1876

Soupdaire
Proceedings
for
1809.

32

2d January 1809

of the Cazee-ool-Cozat and Mooftees afo-
said; and under the direction given by the
sentence of Bekosiut pronounced against
the prisoner Gooroonadeu, do adjudge the
the prisoner Gooroonadeu aforesaid to
suffer death by being hanged at the usual
time and place of execution -

Sent following letter

To the 3d Judge of Circuit in the Southern Division -

(Here enter A)

The Register lays before the
Court trial No 23. from the Judge of
Circuit in the Zilla of Cuddapah - re-
2d Sessions of 1808.

From the 3d Judge on Circuit in the Centre Division - refer-
his proceedings in case No 23
on the Cuddapah calendar.

(Here enter No 14)

The Court having duly
the proceedings held before them the Judge
Circuit, the Futwa of the Pool Provincial
Officer, and the Futwa of the 1st the Cazee
Coozat and Mooftees of the 2d the Fouj
Adalut, are pleased to confirm
said Futwa of the Cazee-ool-Coozat
Mooftees aforesaid, and award under

2d January 1809

of Section XV. Regulation VIII. A. D. 1802
to sentence the prisoner Gollah Condoo
to suffer death by being hanged at the usual
time and place of execution -

And the Court acquitting
the prisoner Sirradoo direct his release.

Sent following letter

To the 3d Judge of Circuit
Centre Division -

(Here enter B)

The Register lays before the
Court trial No 4. from the Judge on Circuit
in the Zilla of Chittoor - in the 2d Sessions
of 1808 - with remarks of the Cazee-ool-Coozat
and Mooftees of the Foujdaree Adalut, shewing
cause for its revision -

Remarks of the Law Officers on trial No 4. on the calendar of Chittoor

(Here enter Remarks)

The Court direct that the
proceedings on the above trial be returned
and Mooftees of the Foujdaree Adalut, shewing
cause for its revision -

Remarks of the Law Officers on trial No 4. on the calendar of Chittoor

(Here enter Remarks)

The Court direct that the
proceedings on the above trial be returned
to the 3d Judge in the Centre Division, to

2d January 1809.

such further evidence thereunto as answer
be re-transmitted for the final sen
of the Fouzdaree Adaulut.

Sent following Purport.

(Here enter C)

To the 2d Judge of Circuit
Centre Division

Thursday
5th January
1809.

F. H.

Sessions of the Court of Fouzdaree

Adaulut

Present.

Charles Maxtone Esq^re ——— Act. 1st Puisne Judge

Andrew Scott Esq^re ——— Puisne Judge

Law Officers.

Moulvee Moostufa Alee Khan Bahadoor

Cazee-ool-Cozzaut.

Mohummud Ameer Ollah ——— } Mooftees.

The Register lays before the
Court trial N.6. from the Judge on Circuit
in the Zilla of Chittoor — in the 2d Sessions
A. D. 1808 ———

From the Judge on Circuit
Centre Division — Proceedings
in case N.6 of the
Chittoor Calendar

(Here enter N)

The Court having maturely
considered the proceedings of the Judge on
Circuit, the Fatwa of the Provincial Law
Officer, and the Fatwas of the Cazee-ool-
Cozzat and Mooftees of the Fouzdaree

the following letter from the Third Judge of Circuit in the Western Division, transmitting copy of the calendar received from the Magistrate in the Zilla of Canara — with sundry documents explanatory of cases therein contained

(Presented No. 632)

The Register laid before the Court the following letter

(Presented No. 630)

The Register laid before the Court the following return from the Magistrate in the Zilla of Guts to the Court's precept of 9th Augt

(Presented No 660

The Register laid before the Court the following letter

(Presented No 680)
(Presented No 656
(Presented No 657
(Presented No 658

The Register laid before the Court the following letter from the Third Judge in the Western Division — submitting the favorable consideration

the Court the petition of Villoo-pakien Teagarajien; a convict confined in the jail of the Zillah of Combaconum, pursuant to the sentence of the Foujdarry Adawlut dated 21st Feby 1806 in the case of

Bamboo Goorooval & others

versus

Annagooroovil —
Peramroy Igatary —
Villoopakien Teagarajien —
Mootiah Moodaly — and
Ramenda Moodaly.

