregularity in the Proceedings of the Judge on Circuit

Ordered that extract of these Proceedings be sent to the 2d Judge on Circuit in the Northern Division for his information and future guidance

Sent following letter

/Recorder A/

Read letter dated 20th Ultimo relating from the 3d Judge of Circuit in the Northern Division with the Calendar of prisoners tried at 3d Quarterly Sessions of 1816 and stating that having visited the Jail he has nothing to add to the former Reports from the Circuit Judges

/Recorder No. 407/

Read letter dated 23d Ultimo from the 3d Judge of Circuit in the Southern Division announcing his arrival & commencement of Sessions at Newcastle

/Recorder No. 401/

Read letter dated 5th Instant from the Magistrate in the Villa of Bellary with report of proclaimed persons for Game

/Recorder No. 410/

Encl

Lett H

R. A.

All

F. U.

At a Court of Fouydaree Udalut

Present

Wednesday 14th August 1816

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Stratton Esqre

Read letter dated 13th Ultimo from the 2d Judge late on Circuit in the Southern Division forwarding for the consideration of the Fouydaree Udalut the Proceedings in cases Nos 5, 7, 33, 49, & 53 of the Salem Calendar for the 1st Sessions of 1816

Execution No 385 of 1816

The Judge on Circuit states in the foregoing letter that the Prisoners in Cases Nos 5, 7, 33, 49 & 53 of the Salem Calendar were tried before him "in conformity to the "orders of the late Fouydaree Udalut conveyed "to the 1st Judge in the Extract from their "Proceedings dated the 17th August 1815"

The Orders of Government which were so communicated through the Channel of the Fouydaree Udalut had reference to such of the Canara Prisoners, subjects of the "British Government" as might appear to have committed offences in the Province of Canara, but the Prisoners in the several cases above enumerated would appear to be subjects of the Rajah of Mysoor and are consequently not amenable to the established

criminal

14th August 1816.

criminal Courts for offences committed out of the limits of the British Provinces.—

Under these circumstances it only remains with the Court to submit the names of the Prisoners to Government & to recommend that they be sent to the Royal of Mysoor, together with copies of the charges preferred against them and copies of their declarations and that they be accompanied by the Witnesses in each case respectively.—

Ordered that Copy of the foregoing letter with list of the Prisoners and extract of these Proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council.—

Sent following letter.

/Here enter A/

Read Return dated 16th instant, from the Magistrate in the Zilla of Ganjam to the Courts Precept of 13th May last forwarding in conformity to the foregoing precept the principal charges of Sundree Criminal Instances of Forgery and the papers connected therewith on Record against the late Sumindar of Boomdoor and explaining the cause of the delay in the Return.—

/Here enter No 416 of 1816/

As the Orders of Government were received on the 28th June last for the forfeiture of the Boomdoor Zumindary, on account

11th August 1816

resistance of Criminal Process on the part of the late Zemindar, the Court do not consider it necessary to go into a consideration of the additional charges which form the subject of the foregoing Return

Ordered that extract of these proceedings be sent to the Magistrate in the Zilla of Ganjam for his information

Sent following letter

/Here enter B/

Read letter dated 10th Instant from the Hon. Judge of Circuit in the Northern Division of the City with Ganjam Calendar and stating the completion on this date of the 1st Sessions of 1816

/Here enter No. 415 of 1816/

On examining the foregoing Calendar the Court observe three cases Nos 4, 5, and 11 in which the Prisoners would seem to have been charged with theft committed in dwelling houses without any circumstance of "upon violence" and another case, No 19 in which the Prisoner was indicted for having stolen four Buffaloes valued 17 Rupees.

In none of these cases has the Judge on Circuit adjudged a heavier punishment than six months' imprisonment and hard labour and in the last mentioned case the Prisoner is only sentenced to three months' confinement.

The

14th August 1816.

criminal Courts for offences committed out of the limits of the British Provinces.—

Under these circumstances it only remains with the Court to submit the names of the Prisoners to Government & to recommend that they be sent to the Rajah of Mysoor, together with copies of the charges preferred against them and copies of their declarations and that they be accompanied by the Witnesses in each case respectively.—

Ordered that Copy of the foregoing letter with list of the Prisoners and extract of these Proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council.—

/Here enter Letter/

Read Return dated 16th instant, from the Magistrate in the Zilla of Ganjam to the Courts Precept of 13th May last forwarding in conformity to the foregoing precept the principal charges of Petit Larceny & Forgery and the papers connected therewith on record against the late Zemindar of Goomsur and explaining the cause of the delay in the return.—

/Here enter No. 416 of 1816/

As the Orders of Government were received on the 28th June last for the forfeiture of the Goomsur Zemindary, on account

14th August 1816

resistance of Criminal Process on the part of the late Zemindar, the Court do not consider it necessary to go into a consideration of the additional charges which form the subject of the foregoing Return

Ordered that extract of these proceedings be sent to the Magistrate in the Zilla of Ganjam for his information

Sent following letter

Here enter B

Read letter dated 17th Ultimo from the 1st Judge of Circuit in the Northern Division with Ganjam Calendar and stating the completion on this date of the 1st Sessions of 1816

Here enter No 415 of 1816

On examining the foregoing Calendar the Court remark three cases No 4, 5, and 11 in which the Prisoners would seem to have been charged with theft committed in dwelling houses without any circumstances of "open violence" and another case, No 17 in which the Prisoner was indicted for having stolen four Buffaloes valued 17 Rupees.

In none of these cases has the Judge on Circuit adjudged a heavier punishment than six months imprisonment and hard labour, and in the last mentioned case the Prisoner is only sentenced to three months confinement

&c

17th August 1816.

The offences in question were punishable by the Magistrate under the provisions of Section XII Regulation IV of 1811 and the Court are of opinion that the Judge on Circuit should have referred the several cases for the sentence of the Magistrate, informing him that in similar cases of convictions before him, where the punishment prescribed by the above Section may appear to be insufficient, he should pass sentence himself instead of committing the offenders to take their trial before the Court of Circuit

Ordered that extract of these Proceedings be sent to the 1st Judge on Circuit in the Northern Division by Precept commanding him to communicate the same to the Magistrate in the Zilla of Ganjam for his information and future guidance

Sent following Precept

/Here enter C/

Read letter dated 22d Oct from the 2d Judge of Circuit in the Cuttack Division stating the completion of the 3d Quarterly Sessions 1816 and forwarding copy of the Criminal Calendar

/Here enter No 419/

Read letter dated 1st Instant from the 3d Judge on Circuit in the Southern Division forwarding copy of the Nuddeahelium Calendar for 2d Sessions of 1816.

/Here enter No 422/

August 1816.

Read letter dated 25th Ultimo from the Magistrate in the Zilla of North Malabar — With Report of Prisoners confined under Sentence —

/Here enter No. 423/

Read letter dated 3d Ultimo from the Acting 3d Judge on Circuit in the Centre Division — Stating that the Court of Circuit would leave Cuddapah for Bellary on 4th Ultimo —

/Here enter No. 428/

Read letter dated 29th Ultimo from the 2d Judge of Circuit on the Western Division — transmitting the Calendar of North Malabar for the 3d Quarterly Sessions of 1816.

/Here enter No. 424/

Read letter dated 1st instant from the 2d Judge on Circuit in the Northern Division — stating his arrival at Pantoor on 30th Ultimo.

/Here enter No. 429/

Read letter dated 1st instant, from the Magistrate in the Zilla of Salem — With Report of Proclaimed Persons —

/Here enter No. 430/

Read letter dated 3d Instant, from the Magistrate in the Zilla of Nordachellum — with blank list of Convicts under Sentence of transportation or banishment —

/Here enter No. 426/

14th August 1816

Read letter, dated the 7th Instant from the Secretary to Government — Desiring that the Proceedings of Foydaree Udalut in Articles 11. 12. 13. 14 & 15. of the Regulations of Government of 8th March 1815 may be furnished at as early a period as possible —

/ Secretary N 435 /

1/ F 16

F. 16.

At a Court of Foujdaree Udalut

Present

Friday
16th August 1816.

Andrew Scott Esqre.
Edward Croft Greenway Esqre. } Judges.
George Stratton Esqre.

Read letter dated 27th June last from the Magistrate in the Zilla of Chittoor with remarks on the subject of pardon to Dhanseegars, together with further observations regarding molestations in the conduct & dismissal of Emam Saib.

(Here enter No. 367 of 1816)

The foregoing letter from the Magistrate of Chittoor is accompanied by an Extract from the Proceedings of the Court of Circuit for the Centre Division relative to the dismissal of Emam Saib late Cutwal of Ranibet. This person would appear to have been removed from his situation by order of the Court of Circuit "on a consideration of the letter "of the Foujdaree Udalut" bearing date the 9th October last, and in ordering the order for his removal the Court of Circuit directed that he should "never hereafter be appointed "to any office of trust or authority under the "Magistrate."

The

16th August 1816

The Court learn with surprise from a perusal of the above Extract, that the Receipt of their Proceedings of the 9th October last was followed by the immediate Removal of Emàn Baick, without any investigation into his conduct, although the Proceedings to the contrary admitted in Mitigation by the Fraser authority who had previously remunbent on them Council, before they adopted the measure of Removing Emàn Baick from his situation and of declaring him unfit for future employment in the Police department, and the omission of the Court of Council to institute such inquiry is the more unaccountable as they became aware that no information had reached them to the prejudice of his character of Emàn Baick since the transactions detailed in the Proceedings of the Fauxbourg Mdalait.

Under these circumstances Court are of opinion that the case of Emàn Baick should be again taken

16. August 1816

into consideration by the Court of Cir-
cuit with whom it will remain to call
such information as the nature of the
case may appear to require and to pass
such final Order, under the Regulations
as may appear proper on the occa-
sion

Ordered that extract of these
proceedings be sent to the Court of Circuit in
the Centre Division for their information
and guidance —

Sent following letter

/Here Index A/

Read letter dated 27th March
1815. from the Provincial Court of Circuit
in the Centre Division calling the Court's
attention to their remarks on Regulation I of
1811. submitted in their letter of the 6th July
1812.

/Hereunder No 237 of 1815/

Read again letter dated 6th
July 1812. from the Provincial Court of
Circuit in the Centre Division with
draft of a Regulation for modifying or
Regulation I of 1811.

/Here enter No 483 of 1812/

Read

Read also letter dated 19th August 1812 from the Provincial Court of Circuit in the Southern Division reporting that Regulation I of 1811, has proved extremely beneficial in its operation.—

/Here enter No. 589 of 1812/

Read also letter dated 5th Sept. 1812 from the Provincial Court of Circuit in the Northern Division— reporting their opinion respecting the operation of Regulation I of 1811.

/Here enter No. 650 of 1812/

Read also letter dated 13th November 1812 from the Provincial Court of Circuit in the Western Division— Reporting their opinion respecting the operation of Regulation I of 1811.

/Here enter No. 716 of 1812/

The remarks of the Court of Circuit for the Centre Division, as contained in their letter of the 6th July 1812, relative to the operation of Regulation I of 1811 are altogether of a general nature; not being founded on any circumstances peculiar to Chittoor but extending to the other three Zillah Stations and embracing

2/ F. M.

16th August 1916.

the case of every Judge of Quarterly Jail Delivery.—

The other three Courts of Circuit were accordingly required, under the orders of the Foujdaree Adalut bearing date the 29th of the above month, to report their opinion whether the Provisions of Regulation I of 1811 had been found productive of convenience or otherwise to the administration of Civil and Criminal Justice within their respective Division and in what respect that enactment was considered liable to objections and capable of modification.—

In making this Reference to the other Courts for their sentiments & regarding the operation of the existing Regulation it was reasonable to expect that the statements of the Provincial Court of Chittoor would receive corroboration; but as the several Returns are not accordant in their statements, the Court must hesitate to adopt, as objections to the Regulation in question the various duties of a Judge of Jail delivery which are so minutely detailed

in

in the above mentioned letter from the Circuit of Circuit at Chittoor.— The Court of Foujdaree Adalut are the most inclined to question the expediency of any change, as the Regulation has continued unrepealed in Bengal, where a longer experience may be supposed to have ascertained the inconveniences attending it.—

Of the three Provincial Courts when called upon for their opinion regarding the operation of the Regulations, the Western Court observe that its operation has been attended with advantages to the extent which could seem to have been anticipated at the time of its enactment and that some degree of inconvenience is occasioned to the Civil Department.

The Southern Court consider the Regulation as highly beneficial, and

The Northern Court doubt whether the Regulation could be modified so as to remove the inconveniences felt in the Civil Department without sacrificing the advantages which result from its provisions to the administration of Criminal

16 August 1876 Justices.—

Under these circumstances the more cautious proceeding would be to let the Regulation remain in force until further inference shall determine whether its provisions should be modified or cancelled—

Ordered that extract of these proceedings be sent to the Court of Requests in the Centre Division for their information

Sent following letter

/Hexcenter B/

Read letter dated 30th Ultimo from the Assistant Magistrate in the Tilla of Gunjam with report of Prisoners convicted under Sentence and stating that the Sessions of 1876 closed on 18th Ultimo—

/Hexcenter No 434/

Read return dated 3d Instant from the Magistrate in the Tilla of Bellary to the Courts precept of 25th Ultimo stating that in conformity to the Courts Precept the two persons Kristnapa & Ullaur Burra Bawa Saib committed to Jail by the Hon. John Bayham, Assistant Magistrate, shall be

Released

16th August 1816.

Released on giving the required Security
for their appearance at the ensuing
Sessions.

/ Here enter No. 431. /

648 R.A.

At a Court of the Inquiaree Adalut

Present,

Wednesday — Andrew Scott Esqre
21st August 1816 — Edward Croft Greenway Esqre } Judges.
George Skatton Esqre

Read letter dated the 15th Instant from the Register to the Court of Circuit in the Centre Division to precept of 25th March last stating that, in conformity to the Courts precept, the Magistrate of Bellary was called upon to furnish a list of the number of persons employed in apprehending Gooliah &c 28 Prisoners and the amount of the rewards proposed, and transmitting a copy of the same.—

/Herewith No 448/

Read again letter dated the 16th October last, from the 3d Judge on Circuit in the Centre Division, Transmitting copies of letters from the Magistrate of Bellary and the Superintendant of the Cumply Talook relative to a horrid System of plunder which has obtained there—

/Herewith No 719 of 1815/

The aggregate of the sums proposed

16: August 1816.

Released on giving the required Security
for their appearance at the ensuing
Sessions

/ Here enter No. 431. /

R. A.

At a Court of the Inquisitorial Tribunal

Present,

Wednesday 2nd August 1876 — Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
} Judges.

Read a petition dated the 15th Instant from the Register to the Court of Circuit in the Central Division to precept of 23rd March last stating that, in conformity to the Court's precept, the Magistrate of Bellary was called upon to furnish a list of the number of persons employed in apprehending Gonicah &c 28 Prisoners and the amount of the rewards proposed, and transmitting a copy of the same.—

(Petition entered No 448)

Read again letter dated the 16th October last from the 3rd Judge on Circuit in the Central Division transmitting copies of letters from the Magistrate of Bellary and the Superintendent of the Cumpty Labour relative to a horrid System of plunder which has obtained there—

(Petition entered No 719 of 1875)

The aggregate of the sums proposed

proposed by the Magistrate of Bellary is
a reward to Ithee Râm Naig and his party
for the apprehension of a Gang of Freebooters
from the Nizam's dominions, in Rupees
1848 and when the Court advert to the
number and daring character of the
persons apprehended, the danger incurred
by Ithee Râm Naig and the Peons in
their apprehension and the benefit
which has resulted to the community
from the subsequent conviction of the
Prisoners before the Court of Circuit, they
have no hesitation in recommending
that Government may be pleased to
sanction the amount of the proposed
remuneration.

Ordered that extract of these
Proceedings together with the foregoing
return, the letter from the Jud. Judge
on Circuit dated 11th October last and
extract from the Proceedings of 25th
March last be sent to the Secretary
to Government in the Judicial
Department for the purpose of
being laid before the Right
Honorable

21st August 1856 Honorable the Governor in Council.—

Sent following letter.

/Here enter A/

Read letter dated the 16th

Instant, from the Second Judge on Circuit

in the Northern Division.— Reporting that

on visiting the Jail of the Zillah of

Guntoor he found it utterly inadequate

to the purposes of confinement on account

of the great number of prisoners and

transmitting a plan of the same.—

/Here enter No. 449/

In the first paragraph of

the foregoing letter, the 2d Judge on Circuit

refers to a communication made by the

late 2d Judge, Mr. Travers, on the 30th of

August last, to the Court of Sudder

Adalut regarding the unfitness of the

Jail at Guntoor for the purposes of

confinement.—

The above communication

was forwarded to Government together

with the Proceedings of the Sudder

Adalut, dated the 8th Octobr, wherein

the Court adverted to the unfavorable

report

21st August 1816.

report of the Acting Magistrate respecting the Jail at Guntoor and at the same time observed that, on a perusal of the letters from the late 2d Judge and the Acting Magistrate it might become matter of consideration for Government whether the seat of the Zilla Court should not be removed either to Nakrikul or Nurseumpettah.—

With reference to this said Proceedings of the 8th Ultimo, the Court resolve to submit the present communication from the 2d Judge on Circuit in the Northern Division for the information and orders of Government.—

Ordered that extract of these proceedings with the foregoing letter & enclosure, be sent to the Secy to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.—

Sent following letter

Here after 63 / 1 / 250

R. A.

Read letter dated 21st Ultimo, from the Secretary to Government in the Judicial Department.— With annexed copy of a letter

F. 26.

21 August 1816. The Magistrate

Such convicts as may be under sentence,

to the Police Office at Madras that they may be

embarked on board the Honourable Company's

Ships now about to proceed to Prince of Wales Island

/ Here enter No 454 /

Read letter dated 15th Instant from

the Magistrate in the Zilla of Nellore. With

Report of prisoners confined under sentence.

/ Here enter No 447 /

21th August 1816.

No 11

At a Court of Foujdaree Adalut

Present

Monday 26th August 1816. Andrew Scott Esqr. Edward Croft Bramley Esqr. George Stratton Esqr. } Judges

Read letter dated 5th Instant from the 1st Judge of Circuit in the Southern Division, transmitting his proceedings held in case No 1 of the Trichinopoly Calendar at the 3d Quarterly Sessions of 1816

Vide under No 429 of 1816

The Court having maturely considered the proceedings held before the Judge of Circuit, the Futwa of the Principal Law officer and the Futwa of the Cazee and Cazee-cozzat and Mooftees of the Foujdaree Adalut do confirm the said Futwa of the Cazee and Cazee-cozzat and Mooftees aforesaid and, and the Provisions of Section X Regulation VIII of 1802, adjudge the first Prisoner

"Ponnen"

to suffer death by being hanged at the usual time and place of execution

The second Prisoner

"Shungon"

21. 26: August 1816.