(Presented No. 654)

The Court, entertaining a doubt in respect of the mode of proceeding on the prayer of the petition submitted. —

Ordered that the above letter and that the petition do lie on the table

local Regulations the superintend
judicial authority, which had be
vested in the Commanding Office
the Force, in Mysoor, was revoked;
not any provision was made wit
reference to such sentences of the
former criminal Court, as had n
received his confirmation. The
sanction of a superior authority
essential in the acts. It could not
given by the Commanding office
the forces, because he was no long
competent to the exercise of any
judicial power whatever. And
Court of Circuit for the Western Divi
whose jurisdiction had been ab
to the Town & Island, was not le
incompetent to take cognizance
the cases, by reason of the wide di
=nce between the rules, by whic
proceedings were regulated, and
that had regulated the proceedi
the former criminal Court. For w
on the one hand it was contrary
principles of natural justice th
the cases so depending and und
=ed at the time when the reg
=gulation was enacted, should
judged by the tenor of any othe
rule, than those previously in fo
it was on the other hand impo
that the Court of Circuit should

F. C.

Can. 10th 1809

those preceding rule, to the cases, o
proceed
that it should in any case
in pursuance of other principles, than those
directed by the existing Regulation

Hence it has appeared to the
Court to be just and necessary, with
a view to make provision for
the cases of all prisoners
so circumstanced – that the Court
of Circuit in the Western Division
and this Court should by an express
Regulation be empowered to
determine such cases
in language agreeably to the rules, which
were in force at the period of their
commitment

And a Regulation having
been prepared accordingly, the
Court direct that the draft be
transmitted to the Secretary to the
Government in the Judicial Depart
=ment, for the purpose of being laid
before the Honorable the Governor
in Council, with the request of the
Court that, in the event of its meeting
the approbation of the Governor
the Regulation may be printed and
promulgated at an early period,
in order that the Judge on Circuit
may be enabled to act upon it
at the ensuing session for the

38. Poontotatil Kolanda Nelen —
35. Veeran Kootty — . — —
36. Koonegan Toddail Nankar-
37. Nettan Pokar Agatha Ally-
38. Cottakel Cottangara Cootty Ipen-
39. Peediakel Cunhy Moideen —
40. Chinganankat Cayamoo —
41. Pallicaparambil Moideen Kootty
42. Patayel Cunhy Moideen —
43. Corapanambata Narachen —
44. Celean Chandoo Cootty —
45. Pookonadata Thoy —
46. Koycodden Ketil Mamoo —
47. Poolayany Koran —
48. Kalupadanail Paky —
49. Nagadran —
50. [illegible]
51. Kapeng Tepay —

and

52. Powany Terewatha Chattoo — 6 Lyes

ORDERED that notice of the aforegoing order be communicated for the information of the Magistrate for the Zillah and Island of Seringapatam — who is to state for the information of the Court whether the Magistrate has in the prosecution of the objects referred to in his letter, employment which might be found for a further number of convicts — and to what extent — in addition to the fifty two directed to be transported from the Talea of South Malabar.

To the Magistrate in the Zillah of South Malabar — Sent following Precept

(Here enter E.)

To D.J. of Seringapatam — Sent following letter

(Here enter F.)

E. F.

Extract of the Proceedings of the Court of Circuit & Adawlut

Friday — January 13th 1809. Present

The Hon. Henry Harrington, Esqr. Chief Judge.
Charles Maltass, Esqr. — 1st Puisne Judge.
Archd. Scott, Esqr. — 2nd Puisne Judge.

The Register laid before the Court the following letter from the Senior Judge at the Southern Division dated 7th Instant.

From the 1st Judge on the Southern Div. requests the Court will permit the 3 Judges to proceed on Circuit —

(Here enter No. 6)

The Senior Judge, for the reasons assigned in his letter, requests to be relieved from the duty of holding the Adawlut assigned to his Court during the first session of the current year; and states that the Third Judge has offered to undertake the discharge of that duty.

The Court consider that the circumstances, which have induced the Senior Judge to solicit permission to remain at the Seat of Government, render it reasonable that his request should be complied with.

Resolved therefore that in conformity to Section II. Regulation VI. A.D. 1808, the Senior Judge's letter be submitted for the information of the Government, with the recep-

aforesaid, are pleased to confirm the said Sentence of the Cazee-ool-Cozzat and Mooftees aforesaid, and do direct that the prisoner Chinnapillay Vencatachellum be confined in prison until he shall have recovered the use of his reason —

Sent following letter
(Herewith B)

It is Ordered that the 3d Judge in the Southern Division be & is hereby commanded to instruct the Magistrate in the Zilla of Madura to report from time to time to this Court of Circuit upon the state of mind of the prisoner Chinnapillay Vencatachellum, sentenced under this date to be confined in prison until he shall have recovered the use of his reason — and that the Magistrate be charged on no account to release the said prisoner without the especial permission of the Registrar Adawlut obtained through the Court of Circuit

Sent following Packet
(Herewith C)

The Register begs before Court Trial No 56. from the Judge

16th Jan. 1809.

F. C.

Circuit in the Zilla of South Malabar — in the Sessions of 1808 —

(Herewith No 398)

The Court having duly weighed the proceedings before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozzat and Mooftees of the Foujdaree Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Cozzat and Mooftees aforesaid; and under the discretion vested in the Court by the sentence of Bahadur pronounced against the prisoner Chonga Pookerry Vonea Koonjen do adjudge that the prisoner Chonga Pookerry Vonea Koonjen aforesaid 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 space of his natural life.

Sent following letter
(Herewith D)

The Register begs before the Court Trial No 57. from the Judge on

17th January 1809.

Nellore.

From the Judge on Circuit Northern Division
Submits Copy of the Calendar of Prisoners
for trial at Nellore —

(Presente N° 11)

Happening to the Court, on a review of the calendar submitted that the Judge on Circuit in the transmission thereof, has not adverted to the orders issued, under date the 20th September, 1808, to the Judge late on Circuit in the Northern Division — the Court direct that the calendar be returned, in order that the exigence of the said orders may be complied with.

And with respect to the letter giving cover to the calendar the Court have to observe that due attention has not been paid to the rule for regulating the communication of the Government & Commercial general information by Mr. Secretary Greenway's letter of the 22d June.

Ordered that extract of these proceedings be sent for the information of the Judge on Circuit

To the Judge on Circuit in the Northern Division

Sent following letter

(Presente B)

The Register lays before the Court the following letter from the Magistrate in the Zilla of Vizagapatam submitting a list of convicts in jail under sentence of transportation to another district

To the Magistrate of Vizagapatam

(Presente N° 5)

17th January 1809.

(...nished) to another district —

The Court direct that the Magistrate be by precept directed to send the convicts Cavoopoon of Edaveddy — Cavoopoon of Vellamadaw — Naumon of Pulicamputty — Audenaiy of Cavecampoleam — Cattaun of Pareacottah — Naumon of Ambelica and Keerattay of Pulepauoo — with a calendar & other necessary documents of their crimes and sentences — to Seringapatam: — and the Magistrate for the town & island of Seringapatam will be by precept commanded to enforce the sentence passed on the said convicts; and required to make his return thereto within three days from and after their arrival within his jurisdiction.

Sent following precepts

To the Magistrate of Town and Island of Seringapatam

(Presente C.)

(Presente D.)

The Register lays before the Court the following letter.

(Presente N° 3)

From the Magistrate of Chingulpet — transmits a List of Convicts for transportation —

Moofties aforesaid; and do sentence the
prisoner Shekha to suffer death by being
hanged at the usual time and place of
execution.

Sent following letter.
(Vide enter A.)

The Register lays before the
Court trial No 56. from the Judge of
Circuit in the Zilla of Chittoor in 1st
Sessions A. D. 1808.

(Vide enter No 149)

The Court having duly considered
the proceedings of the Judge on Circuit, the
Futwa of the Provincial Law Officers, and the
Futwa of the Cazee-ool-Cozzat and Moof-
ti the Sunjdaree Adalut, are pleased
to confirm the said Futwa of the Cazee-ool-
Cozzat and Mooftees aforesaid, and under
the discretion given by the sentence of Nizam
Court pronounced against the prisoners Dun-
catapilly, Hoosain Saib, and Saib Cassim
and the operation of Clause 2nd, Section
II. Regulation XV. A. D. 1803. do adjudge
that they the prisoners Dundatapilly,

Hoosain Saib, and Saib Cassim aforesaid
released on their finding sureties and sufficient
security for their future good behaviour
and appearance when required.