Shungan.

has been released under warrant of the Judge of Circuit

Sent following letter A/

Read letter dated 22.d with
from the 2.d Judge late on Circuit in the
Division — transmitting his proceedings
held in case No. 63 of the Salem Calendar
at the 1.st Sessions of 1816.

Counter No. 102 of 1816

The Court having maturely
considered the proceedings held before the
Judge on Circuit, the Sentence of the Provin-
cial Law Officer and Magistrates of the
Tongdaries declared to confirm the said
Sentence of the Caffre and Shungan and
accordingly direct that the
Prisoner

" Hanew or Hanadas "

be set at liberty

Sent following letter
/ Marked B /

In the Record of this Proceeding
held before the Judge on Circuit on this Case the
Court remark the following words with the

20 August 1816 "Witnesses on the part of the Prosecution
"are called into Court and Sworn accord-
"ing to the Custom of their cast, that usual ad-
"monition being Read to them, they deliver
"the following depositions."

The Proceedings do not shew
whether the Witnesses be called in one
permitted to remain in Court during the
progress of the trial; but the words above
quoted would appear to authorize such
conclusion and the Court have therefore
considered it incumbent upon them to bring
the passage to the notice of the Judge
who presided at the trial. The expedient
of calling the Witnesses separately into Court
and of taking the examination of each Witness
apart from the rest is too obvious to require
remarks. —

Ordered that extract of these
Proceedings be sent to the 2d Judge Cate
Circuit in the Southern Division for his
information.

Sent the following letter

Dow Printer &c

Read letter dated 19th Instant

from

2. 26th August 1816.

from the Magistrate in the Vale of Tellicherry

stating the very great danger and inconvenience experienced at present by the Settlers from Loose about Mandalpatam suggesting a Remedy and wishing to know whether, as a magistrate, he can carry it into effect

Covenant No 4750

The Magistrate of Mandalpatam suggests, as a remedy to the evil mentioned in the foregoing Letter, "That an Order should be issued "declaring that all Settlers keeping "or making Search Straying Cattle "Pounds and Cantonment and not leaving more "than one Bond together, should be liable "to be seized and pounded, and not to be "released without payment of the Penalty "day night arrived"

The measure here suggested is well calculated to remedy the evil of which the Magistrate complains and the Court are of opinion that he would be fully justified under the general authority which he has as Superintendent of the Police, in issuing and enforcing an Order to the foregoing

Ordered that extract of these proceedings be
sent to the Magistrate in the Zillah of Bhaugulpore
for his information and guidance.—

Sent following letter

/Recorded D/

Read letter dated 2d Instant,
from the Magistrate in the Zilla of Nuggeah
with report of proclaimed persons for July

/Recorded No 437./

Read letter dated 5th Instant,
from the Magistrate in the Zillah of
Moorshedabad, Report of Prisoners
confined under sentence.

/Recorded No 436/

Read letter dated 10th Instant
from the 3d Judge on Circuit in the Southern
Division — Reporting his arrival at Salon
on the 8th and commencement of Sessions on
10th Instant.—

/Recorded No 442./

Read letter dated 10th Instant,
from the 3d Judge on Circuit in the Western
Division Reporting the completion of the
Jail delivery at Mangalore and his intention
to proceed to the Zilla of South Canara
on the same date.

/Recorded No 443/

Read

26th August 1816.

Read letter dated 12th Instant
from the Magistrate in the Zilla of
Chingleput reporting the arrival of
Cuttia Sungadoo, a convict under
sentence of transportation
from Cuddapah, and transmitting the
Magistrate's Orders to the Jemadar in
charge and the Surgeon's Certificate.
Recorded in Pro. 440

Read letter dated 22d Instant
from the Magistrate in the Zilla of Chingleput,
reporting his having forwarded on the same day
two convicts to the Police Office at Madras
to be transported to Prince of Wales's Island
on board the Ship and transmitting list of the
aforesaid convicts.
Recorded in Pro. 462

The Court direct that the usual
Report be prepared and submitted, with tran-
scripts of the Sentences passed in the last two
cases, for the information of the Right Hble
the Governor in Council.

Sent following letter
W. R. J. Recorded Ep 45

In Use

At a Court of Faujdaree Udalut

Present

Friday — Andrew Scott Esq.re

30th August 1816. Edward Croft Gierway Esq.re — Judges.

George Stratton Esq.re

Read Letter dated 3d Instant, from the

Acting 3d Judge on Circuit in the Cawnpore Division

with Copy of Cuddapah Calendar for the 2d

Sessions of 1816.

Recorded No 452

On examining the foregoing Calendar

the Court remark several cases in which the

Judge on Circuit has directed that the Prisoner

should be released on giving Security for their

future good conduct and appearance when required

for Seven, four and three years.

Similar Sentences have been recorded

on other Calendars which from time to time have

been received from Judges proceeding on Circuit and the

Court of Faujdaree Udalut are aware that the

practice has been countenanced by the Sentences

which have been passed in several cases before

for their decision, but on giving the subject the

most

most attentive consideration, the Court is not
inclined to question the legality

30th Augt 1816

directs that when Prisoners therein described shall be released on giving "Security for "their future good behaviour and appearance "when required" and the several Clauses of Section XI of the same Regulation provide for the release of such Persons on Recognizance without Security at the discretion of the Courts of Circuit, a discretion which would seem to be virtually taken away by Sentences directing that Prisoners be detained in custody until they shall give Security for future good behaviour and appearance when required for a Specified number of Years—

The Court therefore consider it advisable that all Sentences for Release on Security intended to have operation for more than twelve months should be worded generally "for future good "behaviour and appearance when required" and they direct that the several Magistrates and Courts of Circuit pay particular attention to the Rules laid down for their guidance in recommending and permitting the cessation of Prosecutions or Recognizances taking care to exercise their discretion

30th August 1816

discretion in every instance with the utmost caution and on mature consideration of all the circumstances of the case

Ordered that extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information and guidance.

Sent following letter
Here enter A

Ordered also that extract of these proceedings be sent to the several Clerks of Circuit by Precept directing them to communicate the same to the Magistrates within their respective jurisdictions, for their information and guidance

Sent following Circular Precept
Here enter B

Read letter dated 24th Instant from the Magistrate in the Lieu of Bellingham forwarding certificates of the insanity of three prisoners and requesting to be furnished with the necessary authority to remove them to the Lunatic Hospital at the Providence

Here enter No 476

Per Court authorizing and directing

27. F. M.

30. Aug. 6. 1816.

the Magistrate of Bellary to send to Madras the insane Prisoners Bheemah, Nagah and Perwanteem Rauze in order to their being examined by the Medical Board for admission into the Lunatic Hospital, and the Court directed that the Magistrate do make every provision for their humane treatment during their journey to the Presidency—

Ordered that extract of these proceedings be sent to the Magistrate in the Zillah of Bellary for his information and guidance—

Sent following letter

Recorded

Read letter dated 14th Instant from the Register to the Provincial Court of Circuit in the Centre Division to the Board's Circular precept of 27th December last stating that, in conformity to the foregoing precept, the necessary communications have been made to the Magistrates—

Recorded No. 460

Read letter dated 15th Instant from the 2d Judge on Circuit in the Northern Division

30th August 1816.

Divisions - Reporting his intention to proceed to Rajahmundry on 16th Instant

Hercenter No 4511

H R.F.

250

No 16.

At a Court of Foujdaree Udalut

Present

Wednesday Andrew Scott Esqre
4th Sept 1816. Edward Roft Greenway Esqre Judges
George Stratton Esqre

Read letter dated 3d Ultimo, from the Acting 3d Judge on Circuit in the Centre Division transmitting his proceedings held in case No 40 of the Cuddapah Calendar on the 2d Session of 1816.

GW

(Vide enter No 432. of 1816.)

The Court having maturely considered the proceedings held before the Acting Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee ool Coozat and Mooftees of the Foujdaree Udalut, do confirm the said Futwa of the Cazee ool Coozat and Mooftees aforesaid and, under the discretion vested in them by the Sentence of Cakoolet, do adjudge the first Prisoner

"Seeda"

to suffer death by being hanged at the usual time and place of execution

The Second and third Prisoners

Hist[illegible]

30th August 1816

4th September 1816.

Kistnumma &

Bayumma

have been released under warrant of the acting

Judge on Circuit;

Read letter dated 3d ~~August~~ from

the acting 3d Judge on Circuit in the Zillah Dinagepore

transmitting his proceedings held in case No. 19

of the Cuddapah Calendar in the 2d Sessions

of 1816.

/ Hereunto No. 433 of 1816. /

The Court having maturely

considered the Proceedings held before the

Acting Judge on Circuit, ~~[illegible]~~

the Futwa of the Provincial Law Officers and

the Futwa of the Cazee ool Cazat and Mooftee

of the Fouzdaree Adalut do confirm the said

Futwa of the Cazee ool Cazat and Mooftee

aforesaid and accordingly direct that the

Prisoner

"Kalaraw."

be set at Liberty

Sent following letter

/ Hereunto A /

The Court consider it necessary

to call the particular attention of the Acting Judge

on Circuit to an error observable in his proceedings

4th September 1816

with regard to the examination of witnesses which is of a very important nature and which formed a subject of remark in the circular instructions issued by the Paysdarees Adalut to the several Courts of Circuit on the 27th December last. In these trials No. 19 and 40 of the Cuddapah Calendar the charge would appear to have been read to each witness prior to his examination & he was then desired to state what he knew on the subject, or, in the words of the circular orders of the 27th December, the Judge presiding at the trials "put the "Witnesses in possession of a knowledge of "the whole circumstances of the case, instead "of stating, in as few words as possible, the "nature of the charge and requiring the "Witnesses to state what they knew respecting "it."

The Court are satisfied that the acting Judge will see the impropriety of this practice and will guard against its recurrence.

Ordered that extract of these proceedings be sent to the acting 3d Judge on Circuit

4th September 1816

Circuit in the Centre Division for his info[illegible]
and future guidance.

Sent following letter
/Here enter B/

Read letter dated 12th Inst
from the 2d Judge on Circuit in the Northern
Division transmitting his proceedings held in
case No 7 of the Gunsoor Calendar in the 2d
Sessions of 1816.

/Here enter No 444 of 1816/

The Court having maturely
considered the proceedings held before the
Judge on Circuit & the Pleader of the Commissioner's
Law officer and the Fatwa of the Sagunal Pundit
and Moofties of the Sonyasee Adalut do confirm
the said Fatwa of the Sagunal Pundit and Moofties
aforesaid and acquitting the Prisoner
"Boogavarapoo Pariah"
do direct that he be released accordingly.

Sent following letter
/Here enter 6/

The Magistrate of Guntoor in
drawing up the plaint against the Prisoner
in the above case states that he is "guilty of"
instead of setting forth that he is "charged"

2 to F. H.
Ist Sept. 1816.

the crime there specified. — The Court consider it necessary merely to advert to the error into which the Magistrate has fallen, as the irregularity is too obvious to require further remark. —

The Court have also to observe that the Proceedings before the Judge on Circuit in the present case were conducted chiefly by the Provincial Law officer. — The Court had occasion to notice a similar circumstance in the Proceedings of the Senior Judge on Circuit in case No. 19 of the Settlers Calendar for the 1st Sessions of 1816 and, as the same observations apply in the present instance, the Court will repeat them in this place for the information and future guidance of the 3d Judge. — "It is provided by the Regulations "that the Law officer is to be present during "the whole of the trial and that he is to "be consulted whenever it may be in contem- "plation to dispense with the evidence of a "witness. Hence it may reasonably be inferred "that, where any point may remain unin vestigated "by the Judge presiding at the trial, which "may be in any degree material to the issue "of the case, it shall be competent for the

Law

4th September 1816.

4.

"Law Officer to interrogate a witness upon such
"such point, with a view to the decision
"which he is to pass upon the charge; and to
"entrust a Law Officer with the almost
"management of the Proceedings on the trial
"to transfer to that officer the important duties
"which the Judge is bound to perform" —

Ordered that extract of these Proceedings be sent to the 2d Judge on Circuit in the Northern Division by precept directing him to communicate the necessary part to the Magistrate in the Zilla of Jumtoor for his information —

Sent following Precept

/Here enter D/

Read letter dated 29th July last from the 2d Judge late on Circuit in the Northern Division — transmitting his proceedings held in case No. 13 of the Madura Calendar in the 1st Sessions of 1816.

/Here enter No. 421. of 1816/

The Court having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Principal Law Officer and the Futwa of the Lagweed

Acquit

4th September 1816.

Coogat and Mooftee of the Fouzdaree Adalut do confirm the said Futwa of the Cazee = ool. Coogat and Mooftee aforesaid and accordingly direct that the Prisoner

"Kurpaven"

be released on producing security for his future good behaviour and appearance when required.

Sent following letter

/ Hereunder /

Read letter dated 23d Ultimo from the Chief Secretary to Government = Forwarding letter from the Magistrate of Cuddapah and desiring that the Courts proceedings in the case of Kalasam, a Pindaree Prisoner, referred from the Circuit Court in the Centre Division may be submitted for the information of the Right Honorable the Governor in Council.

/ Hereunder No. 475 /

With reference to the foregoing communication the Court direct that the Record of the Trial No. 19 of the Cuddapah Calendar for the 2d Sessions of 1816 be transmitted with copy of their Sentence and extract of these proceedings to the Chief Secretary to Government

4. 4th September 1816. in order that the same may be laid before

the Right Honble the Governor in Council

Sent following letter

/ Hercenter F. /

Read letter dated 22d. Decbr.

from the 3d. Judge on Circuit on the Southern

Division — Forwarding Salem Calendar for

the 2d. Sessions of 1816.

/ Hercenter No. 468. /

In Case No. 7 of the foregoing

Calendar the Prisoner is charged with

having "opened a house Bamboodoor and

"stolen in the night gold matrimonial

"value 14 Rupees" and it appears, from the

Column of Remarks, that the case was referred

to the Magistrate for trial. —

The Court have reason to doubt

the correctness of the above reference to the Magistrate

inasmuch as the Prisoner would seem to have

been charged with Burglary, a crime which

~~[illegible]~~ in most cases calls for

punishment than the Magistrate is

authorized to inflict. It may be foreseen

that the small value of property stolen forms

the ground on which the Judge on Circuit

determined

3. / F. Co.
4th Sept. 1816

determined to refer the present case for the decision of the Magistrate; but where a charge is preferred for a Burglarious entry it is on the proof of this fact and not on the amount value or description of the property plundered that the punishment must depend. In every case, it is the nature of the offence charged which must determine whether it shall be tried by the Magistrates or by the Courts of Circuit.

Ordered that extract of these proceedings be sent to the 3d Judge on Circuit in the Southern Division for his information and future guidance.

Sent following letter

/ Hon. ble Sir /

Read letter dated 14th Ult.mo from the 2d Judge on Circuit in the Northern Division Transmitting 1st Calendar of 2d Sessions of 1816 in the Zilla of Guntoor.

/ Hon.ble No. 466 of 1816. /

The charge in No. 12 of the foregoing Calendar is for the crime of murder & the Judge on Circuit states in the Column of Remarks that the trial has been unavoidably postponed

4th September 1816. postponed in consequence of the non attendance of the principal witness, Cundasamy Reg[illegible] who is said to have removed from Gunton into the Zilla of Tellore. The Prisoner in this case was committed for trial on the 3rd July last and a Summons had been sent to the aforesaid Witness through the Magistrate of Tellore; but the witness had not arrived at Gunton nor had any answer been received from the Magistrate of Tellore on the 11th of last month.

It is obviously desirable that persons charged with criminal offences should be brought to trial at the earliest practicable period from the date of their commitment; and the Court therefore desires that the Second Judge on Circuit in the Northern Division do call upon the Magistrate of Tellore to explain the cause of the delay in the service of the Summons on the witness abovementioned.

Ordered that extract of these proceedings be sent to the 2d Judge on Circuit in the Northern Division by Bench summoning him to make Return within 10 days for

4th September 1816.

the Receipt thereof

Sent following Precept

/ Hereunder H /

Read letter dated 5th ult.mo

from the Magistrate in the Zilla of Comba com-

with report of Prisoners confined under Sentence

/ Hereunder No. 463 /

Read letter dated 17th ult.mo

from the Magistrate in the Zilla of Tric[illegible]

with reports of prisoners confined under

Sentence.

/ Hereunder No. 460 /

Read letter dated 20th ult.mo

from the Magistrate in the Zilla of Nerdaeddum

with report of prisoners confined under

Sentence

/ Hereunder No. 457 /

Read letter dated 23d ult.mo

from the Magistrate in the Zilla of Cuddapa

with the half yearly report of prisoners

confined under Sentence up to the 4th Instant

/ Hereunder No. 477 /

Read letter dated 19th ult.mo

from the Magistrate in the Zilla of Chingleput

with a list of Convicts arrived at his Station

under

4th September 1816.

under Sentence of transportation.

/Hereunto No. 456/

Read letter dated 20th ultimo from the acting 3d Judge on Circuit in the Central Division — Reporting the arrival of the Court at Bellary and commencement of the Sessions.

R.A.

/Hereunto No. 467/

Read letter dated 1st ultimo from the Magistrate in the Zilla of Bellary — with Register of proclaimed Offenders for July.

/Hereunto No. 482/

20.

At a Court of the Foujdaree Adaulut.

Present

Andrew Scott, Esq.re
Edward Croft Greenway Esq.re } Judges
George Stratton, Esq.re

Friday 6th Sept.r 1816

Read Letter, Dated the 31st Ulto from the Secretary to the Government in the Judicial Department, stating that the Governor in Council considers it indispensably necessary that the five men lately convicted on charges of Thuggery committed in the Mysore territory should be set at liberty and observing that the Judges who passed sentence of the aforesaid proceedings.