And the Court acquitting the
prisoners Shaik Mahomed, Pakeer
Mahomed, Mokeen Saib, Shaik
Emam, and Bala Shaik Emam,
do direct their release according ly.

Sent following letter.
(Vide enter B.)

The Court having observed from
the proceedings on trials No 56 and 57 of the
Chittoor Calendar in the last Sessions A. D.
1808 — that the prisoners therein named were
apprehended by the Police Officer Goroodapah
Saib on the grounds of mere uncertificated
reports; that it does not appear by whom those
reports were made, nor how they originated;
that there is not the slightest evidence upon
that the murders and robberies charged against
the prisoners were ever committed; and that
from the proceedings before the Judge on trial
it is sufficiently clear that the confessions
made by the prisoners to the Police Officer
aforesaid were extorted from them —

ing

Magistrate instructed them to sue
Zemeendar for a civil satisfaction
damages; but declared the ma
=tion of the magisterial authority
=pect the outrages, by which they had
injured, and under which they we
still suffering.

That the Petitioners had
private remedy for the injury by
sustained as individuals, is sup
=ciently certain: But the aggres
ought to have been compelled to
ample satisfaction, as well for
public wrong, as for the private inj
and, on receiving their complaint,
became the positive duty of the M
Magistrate to proceed
manner directed in Regulation
N. 8. 1802, for disturbing the public
and offending against the public

The circumstances of the
required that the interference
acting Magistrate should be pro
and the measures adopted thereon
been to arrest
both him and others from a repe
of the offence.

If no such steps were take
the acting Magistrate; if, as
Petitioners alledge, he refused
entertain their complaint, the
hold that that officer has not
his duty under the Regulation

Ordered that the pe

addressed to the Magistrate of Manulipatam
therewith transmitted with
with the petition the endorsement of the Provincial Court of Appeal
and Circuit — be transmitted to the Judge
on Circuit in the Northern Division, by
precept commanding that, in his review
during his
of the Magistrate's proceedings, he do pay
especial attention to the Gaol of Manulipatam, he do particu
=larly advert to that part of the record
of the Magistrate's office, containing the
charge exhibited by the petitioner against
the Zemeendar; and that he do report
any irregularity, which he may find
therein, for the information of the Court.

Sent following Precept.

To the Judge on Circuit in the N. Div.

(Here enter N. 7)

The Register lays before the
Court the following letter.

(Here enter N. 8.)

From the Magistrate in South Malabar —
Limits of Gaol Prisoners who have escaped
from the jail at Tellicherry —

(Here enter N. 9.)

From the Magistrate of Chingulpet transmits
report of prisoners in the Depôt for transportation

(Here enter N. 10.)

From the Magistrate of Salem —
transmit any Convicts in his jail for banishment
transportation —

(Here enter N. 21.)

From the Magistrate of Chingulpet
transmits a list of prisoners in the depôt for
transportation —

The Register lays before the
Court the following letters from the
Judges of Circuit — with returned warrants
of execution in the cases undermentioned.

N. 39. N. Malabar — 1. Sessions 1800.
N. 46. Cuddapah — Do Do.
N. 6. Chittoor — 2d. Sessions 1800.

From the 3 Judge in the W. Div. N. 22. Cuddapah — Do — Do —
transmits returned Warrant of executions in
Case N. 39. on the Calendar for North Malabar
Sessions 1809 —

(Here enter N. 14.)

From the 2d Judge Centre Division —
transmits returned Warrant of executions in Case
N. 46. on the Cuddapah Calendar 1st Sessions 1809.

(Here enter N. 15.)

From the 3d Judge in the Centre Div. transmits
returned Warrant of execution in Case N. 6 on
the Chittoor Calendar —

(Here enter N. 20.)

(Here enter N. 22.)

The

the Court the following letters from the Judges of Circuit with returned warrants of execution in the cases undermentioned

No. 14. South Malabar — 1st Sept. 1808

No. 23. Cuddapah — 2d Sept. 1808

From the 3 Judge Mr. Dr. — returns Warrants of execution in Case No. 14 on the South Malabar Calendar 5th Sept. 1808 — (Vide entry No. 26)

From the 3 Dr. C. — Dr. transmits returned Warrant of Executions in Case No. 23. on the Cuddapah Calendar 2d Sept. 1808 — (Vide entry No. 29)

The Registrar lays before the Court the following letters

From the Magistrate of Chingleput — transmits a List of Convicts in the Dept for transportation — (Vide entry No. 27.)

From the Judge on Circuit C — Dr. — reports the Arrival of the Court of Circuit at Bellary — (Vide entry No. 25)

The Registrar lays before the Court the following letter from the Magistrate in the Zilla of Tinnivelly dated 16th [illegible]

From the Magistrate of Tinnivelly — states he does not [illegible] employment for 200 Convicts — whom he proposes should be transported to Ceylon from Darapooram — (Vide entry No. 19)

The Magistrate submits the state of the roads in his jurisdiction require an additional number of convicts to enable him to effect their improvement & repair; & requests that two hundred of those confined under sentence in the jail of Darapooram may be transferred to his custody, stating that the number of convicts in that Zilla exceeds the means possessed by the Magistrate of employing them, and that their mutinous spirit has disposed him to desire the removal of a part of them to another Zilla

The Court have noted [illegible]

from the Magistrate of Darapooram any information of the circumstances depended to by the Magistrate in the Zilla of Tinnivelly; and they consider that those facts should have been made known to them by that Magistrate. He will therefore by precept be called upon to report the state of his convicts' jail; the means he has of giving effect to their sentences; and to what extent he considers a removal of them to be necessary.

It appearing from the Magistrate's last report of Prisoners confined under sentence, dated 31st October, that there were at that date 352 convicts in his jail, which number has, however, been since diminished by execution of the sentence of banishment passed on seven: —

The Court, in compliance with Mr. Lathom's request, are pleased to direct that the Magistrate of Darapooram be by precept commanded to send the several convicts undermentioned to Tinnivelly, with a calendar and other necessary documents of their criminal sentences, viz.

Names —	Period of Imprisonment
1. Marakal —	14 Years.
2. Sunja Goor —	
3. Palany Barber —	
4. Maroodey of Chetty polam —	10 Years.
5. Comlyanna of — Do —	
6. Chinnan — of — Do —	
7. Chinnan of Candivon —	9 Years.
8. Vuttamalay of Do —	
9. Permaul of Cancoyandy —	

Magistrate for his guidance in form
the police, which he has been direct
establish, cannot judge of the prop
of his deviation from them in
instance reported, with reference to
circumstances than those adverted
his letter.

The inconvenience to trav
that might be expected to result upo
absolute want of some description
public officer at the several stati
named by the Magistrate, indeed
(but to consider the measure he
adopted) to be not only of great pub
utility, but also highly necessary i
the moderate scale of the allowance
fixed for the persons employed appe
to render the establishment unexcep
able in point of expence.

The Court beg leave therefo
to recommend that the Honorable
Governor in Council may be plea
to sanction, as a temporary expe
the establishment of centrals at C
patam, Bimlipatam, Conado
(opilly, Timpipilly, Nattadar
Pentacottah, conformably to the
submitted by the Magistrate.

Concerning the other po
stated of in the letter referred,
Court have the honor to refer
the information of the Honorable
Governor in Council, that in co

deration of the peculiar circumstances
of the hill-gurnee cadaveer, and the
experienced forwardness of the inhabit
ants to afford assistance in bringing
offenders to justice, they concur in opin
ion with the Magistrate that it is not
desirable that any attempt should at
present be made to introduce a plan
of police in those countries.

Ordered that a transcript of these
proceedings be ~~transmitted~~ transmitted
to the Secretary to the Government in the
Judicial Department.

Sent following letter
To the Secretary to Govt in the Judicial Depart (Here enter D.)

The Register lays before
the Court the following letter from the
Magistrate in the Zillah of Canara —
transmitting extract from the proceed
ings of the Court of circuit in the case of
the prisoner Poorayle Ramen & Poona
chary Chandoo for arson, on the prose
cution of Mallia Cannen, Cherria Cannen
and Chatan; — with copy of a precept
from the Judge, commanding him to take
measures for procuring authority to tender
a conditional pardon to the prisoner
Poorayle Ramen with a view to commit
the prisoner Poonachary Chandoo, the
principal in the offence.

(Here enter No 39 of 1808)

To the Magistrate in North Malabar
requests Authority to tender conditional pardon to the
prisoner Poonay be Ramen No 10 on the Calendar —

of Government liable to be called up
to carry on criminal prosecutions; a
4th. because the Collector himself pos
the means of bringing offenders to jus
thro' any of his own servants.