Ruc order No 4861

Under the resolution of Govt. mentioned in the foregoing Letter from Mr. Secretary Hill, it becomes the duty of the 2d Judge late on Circuit in the Southern Division to direct the release of the five persons, in case No. 5, 7, 33, 49 and 53 of the Salem Calendar for the 1st Sessions of this year, who were tried before him on charges of Thuggeree under

6. September 1816.

a misapprehension of the orders which were delivered
by the Surveyors Mr Lindsay to the 1st & 2d Judges of the
the Southern Districts on the Eighth of June
1815. — Ordered that the Attorney
Magistrate of Salem for the release of the
Prisoners on giving the 1st Judge will
forward out to the Magistrate the affidavits
of administering such modified of prosecution as
a knowledge of the characters and forms
practices of these persons may suggest as
best calculated to prevent the
of any offences
the peace of the community. —

Ordered that copy of the above
letter with a draft from the proceedings of
the 14th Instant and affidavit of these facts
proceedings be sent to the 2d Judge that he
direct on the Southern District by special
dispatching them to make the necessary enquiries to the Magistrate of Salem
for his information and guidance.

Petition to the mitigation
to be made
within one Months from the month being
last following Pass

6th September 1816.

Read Letter, dated the 31st Ultimo, from the Secretary to the Government in the Judicial Department transmitting the Magistrate of Bellary's distributed rewards to the amount of rupees 1248. for the apprehension of a gang of plunderers in his zillah.

(Here enter No. 487.)

Ordered that copy of the last communication, together with Extract from the Courts proceedings of the 21st Ultimo and Extract of these proceedings be sent to the Magistrate of Bellary for his information and guidance.

Read following Letter.

(Here enter No. 488.)

R. A.

Court of Circuit in the Western Division to be by them communicated to the

At a Court of the Foujdaree Adawlut—

Present

Andrew Scott Esqre }
George Stratton Esqre } Judges—

Monday
9th September 1816.

Read letter dated 8th Instt
from the first Judge on Circuit in the
Western Division— transmitting the proceedings
held in case No 1 on the additional Calendar
of South Malabar in the 1st Sessions of 1816

(Here enter No 1 of 1816)

The Court having maturely
considered the Proceedings held before the
Judge on Circuit, the Futwa of the Provincial
Law Officer and the Futwa of the Cazee ul
Cozat and Mooftees of the Foujdaree Adawlut
do confirm the said Futwa of the Cazee
ul Cozat and Mooftees aforesaid— and
accordingly direct that the Prisoner
Hangalate Moorta
be released at liberty—

Sentence following Letter

(Here enter No)

Read letter dated 31st Ultimo
from the South Judge of Circuit in the
Northern Division— reporting the arrival

9th September 1806

of the Court at the Sudden Illness, and explanation of the delay.—

(Here enter No 488)

Read Letter dated 3rd Instant from the third Judge on Circuit in the Southern Division, reporting his arrival at Combatore on the 28th Ultimo &c.

(Here enter No 489)

Read letter dated 3rd Instant from the third Judge on Circuit in the Western Division, reporting his arrival at Calicut and commencement of the Sessions.—

(Here enter No 490)

Read the following Letter from the Magistrates of the Zillahs of Cuddapah, Canara, Bellary, Vizagapatam, Chingleput, Cochin, Tinnevelly, Vizagapatam, Ballagaut, Trichinopoly, Combatore, Tanjore, Masulipatam, Guntoor, Salem, South Arcotte, Madura, North Arcotte, Rajahmundry, Coimbatore, and Chittoor, with reports of Prisoners for Trial.—

(Here enter Nos 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487)

4th September 1816

Read letter, dated the 26th. Ultimo from the 3d Judge on Circuit - Centre Division, - suggesting the distribution of pardoned Pharsengars through the different Jailes & employing them for the detection of others, & observing that by keeping them employed they will be prevented from returning to their old habits. —

/Here enter No 421/

Ordered that the foregoing letter &c. lie on the table. —

At a Court of Foujdaree Udalut

Present

Andrew Scott Esqre
George Stratton Esqre } Judges

11th Septr 1816

Read letter dated 9th Instant,
from the Magistrate in the Zilla of Chingleput,
forwarding extract from the proceedings of
the Court of Circuit under date 9th April 1816,
together with Assistant Surgeon's certificate
of the prisoner, Timmen, insanity & requesting
permission to send him to the Presidency
for confinement in the Lunatic Hospital.

/ Vide order No 501 /

The Court authorize and direct
the Magistrate of Chingleput to send to the
Presidency the Prisoner Timmen in order
to his being examined by the Medical
Board for admission into the Lunatic
Hospital.

Ordered that extract of these
proceedings be sent to the Magistrate of the
Zilla of Chingleput

Sent following letter
/ Vide order 4 /

11th September 1816

Read letter dated 1st Inst.
from the Magistrates in the Pilla of
Salem. with Register of proclaimed persons
for August

/ Number 1st 1190 /

Read letter dated 2d Inst.
from the Magistrate in the Pilla of Bogagpalo
With List of proclaimed persons for August

/ Number 1st 502 /

Read letter dated 2d Inst.
from the 2d Judge on Circuit in the Northern
Division Reporting his arrival at Rajahmundry

/ Number 1st 695 /

Read letter dated 2d Inst.
the Magistrate in the Pilla of Canara
Report of persons confined under Sentence

/ Number 1st 492 /

Read letter dated 2d Inst.
from the Magistrate in the Pilla of Guntoor
Reporting the holding of the Court of Circuit
on 11th Inst. and transmitting List of persons
confined under Sentence

/ Five under 1st 1190 /

S. C.

At a Court of Fouydaree Udalut

Present

Monday 16th Sept. 1816

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated 30th July last from the Acting 3d Judge on Circuit in the Centre Division - Transmitting his proceedings held in case No. 15 of the Cuddapah Calendar in the 2d Sessions of 1816.

Vide order No. 417 of 1816

The Court having maturely considered the proceedings held before the Acting Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Sagur adaul Coogat and Mooftee of the Fouydaree Udalut, do confirm the said Futwa of the Sagur adaul Coogat and Mooftee and, on commutation of the sentence of Decapit declared by the Futwa, do direct that the Prisoner

"Rangaala Unkanah"

be imprisoned and kept to hard labour in irons on the public roads or other

hereditary

16.th September 1816.

public works for and during the period of
Twelve Calendar Months.—

Sent following letter

/ Here enter A /

Read letter dated 7.th Ultimo
from the 2.d Judge of Circuit in the Western
Division— Transmitting his proceedings
held in case No. 6 of the North Malabar
Calendar in the 3.d Quarterly Sessions of 1816

/ Here enter No. 438 of 1816 /

The Court having matured
considered the Proceedings held before the
Judge of Circuit, the Fatwa of the Provincial
Law Officer and the Fatwa of the Cazee
Coozat and Mooftees of the Sudder Adalut
do confirm the said Fatwa of the Cazee
=ool Coozat and Mooftees aforesaid and
under the provisions of Section X Regulation
VIII of 1802 adjudge the Prisoner
"Panicn Mathen"
to suffer death by being hanged at the usual
time and place of execution.

Sent following letter

/ Here enter B /

Read letter dated 8.th Ultimo

16th September 1816 from the 2nd Judge late on Circuit in the Southern Division — Transmitting his proceedings held in case No. 16 of the Madura Calendar for the 1st Sessions of 1816.

/ December No. 439 of 1816. /

The Court having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazy & Cazgat and Mooftees of the Faujdaree Adalut do confirm the said Futwa of the Cazee & Cazgat and Mooftees aforesaid & under the Provisions of Clause first Section IV Regulation XV A. D. 1803, adjudge the Prisoner

"Kanoothevanday Boorro Cauun"

to suffer death by being hanged at the usual time and place of execution.

Sent following letter

/ December 6 /

Read letter dated 5th Instant from the Magistrate in the Zilla of Tinjagapatam Requesting permission to offer a Reward of 200 Rupees for the apprehension of Sheaksh Keerbaddi Cauge who formerly set up pretensions to the Zemindary of Marungy

15.

16th September 1816

and 1000 Rupees for [illegible] of his [illegible]
adherents [illegible] mild [illegible] battle [illegible]
upon rebellion against the Company [illegible]
/ Hereunto No. 5057

As the Court do not possess any information on the subject of the [illegible]
References and as they are consequently unprepared to offer any opinion regarding
the expediency of authorizing the proposed
Rewards, it only remains with them to submit
the above letter from the Magistrate of
Vizagapatam for the consideration and
orders of Government

Ordered that the foregoing
letter and extract of these proceedings be
sent to the Secretary to the Government in
the Judicial Department for the purpose
of being laid before the Right Honourable
the Governor in Council

Sent following letter
/ Hereunto D /

Read letter dated 6th Instant
from the Acting 3d Judge on Circuit in the
Centre Division - stating the bad accommo-
dations in the Jail at Bellary, in which
about 70 Revenue debtors are confined,

21 Fa No.

16th Sept. 1816

remarking on their unfortunate situation
and observing that, under all circumstances,
it may be considered necessary to build a
new civil Jail at this Station.

/Recorder No 507/

The Court Resolve, with
reference to that part of their proceedings
of the 8th July last which respects the Jail at
Bellary, to submit the foregoing letter for the
information of Government

/Ordered that the foregoing
letter and extract of those proceedings be
sent to the Secretary to Government in
the Judicial Department for the purpose
of being laid before the Right Honorable
the Governor in Council

Sent following letter

/Recorder No/

Read Return dated 6th Instant,
from the 4th Judge of Circuit in the Northern
Division to the Courts precept of 19th ulto
stating that in future due attention shall be
paid to the orders contained in the Courts'
precept, and that extract of the proceedings
has been furnished to the Magistrate in

16. September 1816

In the Case of [illegible] for the information
and future guidance of
Hon. Court [illegible]

Read letter dated 6th Instant
from the Acting 3d Judge on Circuit on the
Eastern Division - stating that the Court for
Circuit would have Sitting for 6 Days
on same date

Hon. Court [illegible]

Read letter dated 9th Inst.
from the 3d Judge late on Circuit on the
Southern Division - stating that although
from there being only one Justice to administer
the Oath, Witnesses are generally sworn of
collectively they are invariably examined
Separately and every precaution taken
to prevent any communication between them
during the Trial.

Hon. [illegible]

RA.

Read Letter from the Magistrates
of the Settlement of Malacca Enclosing
Quarterly Returns of Prisoners Salaries Sitting Magistrates
Gaoler, Cooley, Peregrafan, North Malacca Corps
Fortnightly, North Malacca Company Pay
Chelsea, Nelson

16th September 1816

The Month of June

Numbers No. 379, 383, 386, 388, 391, 392, 393, 394, 395, 396, 398, 409, 411, 412, 414, 425, 445, 405, 500, 397, 408 ✓

Read Letter dated 31st Ultimo from the Magistrate in the Zilla of Salem forwarding Report of prisoners confined under Sentence to 22d Ultimo

/ Here enter No. 491 /

In the Court of Fouzdaree Adaulut.

Present

Wednesday the 18th Septr 1816

Andrew Scott Esqr

Edward Croft Greenway Esqr } Judges

Read letter dated 29th ult from the 1st Judge on Circuit in the Western Division transmitting his proceedings held in cutcherry No 17 of the South Malabar Calendar in the 1st Sessions of 1816.

Case entered No 373.

The Court having maturely considered the Proceedings held before the Judge on Circuit, the Fatwa of the Law Officer and the Fatwa of the Cazee and Moofties of the Fouzdaree Adaulut do confirm the said Fatwa of the Cazee and Moofties aforesaid and under the sentence of Kisaas declared by the Fatwa; do adjudge the Prisoner "Padinjaan Kaarat Ademan" to suffer death by being hanged at the

Adawl

18th September 1816.

usual time and place of execution

Sent following letter

/ Here enter A /

Read Remarks of the Sagar-
-ool Coozat and Mooftee of the Fouzdaree
Adalut on the Futwa dated by the Sagar
of the Western Court of Circuit in date 17
of the South Malabar Calendar, 1st Septem
of 1816.

/ Here enter Remarks /

Ordered that the above
Remarks be sent together with an English
+ Extract of these proceedings
translation, to the first Judge on Circuit
in the Western Division by Precept
directing him to communicate the Remarks
the Provincial Law Officer, Moulavee
Yar Mohummed, for his information.

Sent following Precept

/ Here enter B /

50

In the

Court of Sunjidaree Udalut

Present

Andrew Scott Esqre

Edward Croft Greenway Esqre } Judges

George Stratton Esqre

Read letter dated 26th ultimo, from

the 2d Judge late on Circuit in the Southern

Division — Transmitting his proceedings held

in case No 8 of the Tinnevelly Calendar

in the 1st Sessions of 1816

Case under No 450 of 1816

The Court having maturely

considered the proceedings held before the

Judge on Circuit, the Futwa of the Provincial

Law Officer and the Futwas of the Cazee

ool Coozat and Mooftees of the Sunjidaree

Udalut do confirm the said Futwa of the

Cazee ool Coozat and Mooftees aforesaid &

acquitting the Prisoner

"Mydeen Saib"

do direct that he be released accordingly

Send following letter

Recorded &

Read

18

23d September 1816

Read Letter dated 23d Instant from
the Dn Judge of Circuit on the Circuit
Transmitting the proceedings held in pursuance
of the Petition Calendar for the 3d Dividity
Sessions of 1816.

Hereunto Annexed

The Court having maturely
considered the proceedings held before the
Judge of Circuit, the Petition of the Prisoner
Law affirm and the Petition of the Lagan
Cooyat and Mooftee of the Panjabee Mahomedans
do confirm the said Petition of the Lagan and
Cooyat and Mooftee aforesaid and respecting
the Prisoner,

"Salunday a Saunday Punotanna" and
"Tummena Chitty"

do direct that they be Released accordingly

Sent following letter

Hereunder B

In the letter which accompanied
the Record of the foregoing Trial the Judge of
Circuit states that "in further Elucidation
of the case" he has transmitted the Petition
of the Under Sheriff of No 11 of the Cole
wherein Tummena Chitty was of the Brown

28th September 1816 ... on the undermentioned Prisoner Moonga ... charged with the murder of one Vasu Chitty ... the Fiscal declared a sentence of acquittal, but ... the Judge requested the Court that he "shall not pronounce either of the Prisoners or pronounce sentence against them until he receives the orders of the Supreme Provincial Court," and the Registrate of Colletoor is accordingly directed to detain the said Prisoners in confinement until he shall receive the commands of the Provincial Adalut concerning them" as their "case is under reference to the Court of "Provincial Adalut."

With respect to the above proceeding of the Judge of Circuit the Court ... remark that ... a sentence passed in one case ... be produced "in elucidation" of a charge altogether separate and distinct, but in the present instance a Fiscal declaring an absolute sentence of acquittal in one case would seem to be produced in confirmation of another charge preferred against the very same person. Though the Judge admits, with reference to such charge that

the

25th September 1816.

"There is certainly no evidence upon the Record
"against the said Prisoner that could have warranted
"him / the Judge / in pronouncing the Prisoner
"convicted under the Mahomedan Law."

For this
Reason the Court are unhelly at
a loss to understand with what correctness
the Judge could state, in his warrant to the
Magistrate, that the case of the Prisoner
in No. 11 was under reference to the Fouzdaree
Adalut since he has merely forwarded the
Futwa, in elucidation of a separate charge, and
specifically stated in his letter that "he has
"not considered it requisite to trouble the
Fouzdaree Adalut by transmitting the voluminous
"Proceedings in No. 11."

As the case of the Prisoners
in No. 11. of the Chittoor Calendar is not
before the Fouzdaree Adalut, the Court are
unable to issue any orders respecting them;
but they cannot conclude these Remarks
without Reminding the Judge that whenever
he may dispronounce of the Futwa delivered
by his Law Officer he must transmit to the Fouzdaree
Adalut a copy of all his Proceedings and the

Parties

2/ Fo. 16.

23. Sept. 1916.

"Future of the Law Officer, with a separate
"letter stating the grounds of his disapproval"
but that, unless he shall see cause to dis-
-approve of the opinion of the Law Officer,
he must pass an immediate sentence of
acquittal and order the Prisoner to be
discharged.—

Ordered that extract of these
proceedings be sent to the 2nd Judge of
Circuit in the Central Division for his
information and guidance.—

Sent following letter

H

Secretary C/S

GH

2/ Fo 16

Fo 16.

At a Court of Foundrew Adalat

Present

Wednesday 25th Sept. 1876 Andrew Scott Esqre
Edward Croft-Greenway Esqre
George Stratton Esqre } Judges

Read return dated 11th Instant
from the 1st Judge on Circuit in the Northern
Division to the Courts proceedings of 6th March
last forwarding, in conformity to Courts proceedings
his proceedings in Case No 14 of the Nellore
Calendar for Sessions of 1876

/ Hercenter No 315 of 1876 /

The proceedings of the Judge in
the above case are accompanied by Copy of a
Precept whereby he issued to the Magistrate of
Nellore on the 13th July last requiring him to
withhold the execution of such part of the
sentence as related to the punishment of "Gowna"
"in consequence of a doubt expressed by the Sessions
"Adalat as to the process of "Godna" being applic-
"cable in a case of uttering a forged Note
"knowing the same to be forged."

When the Court considered

requisite to call for the Proceedings of the Court in this case they assigned, as the ground for such requisition, there doubt respecting the sentence with which a person found guilty of uttering a "forged paper" knowing it to be forged, could be "sentenced to a punishment which is intended for "the exposure of such persons as may be convicted "of the crime of Perjury" and the Court are at a loss to conceive how the Judge or Counsel could have misunderstood the language in which their doubt was expressed. The irregularity which attracted the attention of the Court was that of sentencing a person convicted of uttering a Bank note knowing it to be forged "to be marked on the forehead with a word expressly intended to denote that of wilful perjury according to the definition laid down in Clause first, Section IV Reg. VI of 1811. It was to this irregularity that their remarks were confined and the Court are not aware that their observations could have been conveyed in more simple and intelligible terms than those employed in their proceedings of the 6th March last.

25th Sept 1816

Having thus endeavoured to satisfy the error committed by the Judge in Circuit in interpreting the Precept of the 6th March the Court will proceed to record the opinion which they have formed regarding the correctness of applying the Proofs of "Godina" in the case before them.

It is clearly proved by the evidence on the trial that the Prisoner, Sekarang Singanah, produced a Kutkalutnamah in the Collectors Cutcherry, knowing that such Kutkalutnamah had undergone a fraudulent alteration: It further appears that the alteration in question was made by one Sekarang Saabunnah at the instigation of one Nootoola Serauty Soabbanah and that the Prisoner was present on the occasion.

Vide Clause third, Section IV Regulation VI of 1811, after defining the acts which shall subject the offender to the punishment specified in Section III for the punishment of forgery, goes on to declare that persons convicted "of procuring or causing any deed forged, will "be liable to the same punishment as those "convicted of knowingly committing the forgery

"forgery at the instigation of others" but the Clause does not extend the Penalties in question to persons convicted of uttering or publishing forgeries.

In the present case the Prisoner Sokaradug Singanak, is not convicted either of committing the forgery himself or of procuring or causing such forgery. The Court are therefore of opinion that he is not liable to the Penalties of Clause first Section III Regulation VII of 1811 and they accordingly direct that such part of the Sentence as relates to the forfeiture of Goods be altogether remitted.

The Court consider it necessary to remark that the English Record of the trial exhibits various inaccuracies and marks of negligence which tend to render the meaning in some passages extremely obscure. As for instance, in the 7th answer of the Prisoner in his examination before the Magistrate, the names of "Namana" and "Parapak" appear, without the copulative conjunction, as if designating only one person and again, to the 8th question "Did Kootalapatty Soobaiah receive the money for Nongaralah Paupiah," the answer merely runs thus — "no money I never received

25th Sept. 1816.

"to him on account of this Nuksalutsunnak",
without specifying any name. The doubt
is removed, however, on reference to the Persian
Record wherein it is stated that "no money has
"been paid to Seebbandee &c." The errors to
which the Court have adverted will suffice to
show the necessity of exercising the strictest
attention in preparing Records of Trials for
transmission to the Foujdaree Adalut.

Ordered that extract of these
Proceedings be sent to the 1st Judge stationed
at Cuttack in the Northern Division by Dawk
directing him to make the necessary communi-
cation to the Magistrate in the District of
Pallore.

Sent following Receipt

/Memdee No 1/

Read letter dated 12th Instant,
from the 3d Judge on Circuit in the Southern Division
transmitting copy of the Dharapoorum Calendar
for 2d Sessions of 1816.

/Memdee No 540/

Read letter dated 13th Instant,
from the 1st Judge of Circuit in the Southern
Division returned
forwarding warrant for the execution

25th September

1816 Ld Pannon, prisoner in Case No 1 of 4th Quarter

Calendar 3rd Quarter Sessions 1816

Recorded No 569

Read letter dated 19th Instant

from the 2d Judge on Circuit in the Northern

Division - Reporting his intention to grant the

Writs of Rajahmundry for the ensuing

same date L.

Recorded No 570

Read letter dated 19th Instant

from the Magistrate in the Zillah of Vizagapatam

Forwarding the prisoner Timmen in order that

he may be examined by the medical Board

for admission into the Lunatic Hospital

Recorded No 571

R.A.

40

Copied

No. 16.

At a Court of Inquiry held at

Present

Friday
27th Sept. 1816.

Andrew Scott Esqre
Edward Croft Greenway Esqre
George Stratton Esqre
} Judges

Read letter dated 13th Instant,
from the D. Judge on Circuit in the Western District,
Transmitting copies of the Canada Calendar for
the 2d Session of 1816.

Ordered No. 514 of 1816
That Court are desired to have
before them the Proceedings of the D. Judge
on Circuit in the Western District in case
No 2 of the Canada Calendar, viz.
Person Mondabbut &c. eight Prisoners in the
in case No 4 of the same Calendar Thomas
Person Beckwith &c. three Prisoners and they
accordingly resolve to call upon the said Judge
for his Proceedings in those two cases, and
the Records of the trials shall have been translated
into English the Judge will forward the same
to the Provincial Secretary, but when English
translations may have been prepared, the Court
[illegible]

27th September 1816

1st That the Judges do forward the Petitions & Records for their Quittal.

2nd In case of Posting the above Calendar the Prisoner Mortadoo is charged by three Prosecutors with three Separate acts alleged to have been committed at three different times, viz. one, two and three years before the date of the Insurrection.

It is scarcely necessary to observe that each of these Charges should have formed the subject of a Separate trial and the Court have considered it incumbent upon them to call the attention of the Chief Judge at this early period, to the irregularity into which he has fallen in the present instance, in order that he may guard against its recurrence for the future.

3rd That instead of these Proceedings be sent to the Dy Surgeon General in the Western Division by Express requiring him to forward the Records in case No 2 and 4 of the Annexed Calendar with as little delay as possible.

I have &c

Lieut Colonel Commanding Right Division

Alexander Hall

Read

27th September 1816

Read letter dated 14th Instant,
from the 3d Judge on Circuit on the Western
District stating that the insanity of the
Prisoner in case No 8 of the South Malabar
Calendar 2d Sessions of 1816, having been
proved, he has directed him to be confined
in some secure place until the orders of the
Court of Foujdaree Adalut shall be received.

[Here enter No 822]

It is clearly established by the
proceedings held in this case before the third
Judge on Circuit that the Prisoner is
insane and that the act charged against
him was committed under a state of
mental derangement.

Under these circumstances the
Court direct that the Magistrate of South
Malabar do endeavour to ascertain whether
the friends of the Prisoner be able and
willing to undertake the charge of the person
and, in the event of any unwillingness or
inability on their part to undertake such
charge, that the Magistrate do cause the
Prisoner confined in such place and
manner as shall appear consistent with

27th September 1816

the Public Safety.

Read Letter dated 13th Instant from the Court of Circuit for the Western Division proceeding that Lieut. Tuckfield 3rd Judge on Circuit in the Western Division had directing him to communicate the same to the Magistrates of South Wales for their information and guidance

Sent following Receipt

Hercenter

Read Return dated 13th Instant, from the Court of Circuit for the Western Division to the Courts' Circular Precept of 30th ultimo, stating that in conformity to the Court's directions copies of the extract from the proceedings of the Foujdaree Adawlut have been issued to the different Magistrates for their information and guidance.

Hercenter No 520

Read letter dated 14th Instant from the 2d Judge on Circuit in the Northern Division - Forwarding copy of the last Rajahmundry Calendar for the year 1816.

Hercenter No 16/350

M. K. A.

91

A. M.

At a Court of Oyer & Terminer held at
Present
Monday
30th Sept. 1816.
Edward Scott Esqr.
Edward St. Lawrence Esqr.
George Stratton Esqr.
Judges

91

Read Letter dated 20th Sept. inst.
from the Acting 3d Judge of the Eastern
Circuit
on the Northern Division, transmitting his
proceedings held in and for the
Northumberland Calendar for the 3d Quarter
Sessions of 1816.
(Recorder No. 405)

The Court having carefully
considered the Proceedings held before the Hon.
Judge of Circuit, the Finding of the Petit
Jury on the Finding of the Coroner's Jury
and Verdict of the Coroner's Jury do
confirm the said Finding of the Coroner's
Jury and Verdict aforesaid and, under
the sentence of Death directed by the
Statute, do adjudge the Prisoner
Patrick Riordan
to suffer death by being hanged at the
usual

28th September 1816.

Judicial Time and Place of Execution

Read following letter

Hereunder A 1

Read letter dated 2d Instant

from the 3d Judge on Circuit in the Southern

Division Transmitting proceedings held

in case No 5 of the Salem Calendar for

the 2d Sessions of 1816.

Hereunder No 4961

Read also letter dated 2d Instant

from the 3d Judge on Circuit in the Southern

Division Transmitting proceedings held

in case No 6 of the Salem Calendar for

the 2d Sessions of 1816.

Hereunder No 4971

The Court having maturely con-

sidered the proceedings held before the Judge

on Circuit, the Fiat of the Provincial

Law Officer and the Fiat of the Judge

advocat and Mooftees of the Prisoners

Default do confirm the said Finding of the

Judge advocat and Mooftees aforesaid and

sentence the Prisoner to be hanged by the

neck until he be dead which is ordered

by the Court to be carried into execution

"Hereunder"

to

30th September 1816.

to be hanged at or near the place where the murders were committed, and that after execution the body of the Prisoner Fondados aforesaid be hanged in chains upon a gibbet erected on the Spot.

For Letter marked

Vide Letter B

Read Letter dated 12th Instant from the Hon. Judge on Circuit to the Secretary Requisitions - Transmitting his proceedings held in this case No. of the Depositions Calendar for the 2d Sessions of 1816.

Vide Letter C No. 511

The Prisoner in this case has been declared guilty of the crime of Perjury and the Judge has pronounced the Sentence directed by the Law of Java but he recommends a mitigation of the penalty to which the Prisoner is liable under Clause first Section III Regulation VI of A.D. 1811 and states that the law makes no distinction between a Christian & Heathen but the Board in the reference is merely to the Circumstances of punishment

The Clauses above quoted

Recorded

directs that if the Judge of Circuit on consideration
of the circumstances of the case and the Prisoners
situation shall deem the awarded punishment
too severe he shall submit the case with his
observations
sentence of
Clause Third of the
reference to the Foujdaree
Court, "after taking the Fatwa of the Law Officers
shall, if the Prisoner be convicted, sentence him
any punishment deemed proper not exceeding
that specified in Clause First of the Section
Under these provisions
necessary that the Court should have before
from the Persian translations of the Proceedings
in the case which had been referred for their
final Sentence and they accordingly direct
the Judge of Circuit
the Southern Division
to
transmit
Foujdaree Adalut
translations of the Proceedings in this case with the
Letter as forwarded
Pandit belonging
Translator

F. U.

At a Court of Equity Holden

Present

Andrew Scott Esq.

Friday Edward Croft Greenway Esq.re } Judges.

Oct. 4th 1816. George Stratton Esq.re

Read return dated 4th April last,

from the 2d Judge of Circuit in the Centre Division

to the Courts precept of 30th October 1815 transmitting

the additional evidence required by the fore-

going precept in case No. 25 Bellary Calendar

1st Sessions A. D. 1815, and the Magistrates

explanation of the delay —

(Here enter No. 263 of 1816)

Read report dated 11th

April 1815. from the 2d Judge on Circuit

on the Centre Division referring his

proceedings in case No. 25 on the Bellary

Calendar 1st Sessions of 1815.

(Here enter No. 277 of 1815)

The Court having maturely

considered the Proceedings held before the

Judge on Circuit the Futwa of the Provincial

Officer and the Futwa of the Cazee and

Cazeat

30th September 1816.

directed that if the Judge of Circuit on consideration
of the circumstances of the case and the Prisoners
situation shall deem the prescribed punishment
too severe he shall submit the case with his
sentence,
sentence of
Clause Third of the
reference to the Foujdaree
court, "after taking the Futwa of the Law officers
shall, if the Prisoner be convicted, pronounce him
any punishment deemed proper not exceeding
that specified in Clause First of the Section
Under these provisions
necessary that the Court should have before
them the Persian translation of the Proceedings
in the case which had been referred for their
final Sentence and they accordingly direct
the Judge of Circuit
the Southern Division
to
transmit
Foujdaree Adalut
translation of the Proceedings
Letter delayed on the road

Dated Calcutta 6th November 1816

F. No.

No

No Court of Equity Held

Present

Andrew Scott Esq.

Friday Edward Croft Greenway Esq.re } Judges.

Sept. 4th 1816. George Stratton Esq.re

Read return dated 4th April last

from the 2d Judge of Circuit in the Centre Division

to the Courts precept of 30th October 1815 transmitting

the additional evidence required by the fore-

going precept in case No 25 Bellary Calendar

1st Sessions A. D. 1815 with the Magistrates'

explanation of the delay

(Read entry No 263 of 1816)

Read report letter dated 11th

April 1815 from the 2d Judge on Circuit

in the Centre Division referring his

proceedings in case No 25 on the Bellary

Calendar 1st Sessions of 1815

(Here enter No 277 of 1815)

The Court having maturely

considered the Proceedings held before the

Judge on Circuit the Judges of the Provincial

Court of Appeal and the Return of Magistrates

= Coogat

4th October 1816

Court and Assessors of the Supreme Criminal Court
do confirm the Two Sentences of the Criminal Court
and Assessors aforesaid accordingly adjudge
the said Prisoners

"Kudewa Raiche"

to be imprisoned and transported to Prince
of Wales's Island, there to be kept to hard
labour in irons on the public roads or other
public works for and during the period of his
natural life.

And confirming the sentences pronounced
by the Judge on the two other Prisoners under
date the 21st Feby 1816, the Court do further
direct that the second Prisoner

"Pallinna Linga"

be imprisoned and transported to Prince of Wales
Island, there to be kept to hard labour in
irons on the public roads or other public works
for and during the period of his natural life

And that the third Prisoner

"Sauga Raiche"

be imprisoned and kept to hard labour in irons
on the public roads or other public works for and
during the period of five years and a half, com-
mencing from the 21st February 1816, the date

4th October 1816 of the Sentences passed by the Judge on Circuit

Scott following Letter

Hercules A.J.

The Court have confirmed the sentences passed by the Second Judge of Circuit on the Second and Third Prisoners in the foregoing case, but they consider it necessary to point out the irregularity committed by the Judge in making any distinction with regard to the measure of punishment.

The Second prisoner is sentenced to be imprisoned and transported for life under Colonial Second Section IV Regulations XV D. 1803, while the Third Prisoner, whom the Judge describes as "necessary in furnishing the first Prisoner with the means of accomplishing his purpose," is only adjudged to the per imprisonment and hard labour for the period of five years and a half.

Now the Colonial above quoted specifically declares that all persons convicted "of having procured and caused by hire, counsel conviction &c &c" any of the acts therein specified shall be adjudged to suffer the same punishment as if personally committed

4th October 1816

Ordered that the proceedings be sent to the Judge of the Circuit in the Centre Division for information and future guidance

Sent following letter

Read letter dated 15th August last from the Magistrate in the Settlement of Bathurst

Referred to Surveyor for Report

Order dated 4th Feb 1815

In the Petition of Richard Fitzgerald & others

Ordered that the Petitioners be informed that the Land prayed for has already been granted to Mr. David Fitzgerald

Read letter dated 1st September 1815

2) F. No.

4th Oct. 1816.

Case before the Court of Circuit were Dasai
Parbutchuk, Sirsary Row, Cummalutty
Bowah, Ombanna and Chundapah, &
under the sentence of the Foujdaree Adalut
of Bellary on the 19th April 1815,
Cummalutty Bowah was sentenced to
transportation and transported for life while
the four remaining Prisoners were directed
to be delivered over to the charge of the
officers of the Rajah's Government, with a
request that they might be detained until
the orders of that Government regarding
them should be received.

The Proceedings of the Foujdaree
Adalut in the above case were transmitted
to the 2d Judge on Circuit in the Centre
Division by Receipt directing him to make
the necessary communication to the Magistrate
of Bellary for his information & guidance,
but no Return has been made to this
Receipt and the Court are led to conclude,
from the Statement which appeared in the
foregoing Return of Prisoners, that the original
of the Receipt has not been copied.

The Court therefore request

to

4th October 1816

F. M.

4th Act. 1816.

1

... were before the Court of Circuit were Dasai
Forkupfah, Thuring Row, Cumma Sully
Bowrah, Ambawah and Cubendafah, v.
under the sentence of the Foujdaree Adalut
which was passed on the 19th April 1815.
Cumma Sy. Burwah was sentenced to
be imprisoned and transported for life while
the four Remaining Persons were directed
to be delivered over to the charge of the
officers of the Rajah's Government with a
request that they might be detained until
the orders of that Government regarding
them should be received.

The Proceedings of the Foujdaree
Adalut in the above case were transmitted
to the 2d Judge on Circuit in the Centre
Division by Precept directing him to make
the necessary communication to the Magistrate
of Bellary for his information & guidance,
but no Return has been made to this
Precept and the Court are led to conclude,
from the Statement which appears in the
foregoing Return of Prisoners, that the purport
of the Precept has not been obeyed.

The Court therefore resolve

to

4th October 1816.

4 October 1816 Journal of a Voyage from Liverpool to the Southern
Ports of Spain, but arrived at Madeira

P. 11

At a Court of Inquiry held at Fort Wellington

Friday

11th October 1816

Present

Major Andrew Scott Esq

M Edward Croft Greenwood Esq

Geo. Stratton Esq.

Read Return dated 30th Ult. from

from the 2d Judge on Circuit in the Northern

Division to the Courts present 31st July

last with Return from the Magistrates of

Kellore accompanied by

certificate recommending the Discharge of the

Prisoner, Poolem Chouchoute a Canadian

Hospital at the Presidency

Hereunder P. 349

The Court authorize and direct

the Magistrate of Kellore to send to the

Town Major at Fort St. Lewis the Prisoner, Poolem Chouchoute in order to his

being examined by the Medical Board

for admission into the Canadian Hospital

The Court further direct that the

Magistrate do enclose, in his letter to the Town

Major, a duplicate certificate under the

Signature

11th October 1816

Signature of the Assistant Surgeon at Pallore

and that he do make due Inquiries &c.

the Punishment Treatment of the Prisoners

during their journey to the Presidency

Ordered that Extract of these

Proceedings be sent to the Magistrates at the

Pillak of Pallore for his Information and

Guidance.

Sent following Letter

/ Vide entry A /

Read Letter dated 5th inst.

from Secretary to Government in the Judicial

Department transmitting the Answer to Queries

to be offered by the Magistrate of Chingapatty

stated in the Board's Letter of 16th ultimo

/ Vide entry No. 555. /

Ordered that Copy of the above

Letter together with Extract from the Proceedings

of 16th ultimo and Extract of these Proceedings

be sent to the Magistrate in the Pillak of

Chingapatam for his information and guidance

Sent following Letter

/ Vide entry B /

from the Surgeon Assistant to the Southern

Division

11th October 1816

Received by the Coach Precept of the 10th Instt
stating the Letter appearing part of the Cabinet
proof of the Proceedings of the Magistrates of some
Late Sessions Sessions to the Magistrate
in the Talla of Gunboor

/ Hare enter No 541 /

Read return dated 26th Ultimo
from the Provincial Court of Appeal in the
Northern Division to the Coach Circular
Precept of 30th August last, stating that no
extract from the Court's Register of Proceedings has
been communicated to the 2d Judge now on
Circuit and the different Magistrates within
the jurisdiction of the Northern Provincial
Court

/ Hare enter No 539 /

Read Letter dated 26th Ultimo
from the 2nd Judge on Circuit in the Northern
Division Reporting his arrival at Magnatata
on 21st Ultimo

/ Hare enter No 540 /

Read Letter dated 4th Instant from
the Magistrate in the Talla of Bellary with
Register of proceedings for September

/ Hare enter No 541 / 20

Ret

Copies

J. C.

At a Court of Over & Terminer held at
Wednesday
the 4th October 1815

Present

Andrew North Esqre
Edward Croft Greenaway Esqre
George Hatton Esqre
} Judges

M

Read letter dated the 3d Instant
from the Secretary to Government in the
Judicial Department - forwarding extract
from the Minutes of Council of the 1st Instant
on the subject of employing the convicts of
the neighbouring Zillas on the public works
at Masulipatam -

(Here enter No. 562)

With reference to the foregoing
communication from Government the Court
direct that the Magistrates in the Zillas of
Nellore, Guntoor, Rajahmundry and
Vizagapatam do specify the manner in
which the convicts in their respective
jails are at present employed -

Ordered that copy of the
above letter from Government with the
enclosure

16 October 1816

enclosure and extract of these Proceedings
be sent ~~by Express~~ to the Magistrates in
the Zillas of Vellore, Guntoor, Rajahmundry
and Vizagapatam, commanding them to
make return within five days from the receipt thereof
Sent following Precept
(Here enter it)
Read letter dated the 7th instant
from the Second Judge on Circuit in the
Centre Division reporting the arrival of
the Court of Circuit at Chingleput and
commencement of the Sessions on that
date.