The Court, on a review of
papers referred, observe that what
consideration the objections rais
by the Magistrate, might be entit
to receive in the discussion of the qu
– if that were now open – regard
the expediency of employing ordi
of Government to sue for the punish
of crimes, which the Government is
=cerned to have punished, those ob
=vions can claim no sort of attent
when the Court hold it to be estab
that those officers are obliged by
duty of their offices to superinten
procedure in all suits and matte
whatsoever, in which the Govern
may have occasion to appear bef
any of the established courts of judi
=diction whether of civil or of criminal jur

And the Court further h
that the rule for the conduct of ord
of Government, contained in Regul
X. of 1802, requiring that in their c
=city of pleaders for Government
shall not undertake the prosecu
of any suits at the public expen

without a special order for that purpose
immediately from the Governor in Council,
or from any officer empowered by Regu
=lation to superintend such suits, and
furnish them with instructions for the
conduct of them – is not applicable
to criminal prosecutions. Such pros
=ecutions cannot be attended with
expence to the public, beyond what is
common to all prosecutions under
section XXVI. Regulation VI, 1802. The
employment of the vakeel of Government
can occasion none. He receives a
monthly salary from Government; and
has no claim whatever to individual
remuneration: nor can remuneration
for carrying on a criminal prosecution
be in any case allowed to him.

It forms a part of the function
of a vakeel of Government to undertake
the prosecution of all suits, which it
concerns the Government to institute
in any court having a jurisdiction
in criminal matters; and he requires
no higher authority for commencing
them than that of the Magistrate, or
the Collector, Commercial resident,
or other public officer of the Govern
within whose department the matter
lies, with regard to which the offence
to be prosecuted, is alledged to have been
committed.

Ordered that extract of the

F. H.

1st Session of the Court of Fouzdaree
Adawlut

Present.

James Henry Casamajor Esq^r — Chief Judge -
Andrew Scott Esq^r — Puisne Judge -

Monday
6th Feb.y
1809.

Law Officers -

Moulvee Moortuza Mee Khan Bukadoor
Cazee-ul-Cozzat.

Mohummud Ameer Bullah — 2 Mooftees -
Mohummud Aboo — 2

The Register lays before the Court trial No 4. from the Judge on Circuit in the Zilla of Bellary - in second Division A. D. 1808 -

From the 3d Judge Centre Division re[fer]ring his proceedings in case No 4. on the Bellary Calendar 3d Div.n 1808 -

(Here enter No 1)

The Court having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ul-Cozzat and Mooftees of the Fouzdaree Adawlut, are pleased to confirm the said

Fatwa of the Cazee-ool-Cozat and Mooftee aforesaid, and under the Sobordinate pronounced against the prisoner Hoonoor Reddy do sentence him the prisoner Hoonoor Reddy aforesaid to be imprisoned and sent to transported 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 span of his natural life.

To the Third Judge in the Centre Division — Sent following letter. (Vide enter A)

The Register lays before the Court trial No. 12. from the Judge's Circuit in the Zilla of Vizagapatam in the Second Sessions A. D. 1808.

From the 2d Judge Northern Division — refers his proceedings in case No. 12 of Vizagapatam Sessions 1808 (Vide enter No.)

The Court having duly weighed the proceedings before the Court of Circuit the Fatwa of the Provincial Law Officer and the Fatwa of the Cazee-ool-Cozat and Mooftee of the Zuzidaree Adawlut are pleased to confirm the said Fatwa of the Cazee-ool-Cozat and Mooftee

aforesaid, and under the discretion given by the sentence of Cazee do adjudge the prisoner Mahomed Sahib to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the span of two years.

To the Third Judge in the Northern Division — Sent following letter. (Vide enter B)

The Registe lays before the Court the following letter from the Third Judge in the Southern Division with returned warrant of executions in case No. 16, Tinnevelly calendar 2d Sessions, 1808.

From the 3 Judge Southern Dn transmits returned warrant of executions in case No 16 Tinnevelly calendar 2 Sessions 1808 — (Here enter No. 34)

The Registe lays before the Court the following letter from the Magistrate in the Zillah of Combaconum dated 31st ultimo.