(Here enter Pre 5311)
Read letter dated the 2d instant
from the Magistrate in the Zilla of Salem
with register of proclaimed Offenders for
September.

(Here enter Pre 5317)
Read letter dated the [illegible]
from the Magistrate in the Zilla of Dharapooram
with reports of prisoners committed under
sentence.

(Here enter Pre 5345)

In Court of Inquiries Adalut

Present

Friday
16th October 1816.

Andrew Scott Esqre.
Edward Croft Greenway Esqre. } Judges
George Stratton Esqre. }

Read letter dated 27th Ultimo,
from the 3d Judge on Circuit in the Western Division
forwarding proceedings held in case No. 13 of the
Canara Calendar 2d Session of 1816.

Here enter No. 551

Read also letter dated 8th Instant,
from the 3d Judge on Circuit in the Western
Division, forwarding copy of a communication
from the Magistrate in the Zillah of Canara
reporting the death of the Prisoner in case
No. 13 of the Canara Calendar 2d Sessions
of 1816.

Here enter No. 566

The Court direct that the death
of the Prisoner Ramajah communicated in
the foregoing Report be noted on the Record of
the Trial which was referred on the 27th Ultimo
for the final sentence of the Sangaree Adalut.

Read

18th October 1816

16th Octo

18th October 1816. The Prisoner Hadathpa and this Court do not
think it necessary that he should be brought up
Wherefore direct that the Warrant for execution
may be not altered
be issued in the future Returns of Prisoners.

With regard to the second Prisoner,
Lingah alias "Kummah", a letter was received
from the 1st Judge on Circuit in the Centre
Division on the 23rd September 1816. Stating
that the Prisoner was insane, and that he,
the First Judge, had directed the Magistrate
to confine the said Prisoner in such place
and manner as he might think fit, subject
to the Orders of the Foujdaree Adalut.

The Prisoner Lingah or Kummah aforesaid
be confined in Irons in such place and manner as
may be consistent with the public safety &
that his name be omitted in future Reports
of cases referred for the sentence of the Foujdaree
Adalut.

Ordered that an Extract of these
proceedings be sent to the Magistrate in the
Zilla of Cuttack for his information &
guidance.

And following Letter
[illegible]

Read

18th October 1816

Read letter dated 9th with
the Register to the Court for the Centre
Division of the County Court of 30th August
stating that in conformity to the Courts [illegible] the
necessary communications have been made to the
Magistrates within their jurisdiction

Here enter No 60

Read letter dated 26th Inst from
the Magistrate in the Gaol of Bathurst with
report of prisoners confined under [illegible]

Here enter No 561

Read letter dated 9th Inst from
from the Acting Dy Judge on Circuit to the
Centre Division - With copy of Gaol Calendar
2d Sessions of 1816

Here enter No 562

Read letter dated 2d Inst
from the Magistrate in the Gaol of Bathurst
With list of proclaimed persons for Offences

Here enter No 563

Read letter dated [illegible] Inst from
the 2d Judge on Circuit to the Northern Division
to the Court [illegible] stating that
in conformity to the [illegible] the necessary
communications have been made to the Magistrate

12 Fr. 16
18th Oct. 1816

of Nelson and that his Return shall be
forwarded at soon as received.

/Hereunder No 561/

Read Letter dated 4th instant
from the 3d Judge in Circuit in the Southern
Division - With copy of Madura Calendar
for 2d Sessions of 1816.

/Hereunder No 562/

Read Return dated 4th Instant
from the 1st Judge of Circuit in the Western
Division - to the Courts Precept of 18th Ultimo
stating that in conformity to the Courts
precept the Remarks of the Cazee and Pogat
and Mooftee of the Tanjore Adalut have
been communicated to the Cazee of the Western
Court of Circuit

/Hereunder No 563/

Read Letter dated 8th instant, from
the 2d Judge of Circuit in the Western Division
Forwarding copy of the warrant for the execution
of the Prisoner Mathen, No 6 of the North
Arkot Calendar 3d Quarterly Sessions
1816 together with copy of the Report made by
the Magistrate on the occasion.

/Hereunder No 564/

18th October 1816

18th Oc

[illegible] from the [illegible] Sessions held [illegible] Pursuant to the Court [illegible] that conformity to the Law [illegible] the Release of the Prisoners [illegible] 59 of the 6th [illegible] that the Magistrates [illegible] heard against any evil [illegible] the enlargement of persons [illegible]

[illegible] Hereunder [illegible]

I U

The Court of Foujdaree Adalut

Monday
21st Octr 1816

Present

Andrew Scott Esqr
Edward Croft Gurdeeray Esqr
George Stratton Esqr } Judges

Read Letter dated 16th Inst from the 1st Judge in Circuit in the Northern Division transmitting his proceedings held in case No 17 of the Gaoljan Calendar for the 1st Sessions of 1816 Mucurrer No 413

The Court having considered the proceedings held before the Judge in Circuit, the Futwah of the Provincial Law Officer and the Futwa of the Cazee ul Coozat and a Hooktee of the Foujdaree Adalut do confirm the said Futwa of the Cazee ul Coozat and Hooktee aforesaid and acquitting the Prisoner

"Dandajee Bunge"

do direct that he be released accordingly

Read Letter dated 17th Inst from the 1st Judge in Circuit in the Northern Division transmitting his proceedings held in case No 23 of the Gaoljan Calendar for the 1st Sessions of 1816 Mucurrer No 420

18 Dec

27th October 1816

21st October 1816 and that the Magistrate consequently submitted their case for the Orders of government.

With regard to this proceeding of the Magistrate the Court deem it necessary to remark that the Reference should have been made direct to the Court of Zoujdaree Udalut who are empowered to prescribe the conduct to be observed by the Courts of Circuit and the Zilla Magistrates in all cases provided for by the Regulations.

The persons enumerated in the list now before the Court are charged with having been concerned, directly or indirectly, with parties of Freebooters who infested the Zilla of Nyagaptam; but the Court do not consider that the acts with which they are charged can be held to amount to "Rebellion or other crime against the State" which would subject them to be tried by a Special Court under Regulation XX of 1802.

The Court accordingly direct that the Second Judge at Circuit in the Northern Division be by Proclamation commanded to proceed forthwith to the trial of the Prisoners specified in the List or, in the event of his having granted Bygaptams, that he be ordered

21st October 1816

18

Ordered that the Prisoner aforesaid on his Return from the Gaol of Gorgaum

Ordered that Copy of the above letter with the enclosures and Minutes of these Proceedings be forwarded to the Second Judge on Circuit in the Northern Division and that he be directed to make Returns to the Records within five days from and after its Receipt

Sent following Receipt

/ Here enter A /

Ordered further that Copy of the letter from the Secretary to Government in the Judicial Department with Minutes of these proceedings be furnished to the Magistrate of Vizagapatam for his information

Sent following letter

/ Here enter B /

Ordered also that extract of these proceedings be sent to the Secretary to Government in the Judicial Department for the information of the Right Honourable the Governor in Council

Sent following letter

/ Here enter C /

Read return dated 16th Instant from the 2d Judge of Circuit on the Coast Division & the Court's precept of 4th Instant, stating that A

Witnesses

21st Oct 1816

reference to the Records of the Court no such precept as that referred to in the accompanying extract from the Poojdaree proceedings could be found

[December 5th 1771]

The Court directed that a Duplicate of these Proceedings of the 19th April 1816, in case No 11 of the Bellary Collectorate Disputes A. D. 1815, be prepared and transmitted with extract of these Proceedings, direct to the Judge on Circuit in the Ceded Districts for his information and guidance

[December 6]

Read Letters from the Magistrates of the Zillas of Tinnevelly, Madura, Salem, Trichinopoly, Chingleput, Nellore, Coimbatore, Cuddapah, Masulipatam, Vizagapatam, Arcot, Coimbatore, South Malabar, Canara, Bellary, North Malabar, Nellore, and Chingleput with Statements of Business for July

[December 13th] 446, 453, 455, 459, 458, 461, 464, 469, 471, 472, 474, 473, 478, 483 & 484, 485, 494, 497, 508, and 537

20

F. H.

Friday
25th Oct. 1816.

At a Court of Session held
Present
Andrew Skeil Esq.
Edward Cliff Cranmer Esq. } Judges
Simon Stratton Esq.

Read letter dated 24th Octr.
from the Chief Secretary to Government acquainting
the receipt of the Extract from the Court
of Proceedings under date 4th Instant in the case
of Sundary Persons
[illegible]
[illegible]
[illegible]

21.

25th October 1816

for the information of the Right Honourable the Governor
in Council that in bringing the Pindarees Kolarij
to trial the Magistrate of the Zilla of Cuddapah
pursued the course of duty as prescribed for his
guidance in the Regulations which allowed him
no option but that under the existing Rules some
difficulty may be experienced in carrying the
Warrant ordered into execution.

The following is an abstract of the
rules referred to.

Section IV Reg. VII
1802.

All natives and other persons not
being British subjects are amenable to the jurisdic-
tion of the Zillah Courts

Section II Reg. VI
1802.

The Judges of the Courts of Adawlut
of the several Zillahs shall hold the Office of Magistrate
of the Zillah within their respective jurisdictions.

Section IV Reg. VI
1802.

It is the duty of the Magistrate to
apprehend murderers, Robbers
disturbers of the peace persons charged
before him with heinous or misdemeanors.

Section V. Reg. VI
1802.

The first stage of the Magistrate's
duty is to enquire into the circumstances of the
charge after this enquiry if it shall appear
to the Magistrate that the crime or misdemeanor
charged against the prisoner is not more serious

25 October 1816 committed or that there is no ground to suspect
him to have been concerned in the committing
of it the Magistrate shall cause him to be
forthwith discharged, recording his reasons for
releasing him and subscribing them to the
Court of Enquiry. If on the contrary it shall
appear to the Magistrate that the crime or
misdemeanor was committed and
that there are grounds for suspecting the
prisoner to have been concerned in the
perpetration of it the Magistrate shall cause
him to be committed for trial
by warrant under his hand and seal to such
prison as he shall think most convenient for
the safe custody of the prisoner
of the Court of Circuit.

Section IX Reg. VII
1802.

Third and last Section the duty of
the Magistrate and then commences that
of the Court of Circuit.

There shall be two general jail
deliveries annually in each Zillah for which
purpose the Judges shall make two circuits
in each year in the course of which they shall proceed to
the Residence of the Magistrates of the
several Zillahs in their respective divisions
and inquire of the Jailors respectively as
necessary

25: October 1816

necessary from the uncertain attendance of any witness or other sufficient cause to further detain such accused person, shall discharge such accused person until the next Session, shall commit such accused to Gaol to be tried by the Magistrate shall have been duly tried.

Section XVII. Stat. VII 1802.

[illegible] also transmitted - but no answer

Hence arises the necessity of giving effect to the Orders of the Rt Honble the Governor in Council as signified in the foregoing Letter from the Chief Secretary to Government - The confinement in charge of any person as a prisoner of war by the Civil Magistrate does not appear to be contemplated by the Regulations which do not contain any provision for [illegible] as a prisoner of war, nor for [illegible] any crime which such person may have committed. Nor do the Regulations which prohibit [illegible] from claiming [illegible] any person as a prisoner, nor [illegible] any provisions authorizing the officers to [illegible] attention from a claim so preferred. Application should be made

21 Fu Ve.

Oct 14 1816.

5

1

in the Regulations that any person because he is a foreigner should be imprisoned unheard and that he should be deprived the benefit of a fair regular trial. General provisions of this nature are indeed necessary— The Courts of Justice must be powers to restrain any individual whose notoriety of misconduct may render it dangerous to tolerate him, notwithstanding there may occur a failure to convict him of any specific act of criminality. This however might have been remedied in the case of Holcraft had the Court been assured that he meant to persevere and as it is not to be supposed that the offences committed by a Pauper can in any particular instance be attended by such features of atrocity as to require the infliction of a punishment other than that provided for in the Regulations the Court conceive that the general object must be attained by the discretionary exercise of the powers vested in the Courts of criminal jurisdiction to require from any person, not known or ascertained to belong to a body of persons bound under the

penalty

25 October 1816

[illegible] to belong to such [illegible] the [illegible]
may be a deficiency of sureties to establish [illegible]
for their due execution of their respective duties, and for their good conduct
and obedience, when required at the
conclusion of their duties.

These observations are made
without reference to the Regulations XX &
XXI 1816 because, although they provide for the
employment of an additional Officer in
the discharge of part of the duties of the
Magistracy, they do not alter the duties
of the Judicial Officers in the point in
question, and with regard to the privileges
which the Sindarees may acquire by being
Sworn to the Engagement of Allegiance
of them may be deemed to belong to the
duties of the Judicial Department — Indeed
the uniformity of any Order regarding Sindarees
to this class does not appertain to
the Judicial Officers and of after the foregoing
explanation, I should be judged unpresumptuous
to offer any opinion to the Magistrates
and Criminal Judges of the several Districts
which Court by leave respectfully to suggest

that

25th October 1816

2

South Arcot Calendar, 1st Session 1816 endorsed

by the Magistrate together with copy of that proceeding

by the Assistant Magistrate who attended on the occasion

Herewith No 575

Read letter dated 18th Instant from

the Judge in Circuit in the Southern Division

reporting his visit to Tanjore on 13th Instant

commencement of Session following day

Herewith

Read letter dated 16th Instant from

the Late Acting Judge in Circuit in the Centre

division forwarding with Return

Copy of Proceedings of the Rajah's vakeel dated 10th

the Tanjore Calendar 2d Session of 1816.

Herewith No 585

Read letter dated 23d Instant from the Judge

Advocate General requesting with reference to an

intended trial before a general Court Martial

an official copy of the Sentence of the Supreme Adalut

on the Rajah of Tanjore

Herewith No 586

Ordered that Copy of the Sentence in the

Session of 1816 on Record and transmitted to the

Judge Advocate General

Ordered that Letter

Read from B

RA

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No 11

Monday
28th Oct. 1816.

A Court of Oyer & Terminer & Gaol
Delivery

Present

Edward Croft Greenway Esq. } Judges.
James Stratton Esq. }

A
E S
G W

Read Letter dated 26th Instant from
the 1st Judge on Circuit in the Western Division,
transmitting his proceedings [illegible] No 16 of
the South Malabar Calendar for the Sessions
of 1816.

Ordered that Mr Sheriff do
cause the Prisoners mentioned in the foregoing Letter
to be brought into Court.

The Prisoners being brought into Court
and the Charges against them
read to them, they severally
pleaded Not Guilty.

The Jurors for our Sovereign Lord the King
upon their Oaths do present that
Prisoners cannot be charged by any Instrument
for the Robbery they have committed inasmuch as
the Person robbed has
not been produced to the
Court according to Section
XXVII Regulation IX of 1816
and Circumstances
which clearly show that no
Crime of such a heinous nature, such as on conviction
may require the highest punishment to the ends
of public justice can be secured against their
being committed by the Prisoners if they
are suffered to depart out of Court
without the Prisoners entering into
Recognizance

25

28th October 1816

forwarding his return respecting what is the
Collectors of Pondicherry, insane persons
in case No 2 of the South Malabar Calendar
for September 1816, are unwilling & unable to take
charge of them for safe custody & treatment
the cases framed in a building distant from
the common jail

/ Hereunder No 577 /

Read Letter dated 15th Instant,
from the 2d Judge on Circuit in the Northern
Division - Forwarding return from the Magistrates
of Tellicherry explaining the cause of the delay
in the transmission of the Calendar for the
British principal Settlement

/ Hereunder No 582 /

Read Letter dated 16th Instant,
from the 3d Judge on Circuit in the Southern
Division - Forwarding copy of Proceedings
in the Calendar for the 2d Session of 1816.

/ Hereunder No 583. / 1 350

All
Ent

J. H.

At a Court of the Lowjdarree Adawlut.

Wednesday.
30th October. 1816.

Present

Hudson Scott, Esq.re
Edward Croft Greenway, Esq.re } Judges
George Sheallore, Esq.re

Read a letter dated the 11th Instt from the Magistrate of Cuttack, reporting the murder of two Sirdar Peons by a gang of Robbers lately headed by [illegible] Mullungarudoo, and recommending that the reward for the apprehension of those persons under Regn. XIV. 1816 be encreased from the regular to the Special Rate; that Mullungarudoo, Doorbungarudoo, and Sarabya be proclaimed; and that 300 Rupees be offered for the apprehension of the former, and 100 for each of the latter; that the present Superintendant of Sasheram Fort shall be Regularized to dispose that the murderers of Canoojee Sungwaree [illegible] be taken from them and [illegible] his Law should be explained; and generally that an order should be made to settle the Rewards and Fines of the Police.

Ordered, That the Letter be Read.

Read a Letter dated the 11th Instt from the Magistrate on the

30th October 1816. Established Preserving the following Rewards. 1st Reward
of 600 Roubles for the ship, and 120 Roubles for each
of the inferior members of a group of Lumbadas who
attacked an Enemy's Ship. 2nd Reward of 300 Roubles,
and a Silver Chain and Medal to be divided three of
equal merit to the amount of 4189 Roubles. 3rd Rewa.
ward of 150 Roubles for the apprehension of a Ship
or Boat of each of the inferior members of the
party of Lumbadas, in the rebellion against Rajah
Vizeratte of Jeypoor amounting to Roubles 450
2 0 0
6.6.1.3. Reward of 4000 Roubles for the distru.
ction of the band under the Rajah for each of the
inferior members of a group under Subordinate Chiefs
to the amount of 2401 Roubles and would convey and terms
remainder.

(Vide order N 5769)

The reward of the seventh Class
Should be divided between the Commander of the
Ship & Officers & Seamen who captured it and
may be ordered to be divided for the apprehension of
the Pirate Commander the Officers and Seamen who
first went on board the Ship of Pirates
Several Seamen are each killed or made on the
Pirate Vessel will not be included in the distribution
from the knowledge of Government
the first Class of Vessels to have
been written before the Regulations last mentioned
to

30th October 1816

31st October

1816

30th October 1816

an answer to draft the power of sanctioning

With regard to sections 4 and

the draft of Regulations the Magistrates

do not appear to be empowered

sufficient evidence of the accused guilt to

be enabled to enforce the attendance

for that purpose under sections XIII, XIV or XV. of

Regulations XIII. 1809 but under the ample grounds

which afforded for entertaining suspicions

of this nature, and with the general belief

of the guilt forwarded on the neighbourhood,

it might fairly be expected that the evidence

of several witnesses would ere long be ob-

tained, and an example be afforded in the

punishment of the nature & tendency of the

law, however it may for a time be brought

fully invoked.

It would be according to Law

for the duty of the Court of Regulation

XIII. 1809 that summons or process, to have

issued by the Magistrates to bring the offend

before them

With regard to the measure

which has been suggested by the Magistrate

of abolishing the powers of sections 4 and

consequent abolishing of the sanctions the Police of

the

30th October 1816. the Neighbouring

2d. October 1816.

appears to the Court a measure on which under

the present representations they cannot

recommend.

Proceeding to the proposed

additions of the names of Sir Hugonin Seymour

to the list of proclaimed offenders, with those

of two others mentioned in the same paper

now read, it would be observed that not only

in this measure we differ largely, but that

the resolutions of September XIII 1809. have ma-

terially discharged all the other proclaimed

offenders; for if any of them should come

to surrender to the sentence will not be

against them — they must be tried for open

acts of treason committed since which they

have failed either to do

Whether any of them will

actually surrender at the quarter upon

which the Court must be adjusted to give

the opportunity for the return of rewards offered

to those shewing such unalterable alacrity

to expel their subjects by those infamous and

detestable ways these have resolved to defend

reforming

18

30th October 1816

No. 46.

20th October 1816

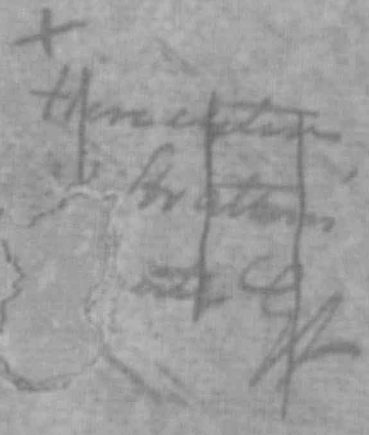
30th October 1816.

The Council to submit the Magistrates observations regarding it to the decision of Government.

The detail of robberies committed on the Settlers from the Magistrates & Government Surveyors shows that the Colony on the boundaries of the Colonial Districts is unprotected and unsecured from the attacks of Banditti [illegible] and there is no reason to doubt that there must be [illegible] persons who have associated themselves together for carrying on depredations on the property of others, and that they [illegible] such due organization of their Bands of plunderers, and others who have been more lately convicted and offending notorious characters, but as the publication of the robberies themselves are more alone relied on by the Court it is of opinion that the efforts of the Magistracy to subdue these evils, which have so long prevailed & the Establishment of Police should be the subject of serious consideration of Government

30 October 1816

30th O



Government [illegible]

[illegible]

[illegible]

[

Fo 16

Friday
1st Nov 1816.

Present
The Right Honble Lord Bishop of London
Edward Goff Greaves Esq
Thomas Graham Esq

Read

A Letter from the Lords Commissioners of the Admiralty dated the 29th Ultimo - transmitting a Petition from Lieut Thomas Hutchinson of the Royal Navy praying for the recommendation of this Board to the Right Honble the Lords Commissioners of the Admiralty for leave to accept the Command of a Vessel fitting out by the Government of Algiers for the purpose of conveying Presents from the Dey of that Country to His Majesty for the same time to enable him to proceed on his journey -

Ordered that Mr Croker do write to the Lords Commissioners of the Admiralty to acquaint their Lordships that this Board do not think it advisable to recommend Lieut Hutchinson to their Lordships for the purpose mentioned in the said Letter -

Ordered that a Letter be written to the Right Honble Robert Stewart Viscount Castlereagh &c &c &c requesting his Lordship to communicate to His Royal Highness the Prince Regent the Petition of Lieut Thomas Hutchinson praying for the recommendation of this Board to the Lords Commissioners of the Admiralty for leave to accept the Command of a Vessel fitting out by the Government of Algiers for the purpose of conveying Presents from the Dey of that Country to His Majesty for the same time to enable him to proceed on his journey -

Sent following Letter &c.

Read Correspondence of 7th

Read

1. November 1876

1st November 1816.

F. U.

H. Court of Judicature Udaka

Friday
8th November 1816.

Present

Andrew Scott Esq.
Edward Croft Greenway Esq. } Judges
George Stratton Esq.

Read letter dated 20th May last, from
the Judges of Circuit in the Northern Division
transmitting the proceedings held in case No. 4 of the
Calendar for the 1st Sessions of 1816.

Ordered that No. 312 of 1816

The Court having maturely considered
the Evidence adduced before the Judges on Circuit
in the Criminal Law Office and
the Evidence of the Coroner and Inquest
of the Jurors' Letter do confirm the said Finding
of the Coroner and Inquest aforesaid by
and for the reasons assigned in them by Clause
Sixth Section II Regulation XV of 1803, do direct
that the Prisoners
1st Dyamuttey Venkamah Dorah"
2d Ramabatta mutchah Bungaroo Dorah"
3d Lodangee Vallum Dorah"
4th Bongaroo Krishnamah Dorah"
5th Ramapurah Nursanah"
6th Kundalah Summanah Dorah"

be

2d November 1816 accompanying the Record of the Trial, the Examination
of the Prisoner, Kudreegaur and
Seems to be of a person that he did no[t] =
= Utter any acts of violence against the C[ourt]
of Magistrate and the deceased. Nagee
Condemned, under the provisions of Sect[ion]
Regulation VIII of 1809, to suspend the exec[ution]
of their Sentence and to submit the case to the
Right Honorable the Governor in Council
with a recommendation that he may be
pleased to commute the punishment of death
to imprisonment and transportation for life
Forwarded that extract of these
proceedings and the Record of the Trial in case
No 39 of the Bellary Calendar, be transmitted
to the Secretary to Government for the
information of being laid before the Right Honble
the Governor in Council
Read following letter
from Mr Secretary Bird
Read letter dated 21st September
last from the Acting Third Judge on Circuit in
the Canara Division transmitting his proceedings
held on case No 37 of the Bellary Calendar
for the 2d Sessions of 1816.
Mr Secretary No 534 of 1816

The

8th November 1816

8th Nov. 1848

Letter on Circuit on the Courts Decision for his information

Sent following letter

Hereunder D/

Read Return dated 17th Ultimo from the Judges of the Provincial Court on the Division to the Courts precept of 6th July last forwarding, in conformity to the Courts precept of Return from the Magistrate of Bellore stating that both the Court House and the Jail having been burnt between 5 & 6 Years ago of many strong materials are in very good repair.

The Court direct, with reference to their Precept of the 6th July last, that the following Return from the Magistrate of Bellore respecting the State of the Judicial buildings at that Station be forwarded for the information of Government

Ordered that the foregoing Return and extract of these Proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent following letter

Hereunder D/

Read

8th November 1816

2d November 1816.

Submitting, at the request of the Magistrate of South Malabar, documents regarding the infliction of corporal punishment without trial by the Cauzee of [illegible] for alleged unmorality

Received No. 609/

The Court have given due attention to the whole of the papers which accompany the foregoing letter and they now proceed to record their remarks which may be confined to the proof received by the Cauzee of Calicut of inflicting corporal punishment and to the opinion which would seem to have been entertained by the Magistrate of South Malabar regarding the exercise of such authority.

2d Reference to Regulation III of 1809 which shows that the duties of a Cauzee are specially restricted to matters of civil and revenue nature. See Preamble of the foregoing Regulation paragraph 3rd. The office of Cauzee is required for the purpose of preparing and attesting deeds of transfer and other law papers celebrating marriages and performing certain religious duties or ceremonies prescribed by the Mahommedan Law, and the obvious reason

of the Superintendent of Assignment which he holds by the Grant of Lieut. Colonel Light to declare that the authority of the Commissioners shall be extended to the administration of Criminal Law.

Now we without some further authority therefore that the Court possesses the power of adjudicating upon a charge of Felony or Misdemeanor or Law pertaining against the Regulations for having unlawfully confined persons in their own house and not to the guilty the Commissioners have assigned some regulations of which there appears thereon that the authority of the Superintendent of Assignment holds by the Grant of Lieut. Colonel Light to declare that the authority of the Commissioners shall be extended to the administration of Criminal Law.

It is only necessary to remark that the necessity of authority to enforce the Regulations has been manifested by the Legislature with respect to the punishment for the breaches of Criminal Justice. We declare that the exercise of such authority on the part of a Court of Law is not inconsistent with the Regulations in any way but that it is confirmed by the Regulations, that the Court has the power to punish offenders.

Ordered that the Clerk of the Court do forward the proceedings to the Secretary of State.

3 F. C.
8th Nov. 1816

on the Western Division by Precept directing
him to communicate the same to the [illegible]
Magistrate of South Malabar, to be
communicated to the Lodge of Calicut
for his information and future guidance.

Sent following Precept

Circular

Read Letter Dated 22d Ultimo from
the acting 3d Judge of Circuit in the Northern
Division, Forwarding Warrant of execution and
copy of precept issued to the Magistrate in the
Zilla of Masulipatam in case No. 3 of his
Calendar for the 2d Sessions of 1816
together with Return made thereto.

Hereunder No. 607

Read Letter Dated 19th Ultimo,
from the Judge on Circuit in the Northern
Division. Forwarding copy of the 1st and of
a Supplemental Calendar for the 2d Sessions
of 1816. in the Zilla of Nyapatam.

Hereunder No. 608 to 650

A1
E.S.
L.W.

9th November 1816.

In Ca

At a Court of Foujdaree Udalut

Friday
15th November 1816.

Present

Luthus Scott Esqr
Edward Strettell Esqr
George Sheddon Esqr
} Judges

Read a letter dated the 26th Ultimo,
from the Secretary to Government in the Judicial
Department stating the determination of Government
in the Reference in the Case of Prisoners, desiring
that the suggestions regarding the Provincial
Buildings may be submitted separately in the
Ordinary Manner and that the Reports of the
Circuit Judges may be forwarded without
delay, and transmitting a letter from the Chief
Secretary at Bombay requesting information
concerning the Cost of Prisoners

Ordered that

The Letter from the Chief
Secretary at Bombay requesting that information
may be furnished as to the expence incurred
at that Presidency in the maintenance
of Prisoners in the several Gaols Jails and
Hoods which such allowance is dis-

tributed

8th November 1816.

No 4

F. U.

Fonda
15th November 1816.

At a Court of Foujdaree Udalut

Present

Andrew Scott Esqr
Edward Lloyd Ramsay Esq
George Stanton Esqr
} Judges

Read a letter dated the 26th Ultimo,
from the Secretary to Government in the Judicial
Department stating the determination of Government
with the Regard to the dieting of Prisoners, desiring
that the Magistrates regarding the Indicted
Criminal Judges may be furnished with the
Rules, and transmitting a letter from the Chief
Secretary at Bombay requesting information
concerning the diet of Prisoners

Ordered that

The Board in which the Chief
Secretary at Bombay requests that information
may be afforded as to the rates incurred
at that Presidency in the maintenance
of Prisoners in the several Gaols and
the Mode in which such Allowance is dis-

tributed

1st November 1816

15th November 1816

With regard to the mode in which the criminal Prisoners receive Subsistance, no general Rule is observed In some Gaols the allowance is given in money and in others partly in grain partly in money at a certain Standard Rate, Expedient but the Court have already omitted their opinion to Government that the mode of distributing the allowance to persons confined in the criminal jails should be left at the discretion of the several local authorities under the general superintendance of the Judges proceeding on Circuit

The Court direct that extract of these Proceedings be forwarded to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council

Sent forthwith a letter

Vide under A/

The Court also direct that Extract from that part of these Proceedings of the 8th July last days of the Sessions for Criminal Prisoners, last together with the extract of the two first Paragraphs

F

1ste November 1816

15th November 1816

With regard to the mode in which the criminal Prisoners receive their subsistence, no general rule is observed. In some Cases the allowance is given in money and in others partly in grain partly in money at each Sessions Court according to the Court have already submitted their opinions to Government that the mode of distributing the allowance to persons confined in the criminal jails should be left at the discretion of the several local authorities under the general superintendence of the Judges proceeding on Circuit

The Court direct that extract of these Proceedings be forwarded to the Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council

Sent following letter

Vide under A

The Court also direct that Extract from these Proceedings of the 8th July last together with the extract of the two first paragraphs

November 1816

16.

15 Nov 1816

of the employment of the counsels under the
Charge, opened and transmitted to the Court
by the Head Assistant through the Office
of the Magistrate had not been sent
from the Judge to the Collector.

The Precept however is stated
to have been forwarded to the former office
without delay but as no such has yet been
received the Court direct that the attendance
of the late Magistrate be again called
to their Precept of the 15th Nov and that
he be directed to make an immediate return
thereto, explaining the cause of the delay of
which has occasioned the suppressing the
information thereon required.

Ordered that a Copy of these
Proceedings be sent to the Criminal Judge
of the Zillah of Bellore, the Precept com-
manding him to make Return within five
days from the date of the Precept.

Sentence passed.

Head Assistant

Read letter dated 15th Nov from the
Magistrate of the Zillah of Rajahmundry with Report
of Persons confined under Sentence

Case under Reference

15th November 1816

Read letter dated 13th Instant from the Dy Judge on Circuit in the Western Division explaining the cause of the delay in the transmission of the proceedings in case of Spd and 4 of the Convicts

Recorded

No 615

Read letter dated 13th Instant from the Dy Judge on Circuit in the Western Division reporting the execution of the sentence of Death and his intention to proceed to Cockatoo on same date

Recorded No 616

Read letter dated 13th Instant from the Magistrate at the Hills of Windsor with Return of Prisoners employed under Sentence and Muster List of convicts sentenced to transportation

Recorded No 617

Read letter dated 14th Instant from the Magistrate at the Hills of Windsor with Return of Prisoners employed under Sentence

Recorded No 618

Read letter dated 14th Instant from the Principal Surgeon at the Hills of Windsor reporting that he has dispensed with [illegible]

15th November 1816 of the Police to Mr Collector Cooke the

Magistrate

/Hereunder No 617/ and

Read return dated 31st Ult.

from the 1st Judge late a Circuit in

Northern Division to the Courts Precept

September, stating that in conformity to

foregoing Precept that necessary communicate

had made to the Magistrate of Nellore

/Hereunder No 630/

Read letter dated 2d Instant

from the Magistrate in the Zilla of Masulipatam

with Report of Prisoners confined under

same Sentence.

/Hereunder No 628/

Read letter dated 2d Instant,

from the 2d Judge on Circuit in the Western

Division - Reporting his arrival and com-

mencement of the Sessions at Cochin

/Hereunder No 637/

Read letter dated 4th Instant

from the 2d Judge on Circuit in the

Southern Division - With warrant issued

for the execution of Kondothemulay Boon Ichan

Prisoner in case No 16 of the Madura

Calendar

15th November 1816. Calendar for the Years of 1816

No 629

Read Return dated 14th Instant
from the 2d Judge of Circuit in the Cath
Division to the Courts [illegible] 19th ultimo
stating that in conformity to the foregoing Circular
the necessary communication had been made to
the Criminal Judge in the Zilla of Purneah

No 630

Read Letter dated 5th instant from
the Criminal Judge in the Zilla
Rajeshahee. With Returns of persons confined
under sentence and

No 631

Read Letter dated 5th Instant from
the Criminal Judge in the Zilla of Purneah
Reporting the Escape on Parole last Month of
the Sheik [illegible] to the Collector and
taken the Deposition of the Criminal Judge

No 632

Read

15th Novr 1816

Read Letter dated 11th Instant
from the Secretary to Government &c &c
Inclosed Enactment Transmitting the oath
of Office taken and Subscribed to by the
gentlemen therein mentioned

Recorded No 6407

R.A.

C/ E.C.S

In Re.

At a Court of Vice Admiralty held

Monday

18. March 1816.

Present

Andrew Scott Esqr.

Edward Croft Greenway Esqr. } Judges

George Stratton Esqr.

Read a letter dated 15th Ultimo

from the 2d Judge on Circuit in the Northern

Division transmitting his proceedings had in

case No. 18 of the Register's Docket for

the 2d Division of 1816.

Hercenter No. 60 of 1816

The Court having maturely

considered the proceedings had before the

Judge on Circuit the Future of the Peninsula

Officer and the Future of the Cargo =

Boat and Materials of the Surfdance Schooner

do confirm the said Future of the Cargo Boat

Boat and Materials aforesaid and accordingly

do direct that the Prisoners

Jeremiah Rambo "

Benjamin Lutchmondoo "

be released on producing sureties for their

future good behaviour pursuant to the Statute in such

18th November 1816

18th November 1816

The Court having maturely considered the Proceedings held before the Judge on Circuit the Fiscal of the Provincial Law Officer and the Fiscal of the Cageroal Cougat and Mooftee of the Soudanese Malays do confirm the said Sentence of the Cageroal Cougat and Mooftee aforesaid and adverting to the Opinion of the Judge who presided at the trial that the Prisoner Moonee Chitty should not suffer the whole of the penalties prescribed by Clause First Section III Regulation VI of 1811, the Court under the discretion vested in them by Clause Third of the same Section do adjudge the said Prisoner "Moonee Chitty" to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the space of five years.

Read letter dated 18th October from the 1st Judge of Circuit the Court Dissenting this proceedings held on case No. 5 of the October Calendar for the 4th Circuit of September 1816

Recorded No. 612

The

18th November 1816

No. 16.

12th Novr. 1816.