From the Magistrate of Combaconum enquires whether Magistrate are bound to receive Charges of perjury preferred by parties in Civil Suits against their own Witnesses or those of the adverse party — (Here enter No. 33)

The Magistrate requests to be informed, whether he is bound to receive a charge of perjury preferred by parties in civil suits against their own witnesses, or the witnesses of the adverse party.

The Court, considering that if the right of parties in civil suits to bring forward accusations of the nature referred to, were admitted, it would be liable to continual abuse, and that unfounded charges would frequently be preferred in cases where the evidence of witnesses did not establish every point, which they had been brought to prove — whereby persons of respectability would be deterred from coming forward to give their testimony on oath in the courts of justice;

10th Feb.y 1809.

of opinion that it should be left entirely to the discretion of the judge to determine when any witnesses brought before him are guilty of perjury, which he may always be able to do by cross questioning them minutely, and by confronting them, when necessary, with the witnesses of the adverse party: — and that the magistrate should not receive any charges of perjury, which may be preferred by parties in civil suits, either against their own witnesses, or against the witnesses of the adverse party, or of subornation of perjury against the adverse parties in such suits.

Ordered that extract of these proceedings be sent for the magistrate's information.

Sent following letter

To the Magistrate in the Zillah of Combaconum (Here enter C.)

The Registe lays before the Court the following letter from the Magistrate in the Zillah of Cuddapa dated 3d Instant.

From the Magistrate of Cuddapa states having apprehended a Native Charged with a robbery committed at Madras & requests instructions respecting the procedure against the prisoner — (Here enter No. 37.)

The Magistrate reports having apprehended Rammoodoo, alias

truth of a declaration taken before the magistrate, whereby the prisoner criminated himself; and recommend him as an object for mercy, in the event of his being convicted on the ground of the confession made under expectations encouraged by this promise

The Court direct that the Magistrate be by precept called upon for a specific statement of the extent of the appointments held out to the prisoner Sheikh Bada: — and that he be instructed for his guidance in future, that recommendations of the nature of that now laid before the Court, should be made — not subsequently to the trial of the cause before the Court of Circuit, when to the public, they can be of no avail — but antecedently thereto, with the object of them, viz: the conviction of principal offenders, might be obtained, for it is obvious to remark that Section XX. Regulation VII A.D. 1802, must be unclasped aboard, as the Magistrate seem to suppose it were impossible to get testimony the evidence of an accomplice against his associates.

Sent following precept

To the Magistrate in the Zella of Chettoor — (Annexture C.)

Monday 13th Feb.y 1809.

Sessions House Fort St. George

At a Session of the Court of Circuit Adalat.

Present.

James Henry Casamajor Esq.r — Chief Judge.

Andrew Scott Esq.r — Puisne Judge.

Law Officers

Moutuswe Mootuppa Alee Khan Bahadoor. Cazee-ool-Cozat.

Mahummud Moorad — Mooftee.

The Register lays before the Court the Records of the Proceedings of the Judge on Circuit in the Zilla of South Malabar — in second Sessions A.D. 1808.

From the Judge on Circuit in the Western Division of South Malabar 2.d Sessions of 1808. (Vide enter No.)

The Court having duly weighed the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Cozat and Mooftee of the Fougdaree Adalut, as pleased to confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and under the discretion given by the sentence of Bokos-ee Court, do adjudge that the prisoner

until the completion of the work, which he has undertaken to perform.

The order, issued by the Court under date the 3d. Ultimo, for the removal of fifty one convicts from the custody of the magistrate of Darapooram, to that of the magistrate of Trichinopoly, were passed under an impression, excited by information laid before them by the latter magistrate, that an immediate transfer had become necessary in consequence of the mutinous spirit they had evinced to escape from confinement and further because it was stated, that the number confined exceeded the means possessed by the magistrate of employing them.

It appearing to the Court, by the return now made by the Magistrate of Darapooram, that all the convicts in his jail are not only fully and usefully, but also necessarily employed in the construction of a new jail which is said to be in such a state of forwardness, as will have enabled the magistrate to avail himself of its accommodation on removing the convicts from their former temporary and insecure place of confinement — the Court are pleased to direct that the execution of their order of the 3d Ultimo be suspended: and, in consideration of the circumstances stated by the magistrate, regarding the extent and security of the new jail, the Court will not require compliance with the exigence of their precept, at the fulfilment of Mr. Sozer's contract, unless it should appear on a representation from the magistrate, that he has not the means of employing his convicts, and that a removal would on that or any other account be expedient or necessary.