Read letter dated 27th September
last from the Acting 3d Judge late on Circuit
in the Cooch Division transmitting Sirit
proceedings held on case No 9 of the Bullary
Calendar for the 2d Sessions of 1816.
(Nov. No 546)

The Board having maturely considered
the proceedings held before the Acting Judge on
Circuit, the Futwa of the Provincial Law Officers
and the Futwa of the Sudder Court dated and Inscribed
of the Foujdaree Mofussil do confirm the said
Futwa of the Sudder Court and Mooftee
aforesaid and acquitting the Prisoner
"Siddee"
do direct that he be released accordingly.

And the following letter
(No. Nov. 6)
from Cooch Behar dated 15th February last,
from the 3d Judge on Circuit in the Cooch Division
to the Court forwarded 15th December, with
Proceedings in case No 3 of the Chunglopeet Calendar
for the 2d Sessions of 1816 and Copy of the Provincial
Law Officers Futwa in case No 17, transmitted
in Obedience to foregoing Precept
(Dec. No 99)

The

18th November 1816

18th November 1816 Illegality of the Sentence passed on the said Prisoners by the Third Judge of Circuit in the Central Division By the Future of the Provincial Law Officer. The Three Prisoners having been found Guilty of Murder & Manslaughter were declared liable to pay the fine of Dongat between them and they were sentenced by the Third Judge on Circuit to fourteen years imprisonment & hard labour.

The Regulations expressly declare that in all trials for murder or the Law Officer may declare the Prisoner to be guilty of the charge made & then direct Sentence & declare the Prisoner liable to suffer death or whether it declare him not liable to capital punishment & the Judge presiding at the trial shall in either case, before the proceedings for the Conviction of the Prisoner shall be finally entered in order to the Law Officer may acquit the Prisoner of capital murder but convict him of Homicide of any one of the four denominations distinguished in the other recommendations Regulations in Mind that Manslaughter & Murder are liable to the same punishment

that

18th November 1816 Mast. The Court of Council was conferred with the
Justices appointed to enquire touching the Petition of John Brown
Esquire and others of Inhabitants of Kingston and Liberties
praying for the Appointment of a Market
Clerk
Present The Hon. Chief Justice
The Judges were unanimously of opinion, That the Court had
not the power of granting to the Petitioners the Prayer
of their Petition and that Counsel should be heard
before the Trial for the Sanction of the Governor
Council of the Absence of the Judges of Court on the
Circuit from the Province

3 Fo. 16 bis

18th Nov. 1816.

with the Letter submitted by the Third Judge
of Concord an explanation of the circumstances
of the case and the Court are compelled to
observe that the sentence passed by the Judge
is altogether unwarranted by the Regulations.

The Prisoner Nanoo, road
charged with receiving an unwrought Silver
gooder knowing them to have been stolen
and the Finding of the Panchayat was
directed that the Prisoner was not connected
of the crime due to his charge. He appeared,
however from the Prisoner's declaration before the
Magistrate that he had been
willing to have or take pawn or mortgage
should first make a report to the Panchayat
and to the Police Catchery and as the Prisoner
suspected that he had not made any such Report
to the Police the Finding was that he ought
to be punished at the discretion of the Judge
according to the Regulation.

Although the Prisoner thus
expressly acquitted of the crime tried to his charge
and must justly be entitled to have acted contrary
to a Law and of Justice which must have appeal

only

21st November 1816

20th November 1816 which are now recorded the following information is derived

In Nellore the convicts are at present engaged in repairing the public buildings under the charge of the Collector and Magistrate and it is stated that their services will be required hereafter for the repair of the roads in the neighbourhood of Nellore

The whole number of convicts in the Nellore Jail amounts to 78.

The convicts in the Zilla of Guntoor are employed in making a strong wall round the Collectorate to guard against future attacks of the Freebooters

Two other temporary modes of employing the convicts are pointed out after which the Criminal Judge does not know of any more useful employment unless Government should authorize the erection of a new Jail

There are about 100 convicts in the Guntoor Jail, many of whom are at present suffering from sickness.

In the Zilla of Rajahmundry the convicts appear to be principally employed on the public roads. They amount to 145

The

16th November 1816 Ordered that the Court do Council now confirmed to the
Sentence passed on Thomas Atkinson and Richard
Spencer and ordered that the Sentence of Imprisonment for Life passed upon
Spencer be changed to Transportation

3 No 116.

18th Nov. 1816.

with the Letter submitted by the Third Judge of Circuit in explanation of the circumstances of the case and the Court are compelled to observe that the sentence passed by the Judge is altogether unwarranted by the Regulations.

The Prisoner Swaroop was charged with receiving one or more goods knowing them to have been stolen and the Finding of the Panchayet was declared that the Prisoner was guilty of the crime laid to his charge. It appeared however from the Prisoner's declaration before the Magistrate that a person had been sent to find out if the goods were to be had on mortgage and should first make a Report to the Panchayet to the Police Establishment and the Prisoner confessed that he had not made any such Report to the Police. The Sentence declared that he ought to be punished at the discretion of the Judge according to the Regulation.

Although the Prisoner was thus expressly acquitted of the crime laid to his charge and had only declared to have acted contrary to the Rules and Forms of Justice which should have effect only

18 November

1816

F. U.

At a Court of Sessions Held at

Wednesday
20th Nov.r 1816

Present

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges.
George Shallow Esqre

41 Read Returns dated 23rd Ultimo
from the Criminal Judge in the Zillah of Gunture
to the Court's precept of 16th Ultimo stating that
the undermentioned persons are at present
employed in building a Mud wall round the
Collector's Treasury &c & stand as from the attach
of the Sirdarries.

[Here enter No 61]

Read Return dated 30th Ultimo,
from the Criminal Judge in the Zillah of Rajahmundry
to the Court's precept of 16th Ultimo stating, in
conformity to the Court's precept the number the
and employment of convicts in said Zillah and
suggesting after the completion of the pollah
road at Bandelapalam, the formation of a line
of road to be called the grand Northern road
by means of the Prisoners in the respective Zillahs

[Here enter No 62]

Read

21st November 1816

20th November 1816

which are now recorded the following information is derived

In Nellore the convicts are at present engaged on repairing the public buildings under the charge of the Collector and Magistrate and it is stated that their services will be required hereafter for the repair of the roads in the neighbourhood of Nellore the whole number of convicts in the Nellore Jail amounts to 78.

The convicts in the Zilla of Guntoor are employed in making a strong wall round the Collectorate Cutcherry to guard against future attacks of the Pindarees

Two other temporary modes of employing the convicts are founded out after which the criminal Judge does not know of any more useful employment unless Government should authorize the erection of a new Jail there are about 100 convicts in the Guntoor Jail, many of whom are at present suffering from sickness.

In the Zilla of Rajahmundry the convicts would appear to be principally employed on the public roads the average amount is 145.

The

20th November 1816

The Criminal Judges at Hyderabad report that the convicts under his charge are chiefly employed in keeping in constant repair the road leading from Hyderabad to Sholapur whereby the Company have a saving of one anna per maund on the carriage of treasure — There are 86 Convicts in the Jails of Hyderabad.

On considering the foregoing returns it will be observed that of the 109 Persons confined under sentence of the Criminal Courts of Hyderabad, Sholapur, Poonah Ratnagherry and Sattara, 100 are Males and 9 Females. The Commissioner for the Deccan and Khandeish states that the number of Male Convicts confined in the Jails of those Districts is greatly disproportioned to the number of Female Convicts confined in the same Jails, and requests to be informed whether he is to send the Female Convicts to the Hyderabad Jail, or to keep them in the Jails of the Districts in which they were convicted.

The Court observe that the Commissioner's Letter of the 7th Instant to the Hyderabad Judge, and the Judge's Report of the 20th Instant, have been laid before the Governor in Council, and that the Court are directed to inform the Commissioner that the Governor in Council has no objection to the Female Convicts being sent to the Hyderabad Jail for the purpose of being employed on the Sholapur Road.

20th Nov. 1816.

for the purpose of being laid before the Right
Honourable the Governor in Council
Sent following letter
[illegible]
The Court cannot pass over with
out Remark the irregularity of the Criminal Judge
late Magistrate of Nellore in not making
return to their Precept of the 16th Nellore on
the subject of the employment of the convicts
under his charge. The Precept was directed
to the Magistrate of Nellore* [illegible]

* and at the time when the Precept was issued the Criminal Judge was not known to be the Officer intended by the Court to make return to the Precept and it could be established only by the Court not having been informed from the Judge to the Magistrate of Nellore that it was the duty of the latter to make such return

[illegible]

charge

26th November 1836

[illegible]

Ordered that a Brevet of Major
for meritorious conduct to the Commanding Officer of 1st Dragoons
for his information

Lieut. Fleming's letter

Recommending

Assistant Adjutant General
Brevet Major Lieut. 8th Infantry for
Major Commanding
Lieut. Fleming of the 1st Regt. Dragoons
Lieut. Fleming of the 1st Regt. Dragoons
Lieut. Fleming of the 1st Regt. Dragoons

20th November 1816. notice of Government the good conduct of the
Jailer, Duffadar and Peons on the occasion of
the disturbance Reported in the foregoing letter
from the Criminal Judge of Rajahmundry.
In submitting this letter to
Government the Court have no hesitation in
recommending according to the suggestion of
the Criminal Judge, that each of the peons
on duty may receive a donation of one months
pay and should the Peon, gunner Sâmy die
of his wounds the Court will be prepared to recom-
mend that his wife and Mother may be
pensioned on his allowance of Rupees
per mensem.
The Criminal Judge further
suggested that with Reference to the Respons-
ibility of the Jailor and his length of service,
being more than thirty years, his pay
should be raised to eight Pagodas per
mensem and that the pay of the Duffadar
should be raised to five Pagodas a month.
The Court are unwilling to question
the expediency of augmenting any mere allow-
ances which were fixed in the first
instance, with Reference to the Responsibility
of the office, but they recommend that
each

20th November 1876

20. November 1816. notice of Government the good conduct of the
Jailor, Duffadar and Peons on the occasion of
the disturbance Reported in the foregoing letter
from the Criminal Judge of Hoojahmundry.
In submitting this letter to
Government the Court have no hesitation in
recommending, according to the suggestion of
the Criminal Judge, that each of the peons
on duty may receive a donation of one month's
pay; and should the Poor Jamee Rôy die
of his wounds the Court will be prepared to recom-
mend that his wife and mother may be
pensioned on his allowance of Sicca Rupees
The Criminal Judge further
suggested that, with reference to the Respons-
bility of the Jailor, and his long Term of Service,
being more than thirty years, his pay
should be raised to eight Pagodas per
annum and that the pay of the Duffadar
should be raised to five Pagodas a month
The Court are unable to question
the correctness of the charges against the
Prisoners which were proved in the first
instance, with reference to the Responsibility
of the office, but they recommend that
each

4 November 1776

each of the persons above mentioned requested
a duplicate of their names as they are considerable
of them necessary to have one of the Tale occasi

Ordered that the foregoing letter
and extract of their proceedings be sent to the
Secretary to Congress and the Journal of Congress
for the purpose of being laid before the Right
Honourable the Lords Commissioners

Read a letter
from

Ordered

Read letter dated
the Lords Commissioners of the Admiralty
enclosing a ground plan
the arrangements to be adopted
Respecting the Construction of Government for
extended Coast of

Ordered

this Board
to attend
last month
and Engineers
from the Board
For Plans

20th Nov. 1816.

that station for the consideration of Government

The Court entirely approve the directions given by the Judge on Circuit for procuring a separate Building as a hospital and for erecting two sheds, and they recommend that the expence attending the latter measure of Rupees 65. 8 may receive the sanction of Government

Ordered that the foregoing letter and extract of these proceedings be sent to the secretary to Government in the Judicial Department for the purpose of being laid before the Right Honourable the Governor in Council.

Read following letter

Recorder D.o

Read letter dated 12th Instant. from the Criminal Judge in the Zilla of Salem forwarding examinations of and requesting the Orders of the Foujdaree Adalut regarding a Moorgah prisoner who has been committed by him for various highway Robberies perpetrated within the last four or five years and who would appear to have escaped transportation

Recorder No. 653

The

20th November 1816

20th November 1816 Tipsoogaudoo and requesting the sanction
of the Court to his being removed to the
Lunatic Hospital at Madras
(Hereunto No 639)
The Court authorize and direct
the Criminal Judge of Bellary to send to
the Town Major at Fort St George the insane
Prisoner Tipsoogaudoo, accompanied by the
original medical certificate, in order to his
being examined before the Medical Board for
admission into the Lunatic Hospital and
the Court do further direct that every provision
be made for the humane treatment of the
Prisoner during his journey to the Presidency
Ordered that copies of these
proceedings be sent to the Criminal Judge
of Bellary for his information and guidance
A Letter following
(Hereunto No 1
Read letter dated 31st Ultimo
from the Magistrate in the Zillah of Bellary
with register of proclaimed persons for October
(Hereunto No 640)
Read letter dated 4th Instant
from the 2d Judge on transmitting the Northern
Division

1st November 1816 Deveaux Referring his annual Report on Pt Pratonte

[illegible] No 645

Read letter dated 16th Pratonte from the Secretary to Government in the Judicial Department with annexed copy of a letter to the Provost Dr Surgeon of Convicts for the Northern Division directing them to remain at their respective Stations during the suspending of the Court and to apply to them to the recommend such further attendance as may be necessary to the absent from their Stations

A Clearance till the commencement of the Court

Ordered that Mr Cazalet will be directed to consider himself as returned from his duty of acting Judge from the date of his departure from the present Circuit

[illegible] No 650

Read letter dated 16th Instant from the Acting Secretary to Government Judicial Department with the Copy of Chandigahut Returning Statement from [illegible] of Balasore Pauk and Dalamut Cazalet [illegible] [illegible] Secretary to Government

[illegible] No 655

Referring to the Court [illegible]

4 P. C.

20th Nov: 1816.

The Reports of Prisoners for Chittoor during the months of July, August & September; for Combaconum during the months of August and September; and for Dindigul and Rajahmundry during the month of September last have not yet been received,

Ordered that the late Magistrates of the four abovementioned Zillas be by Precept commanded to send them up without further delay, and to explain the circumstances that may have occurred to prevent their having been despatched so as to arrive at Madras by the date specified in Sections XXVII and XXIX, Regulation VI of 1802.—

Sent following Precepts 7.0.

N. R. A. / Hexamter J.

I U.

Friday
22nd Feby 1816

At a Court of Foujdaree Udalut

Present

Andrew Scott Esq.

Edward Croft Greenway Esq. Judges

George Sheldon Esq.

Read Letter dated 12th Instant,
from the 3d Judge on Circuit in the Western Division
Transmitting, at the request of the Criminal Judge
of South Malabar, further correspondence with him
relative to the Cause of Colicut
Moreinter & Others

The Amendments of the Court of
Foujdaree Udalut with regard to the powers
which it had been assumed by the Judges of
Circuit of inflicting corporal punishment in cases
recorded on their proceedings of the 8th Instant for the information of
the late Magistrate of South Malabar
and for the future guidance of the Judges

The Petition from the aforesaid Judges
which has now been forwarded by the 3d Judge
on Circuit in the Western Division at the
desire of the Criminal Judge late Magistrate
of South Malabar dated 10th Instant stating

or

22d Nov. 1816.

22d November 1816. Forwarding, in conformity to the Courts precept of
27th Ulto the proceedings in Case No 4
of the Camara Calendar and stating that the
proceedings in Case No 2 will be
forwarded as soon as possible.
(Recorder No 632)

Read also Letter dated 12th Instant
from the 3d Judge in Circuit in the Western
Division to the Courts precept of 27th Sept.
last transmitting, in conformity to the foregoing
precept, copy of Certain proceedings in case
No 2 of the Camara Calendar for the 2d Session
of 1806.
(Recorder No 661)

The foregoing Proceedings of
the 3d Judge in Circuit in the Western Division,
in case No 2 and 4 of the Camara Calendar,
do not appear to require Remarks

Read Letter dated 31st Ultimo
from the 1st Judge of Circuit in the Centre
Division with copy of Criminal Calendar
for the Quarterly Sessions of 1816.
(Recorder No 640)

Read letter dated 1st Instant,
from the Criminal Judge in the Zilla of
Rajahmundry

22? November 1816.

F. U.

The Court of Foujdaree Udalut

Monday
2d December 1816

Present
Andrew Scott Esqre
Edward Ryall Ramsay Esqre Judges
George Mouat Esqre

Read the Calendar of the 10th October last
from the Judge of Chittagong
Division transmitting his proceedings held
in the Court of Session & Gaol Delivery for
the 4th Quarterly Sessions of 1816
for Chittagong

Read a Letter from the Register stating
that the proceedings held before the
Commissioner at the Sessions of the Peace
Gaol Delivery and the Sessions of the Oyer and
Terminer and Jail Delivery of the Zillah
Court were not signed by the Judges
which also contain the said Sessions of the
Oyer and Terminer and Gaol and Hospital Jurisdiction
and requesting the Instructions of Section XVII
Regulation VIII of 1802, to be pledged the
Evidence
for the Prisoners
Bail
Bail forbidden

2d. December 1816

2d December 1816

The evidence being required as to the alleged

custody of the Prisoner to annex the same

to the Original Proceedings and to Re-transmit

the Record to the Court of Foujdaree Adalut

with as little delay as possible

Acts following Viz.

Hircarrah's

Read letter dated 3d October last

from the Dy Judge on Circuit in the Southern

Division transmitting his proceedings held

in order at the Stations Calendar for

the 2d Sessions of 1816

Hircarrah's No 538

The Court having mature[illegible] considered

the proceedings held before the Register Circuit

the Pundits of the Provincial Law Officers &

the Pundits of the Cazee's Cooreet & Moofties

of the Foujdaree Adalut do confirm the said Finding

of the Cazee's Cooreet and Moofties aforesaid

and under the provisions of Bengal Regl Code

III Regulation VI of 1811 do acquit the Prisoner

Hagarsingh

to be publickly released in the usual manner by

striking off the Fetters; to have the word "Liar"

branded on his fore head and the Tamil language

by

2nd December 1816

2 of 4th Sess.
2d December 1816.

Coogat and Moofleer of the Soudaree Adalut
to confirm the said Sentence of the Cazee col
Coogat and Moofleer aforesaid and adverting
to the Opinion expressed by the Judge who
presided at the Trial &c. under the Consideration
vested in them by Clause 3d Section III
Regulation VII of 1811 adjudge the Prisoner
"Coollee Gopaul"
to receive thirty stripes with a Cane &
to be imprisoned and kept to hard labor
in Irons on the public roads or other public
works for and during the period of two years
from the date hereof

Ordered that the Register do
forthwith transmit to the Northern
Division Court attested Copies of the Proceedings held in
case of Coollee Gopaul tried before the
last Sessions of Oyer & Terminer

Ordered that the Court having maturely
considered the Proceedings held before the
Petit Jurors of the Court of the Provincial
Law Officer and the Futwa of the Cazee col Coogat
and Moofleer of the Soudaree Adalut do
confirm

VI

VI of 1811 Court to have sentenced him to
corporal punishment and Imprisonment.
The Section of Regulation VII
of 1802 to which the Judge on Circuit here
refers is rescinded by Section II Regulation
VI of 1811 and it is especially declared in Clause
First Section III of the latter Regulation
that whenever the Judge on Circuit may
deem the prescribed punishment too severe
he shall submit the trial with his sentence
to the Foujdaree Adaulut for the final
sentence of that Court
It is scarcely necessary to add
that had the Judge on Circuit proceeded in
investigate the prisoners by Clause
First, Section III Regulation VI of 1816 without
reference to the Court of Foujdaree Adaulut
he would have acted in direct opposition
to the express provisions of the Legislature
Ordered that a Copy of these
proceedings be sent to the Judge on Circuit
for his information for his information
and future guidance
By the following letter

Ordered

2d December 1816

2d December 1816.

VI of 1811 "but to have sentenced him to
corporal punishment and Imprisonment."

The Section of Regulation VII
of 1802 to which the Judge on Circuit here
refers is repealed by Section II Regulation
VI of 1811 and it is expressly declared in clause
first Section III of the latter Regulation
that whenever the Judge on Circuit may
deem the prescribed punishment too severe
he shall submit the trial, with his sentence
to the Sudder Adawlut for the final
sentence of that Court

It is scarcely necessary to add
that had the Judge on Circuit proceeded
pursuant to the penalties prescribed by Clause
First, Section III Regulation VI of 1816 without
reference to the Court of Sudder Adawlut
he would have acted in direct opposition
to the express provisions of the Legislature

Ordered that extract of these
proceedings be sent to the Judge on Circuit
for his further information for the information
and guidance in

the foregoing letter

H

F. 116.

Wednesday 4th Dec. 1816

Present

Andrew Scott Esqre
Edward Croft Greenway Esqre } Judges
George Wallace Esqre

Read Letter dated 28th Ultimo from the Secretary to Government in the Judicial Department stating that the Right Honorable the Governor in Council has been pleased, in conformity to the Courts recommendation to remit the sentence of death passed on Chundaroy Gaudoo to imprisonment and hard labour for life.

Ordered that Chundaroy Gaudoo be accordingly confined and kept for the Space of Five Years, to hard labour in irons on the Roads or other public works for and during the Space of five natural lives.

Ordered that the following Letter

Read

4th December 1816.

4th December 1816.

public safety and do on no account release
him from confinement without the express
permission of the Governor & Council
Ordered that extracts of these
proceedings be sent to the 3d Judge on
Circuit in the Western Division by Express
Leading him to direct the necessary
instructions to the Criminal Judge of
South Malabar and to make Return
with as little delay as possible
Sent following Receipt
Honorable Sir
the attention of the Court of
Sessions Malabar Station
on the cause of the prisoner Ippoo to be tried
of insane sentenced at the Public Instruction
the Presidency and they are of opinion that
it would be advisable to recommend some
general and uniform system for the treatment
and confinement of such persons and the
rules & relations to the consideration of the
Right Honorable the Governor General
in Council
the respectfully request attention
instances the inconvenience of transmitting
to
recommendations Bella Jacks
for

4th December 1816

4th December 1816

4th December 1816 Section XXVII Regulation IX of 1816, whereby
it is declared that no private compromise
or Razeenamah shall be admitted by the
Magistrate in crimes of an heinous nature
such as on conviction may require exemplary
punishment for the ends of public justice.

Ordered that extract of those
proceedings be transmitted to the 2d Judge
& Circuit in the Western Division for his
information and future guidance.

Sent following letter

Mr. Secretary Dr

Rent Roll dated 4th Novr
from the 2d Judge on Circuit in the Northern
Division transmitting copy of the Sessions
Calendar for the 2d Session of 1816.

Received No. 666

Read return dated 12th Novr
from the 2d Judge on Circuit in the Northern
Division to the Court of Request of the pro-
ceedings of the Sessions Court of Oyer &
Terminer held conformably to the foregoing
Regulation the necessary directions have been
given to the Magistrates of Nizagapatam to
proceed for the trial of the 6 prisoners whom
the 2d Judge and Agent rejected from the pre-
sent Calendar

4th December 1816

Copied

6th December 1816 Section XXVII Regulation IX of 1816, whereby
it is declared that no private communica-
tion or Agreement shall be admitted by the
Magistrate in crimes of a heinous nature
such as on conviction may require exemplary
punishment for the ends of public justice.

Ordered that extract of those
proceedings be transmitted to the 2d Judge
of Circuit in the Western Division for his
information and future guidance

Sent following letter

Register D

Ditto dated 9th Ditto

from the 2d Judge on Circuit in the Northern
Division transmitting copy of the Sessions
Calendar for the 2d Sessions of 1816.

Register No 666

Read ordered dated 12th Ditto

from the 2d Judge on Circuit in the Southern
Division to the Court transmitting Calendar
stating that in conformity to the foregoing
order of the preceding December he had given
directions to the Magistrates of Negapatam to
prepare for the trial of the 6 persons whom
the 2d Judge had ordered to be expelled from the
Southern

Calendar

1st December 1846

37 R. M.

4th Dec 1816 Trichinopoly, Cochin, Salem, Madulipatam,
Coimbatore, Seringapam, Madura, Bellary, South
Malabar, Nellore, Rajahmundry, North
Malabar and Combaconam with Reports of
Prisoners for August

Executes Nos 508, 512, 513, 514, 518,
517, 526, 625, 629, 630, 631, 535, 536, 540, 545, 554,
560, 570, 585 and 691.

20

11

P. A.

1st December 1846

Copied

[illegible] Dec 1816

Pitchinapoly, Cochin, Salem, Masulipatam,

Coromandel, Jaintapoy, Madura, Tellicary, South

Malabar, Mellore, Vizianagram, North

Malabar and Canara with Reports of

Specimens for Augusta

Here under Nos. 508, 512, 513, 514, 518,

517, 526, 528, 529, 530, 531, 535, 536, 540, 545, 554,

560, 570, 585 and 691.

52

11

J. U.

At a Court of Vaujdarce Adaulut

Present

Friday
13th Dect 1816

Andrew Scott Esqre
Edward Ecroft Greenway Esqre } Judges
George Stratton Esqre

Read letter dated 11th October last
from the Acting Judge of Circuit in the Centre Division
forwarding the proceedings held in case of Sheikh
Ibrahim Kutbeen for the 4th Quarterly
Session of 1816.

Decree dated 5th 636

The Court having maturely
considered the Proceedings held before the
Judge of Circuit, the Futwa of the Pundit
Law Officer and the Futwa of the Cazee ul
Cuzzat and Mooftee of the Vaujdarce Adaulut
to confirm the said Futwa of the Cazee
ul Cuzzat and Mooftee aforesaid and
in consideration of all the circumstances of
the case as well as the opinion expressed by
the Judge who presided at the trial, the
Court according to the deliberation attained
by the Provisions of Section XV Regulation

VIII

10th December

1816 VIII of 1802, [illegible] communication of the contents of Regd. declared by the Indian [illegible] the Indian [illegible]

[illegible]

[illegible]

[

Copies

Sent this Letter
No 13

December 1816

Read return dated 23d Ultimo from the
2d Judge on Circuit in the Western Division to the
Court's Precept of 8th Ultimo directing him to commence
and proceed from the proceedings of the Faujdaree Adalut
to the late Magistrate of South Malabar to be by
him communicated to the Cauzy of Calicut for
his information and future guidance:

Ordered No 690

Read letter dated the 29th Ultimo,
from the 2d Judge on Circuit in the Southern
Division forwarding warrant of conviction
passed for the execution of Goodaloo prisoner
No 3 & 6 on the Salem Calendar for
the 2d Sessions of 1816.

Ordered No 693

Read return dated 29th Ultimo,
from the late Magistrate in the Zilla of Darapuram
to the Court's Precept of 20th Ultimo desiring
him to transmit the reports of persons sent for
refreshment with as little delay as possible and
to explain the circumstances that may have
caused the delay.

Ordered No 695

Read return dated 3d Instant
from the 2d Judge of Circuit in the Canara
Division

Encl. 2

No. 26.

Date 1916.

to the Court of Session of Dr Nelson Malony

that was conformably to the foregoing precept,

the two Phanseegurs Jurdonees Sahib Khan

alias Pahut Khan and Syde Dadah alias

Sahib Dadah have been sent to the Criminal

Court of Session

of Hooghly Sessions

Road Letter dated 3d Instant,

from the Judge on Circuit in the Northern

Division respecting his arrival at Tippaporah

on 30th Ultimo

of Hooghly Sessions

Road Letter dated 2d Instant,

from the Criminal Judge in the Fullark of

Commissioner to the Court of Session of

Dr Nelson Malony

that the criminal Reports

for August and September were despatched

by the first mail received

and that the delay in the transmission

before

arose from the illness of the English Writer

and absence of the Court Servants on account

of the Durgah festival

of Hooghly Sessions

Road Letter dated 4th Instant,

from the Judge to Government in the Judicial

Department

13th December 1876

Copy

No

H.M. Court of Soujdaree Adalut.

Present

Wednesday
18th Dec. 1816

Andrew Scott Esq.
Edward Croft Greenway Esq. } Judges.
George Shutton Esq.

Read letter dated 10th Instant, from
the Criminal Judge in the Zilla of Cuttack
intimating his inability to proceed with the Reference
pending before him, under the Order of the Soujdaree
Regulation IX of 1816, to which all documents relative to the
Trial are to be forwarded, and the
Trial itself to be translated into English
previous to its being finally enforced.

Ordered that the Criminal Judge in the Zilla of Cuttack
be informed that the Order of the Soujdaree Adalut of the 23rd of
September last, has reference to the Proceedings
of the Court of Circuit, and that the Comments which
Regulation VIII of 1816 requires the Court of Circuit
to record, in terminating the Trial under
the provisions of Section XX Regulation X of
1816, but not to the Proceedings held before
the Magistrate, may be called for by the Judges
of the Court of Circuit, when it shall be sufficient
for the Proceedings to be produced
without

18th December 1816

18 December 1816.

to the Court Yesterday of 20th Ultimo stating
that the Report of Prisoners for September was
not the Report of Prisoners for
September but the Report of the foregoing
Month and that the Error was occasioned by
the Clerk of Arrest having and the translating
of the Report of the 18th on the Back of the Sheriffs

Read Letter dated 10th Instant,
from the late Acting Deputy Commissary
to the Division 10th Regiment of Execution of
the Prisoners for the Sessions of 1816.

Read Letter dated 5th Instant,
from the Acting Deputy Commissary
to the Division 10th Regiment of Execution of
the Prisoners for the Sessions of 1816.

Read Letter dated 11th Instant from
the Clerk of the Peace to the Sheriffs Reports
of Prisoners for the Sessions of 1816 stating that
the Error in the Report of the 18th was occasioned by the
Clerk of Arrest having been occupied in preparing papers

In Re

Monday
29th Dec. 1856

In the Court of Vice Admiralty Halifax

Present

Monday

29th Dec. 1856

The Hon. Jonathan Belcher Esqr.
The Hon. Joseph Howe Esqr.
The Hon. Alexander Stewart Esqr.
The Hon. Thomas Nickleson Esqr.

Judges

Read the Libel filed 20th October,
and the Warrant issued thereon
to the Sheriff of the County of Halifax
directing him to attach the Schooner
Lyon of Halifax and her Cargo
and to cite all persons interested
therein to appear before the
Court on the 2nd February 1857
to shew cause why Condemnation
should not pass against the said
Schooner Lyon and Cargo
for the causes in the said Libel
mentioned

Read the Sheriffs return to the
Warrant whereby it appears
that he had attached the
Schooner Lyon and Cargo
and had cited all persons
interested therein to appear
before the Court on the
2nd February 1857
to shew cause why Condemnation
should not pass against the
Schooner Lyon and Cargo
for the causes in the said Libel
mentioned

Read the Proclamation issued
by the Court for the Sheriff
to make publick

Read the Petition of the Owners and
Officers and Crew of the Provincial
Fishery Cruizer Sandfly
praying that the Libel filed
in this cause may be dismissed
with Costs and Damages
against the Libellants
for the reasons set forth
in the Petition

Read the Affidavit of Service
of the Petition and Notice
of Motion thereon

Read the Provisions of Section XVII
and Section VIII of 13 Geo. 3rd Cap. 88
and Section VIII of 59 Geo. 3rd Cap. 38

Proved
the Commission
and
Instructions
of the Schooner Lyon

to

23d December 1816

23d December 1816. The Accusation read to him by the Secretary of Prisoners and he asked if he objected to the Prisoner being tried by the Court. He answered "I do not object to be tried by this Court"

The Prisoner was then asked if he had any Witnesses to call in his defence on the present occasion, and he answered "I have not any Witnesses to call"

The Prisoner was then asked if he had any thing to say in his defence, and he answered "I have nothing to say"

The following letter

23d December 1816.

Copied

Ch. to No
23 Geo. 3 1816

from the Collector and Magistrates in the Little
of Canso, detailing a case of Robbery of
attended with burning of the dwelling house
and carrying the accused thereof, and stating
that he had offered 100 Dollars Reward for the
discovery of any one of the perpetrators
of the said Crime of Arson
the Magistrates of Canso state
in the foregoing Letter, that he has offered as
a further sum of 100 Dollars Reward to the
Inhabitants of Canso for the same purpose
and they would also recommend any one
of the Offenders, who may discover the
other or others concerned in the Robbery
as well as the Arson to receive the sanction of the
Legislature for a Pardon.

Section XXI Regulation IX of
the Year 1811 Cap. 6 for Regulating the Fees of Rewards on the
Public Prosecutions that in Reference to
the Offence of Arson a Hundred Dollars
for the Conviction of a Principal and Twenty Dollars
for each of the Accessories, and Section XXII
of the same Regulation declared that all Specific
Penalties imposed under the preceding Section III
Regulation
shall be applied on the conviction of the
Offender

23rd December 1816.

29th December
1818.

23rd December 1816.

Read Letter dated 19th Instant
from the Secretary to Government in the
Judicial Department transmitting the expences
of the improvements of the jail at Nagapatam
ordered by the Superintendant amounting
to Pagodas 55.8 and stating that the Criminal
Judge has been directed to submit a plan &
Estimate of Penang Jail

Ordered that the Board of the authority conveyed,
by the foregoing proceedings, to the Magistrate

Read further Letter
from the Secretary to Government in the
Judicial Department transmitting the expences
of the improvements of the jail at Nagapatam
ordered by the Superintendant amounting
to Pagodas 55.8 and stating that the Criminal
Judge has been directed to submit a plan &
Estimate of Penang Jail

Ordered that Copy of the
foregoing Letter be the subject of these proceedings
and extract of the proceedings of the 20th Ultimo
be

[illegible] Court

[illegible] Session

Monday 30th December 1811

Present

The Hon.ble Thomas Scott Esq.r

Edward Croft Gateway Esq.r } Judges

George Hatton Esq.r

[illegible] Read a letter dated the 28th ultimo

[illegible] from the Colonial Secretary

[illegible] to the Chief Justice

[illegible] submitting for the orders of the Court

[illegible] a Copy of a letter addressed to the

[illegible] Magistrate of Parramatta

[illegible] enclosing certain Resolutions of Regulations

[illegible] of the Bench of Magistrates

[illegible] of that District bearing date the 5th

[illegible] instant

[illegible] Ordered that a letter be addressed to the Magistrate dated the 30th

[illegible] Instant from the Criminal Judge in the Gaol of

[illegible] Parramatta

[illegible] expressing the opinion of the

[illegible] Court on certain Resolutions connected with the powers

[illegible] of the Court to be exercised by the Criminal Judges and

[illegible] to be exercised by the

[illegible] Magistrates, respectively under the new

[illegible] Regulations.-

[illegible] (Here insert 5th Nov.r 1811)

[illegible] In their Proceedings of the 30th

[illegible] October last, the Court brought out for the

[illegible] consideration of the Public between the Governor

[illegible] in Council, the inconveniences resulting from

[illegible] the

21st December 1816

Sec. VIII Regulation X of 1816. notwithstanding
the Regulation, can be entertained as vesting
in the Criminal Judge exclusive jurisdiction
in these cases, provided the Magistrate or
Assistant Magistrate shall have taken the
oath of qualification as a justice of the
peace.

Ordered, that extract of these
proceedings be transmitted with the
foregoing letter, and Capt. J. to the
Secretary to Government in the Judicial
Department, with a request that he will
submit them for the consideration of the
Right Honorable the Governor in Council.

I have &c.
(Signed) J. Fleming
Agent &c.

To His

Excellency Sir Richard Graves Macdonnell Knight Commander of the Most Honorable Order of the Bath Governor and Commander in Chief in and over the Province of Prince Edward Island in Council

At the Court of Government House Charlottetown

Present

His Excellency Sir Richard Graves Macdonnell Knight Commander of the Most Honorable Order of the Bath Governor and Commander in Chief in and over the Province of Prince Edward Island

The Honorable Andrew Scott Esquire
The Honorable Edward Croft Greenland Esquire
The Honorable George Stratton Esquire
} Judges

Wednesday 6th December 1865

His Excellency in Council

Read Letter dated 2nd Instant from the 2nd Judge on Circuit in the Northern Division requesting the sanction of Government to the monthly disbursement of four pounds for prisoners at the Hospital for the Lazaretto at Tracadie

Ordered that a Copy of the communication from the 2nd Judge on Circuit in the Northern Division be forwarded to the Commissioners of the Lazaretto at Tracadie

Read the reference to the letter, under date the 4th Ultimo, from the 2nd Judge on Circuit in the Northern Division submitted to Government with the proceedings of the Term holden on the 20th of the same month, that Council resolve to recommend that Government may be pleased to sanction the monthly disbursement of four pounds on account of the cost of a building taken by the Criminal Judge at Tracadie for the purposes of an Hospital.

Ordered that Copy of the communication from the 2nd Judge on Circuit

31st December 1816.

December 1816.

Read letter dated 12th Instant,
from the Dist. Judge 4th Circuit in the Northern
Division - Transmitting 2d Supplemental
Niagara Statute & Calendar for the 2d Sessions
of 1816.

250

Harcenter No 7361

R.J.