Ordered that extracts of these proceedings be sent for the information of the magistrate in the Zilla of Darapooram.

And the Court direct that a letter be addressed to the magistrate of Trichinopoly — with intimation that the Court expect he will in future take pains to ascertain the whole facts and circumstances of the case, before he recommends any measure for their adoption.

Sent following letters.

P. to Magistrate in the Zilla of Darapooram (Percuta A)

P. to Do of Trichinopoly (Percuta B)

The Register laid before the

Pengados, and the operations of Clause Second, Section IV. Regulation XII. A. D. 1803. do adjudge him the prisoner Chinna Pengadoo aforesaid to be imprisoned and transported to Prince of Wales' Island there to be kept to hard labour in irons on the publick roads or other publick works for and during the space of his natural life –

And the Court acquitting the prisoners Lutchegadoo and Kunhadoo, do direct their release accordingly –

Sent following letter.

To the Third Judge in the Centre Div.n

(Vide enter No.)

The Register lays before the Court trial No. 26. from the Judge on Circuit in the Zillah of Bellary – in 2d Sessions A. D. 1808.

From the 3d Judge in the Centre Division referring his proceedings in Case No. 26 on the Bellary Calendar —

(Vide enter No. 452)

The Court having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mosties of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Cozat and Mosties aforesaid; and under the distinction given by the sentence of Cazees, do

adjudge that the prisoner Durvaskar Nakoo be imprisoned and transported to Prince of Wales' Island, there to be kept to hard labour in irons on the publick roads or other publick works for and during the space of his natural life –

Sent following letter.

To the 3d Judge in the Centre Division

(Vide enter)

The Register lays before the Court trial No. 57. from the Judge on Circuit in the Zillah of South Malabar – in 2d Sessions A. D. 1808 –

From the 3d Judge of Circuit in the Western Div.n referring his proceedings in Case No. of the South Malabar Calendar —

(Vide enter No. 408)

The Court, having duly considered the proceedings before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mosties of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Cozat and Mosties aforesaid, and do sentence the prisoner Pakkanelata Kelloth to suffer death by being hanged at the usual time and place of execution –

The Court, however, considering that the homicide, of which the prisoner stands convicted, did not arise from malice aforethought

+ — under the authority vested in them by Section XIV Regulation VIII. A.D. 1802.

but that it was committed under the influence of sudden resentment produced by the abusive words and conduct of the deceased; & that all the proceedings on the trial be transmitted to the Chief Secretary of Government in the Judicial Department for the purpose of being laid before the Hon.ble the Governor in Council — with the Court's recommendation that the sentence of death passed upon the prisoner Vaddanchatta Nainen be commuted into imprisonment and hard labour in irons on the publick roads or the publick works for and during the space of seven years.

Ordered that an extract of these proceedings be transmitted with the above trial to the Chief Secretary of Government in the Judicial Department.

Sent following letter —

To the Secretary to Govt in the J.: Dept.

(True extr.: C)

The Court by their sentence under this date, have directed the release of Vaddanchatta the prisoner, in case No 15. on the Criminal Calendar — 9th Sessions A.D. 1808 — on the ground of the inadmissibility of his former confession by reason of his tender age; but having ascertained that the prisoner aforesaid was in company with the persons who committed the

assault and robbery on the prosecutor; they are pleased to direct that the Judge ~~on the Circuit in the Centre~~ who presided at the trial be by precept required to instruct the Magistrate in the Zilla of Chittagong solemnly to admonish the prisoner Vaddanchatta aforesaid previous to his being released —

Sent following precept.

(The 3d Judge in the Centre Division — True extr.: D)

F. A.

At a Session of the Court of
Tuesday, Fort St. Georges Ordinary.
14th March, 1809 Present
James Henry Casamajor, Esq.t - Chief Judge.
and Andrew Scott, Esq.t ——— Puisne Judge.

The Register laid before the Court the following letter from the Secretary to Government in the Judicial Department, dated 8th Instant — transmitting copy of a letter with enclosures from the Magistrate in the Zillah of Vizagapatam, wherein he reports having committed for trial, pursuant to the provisions of Regulation XX A.D. 1802, several persons charged with Offences against the State; and communicating the desire of the Governor in Council that the Court will be pleased to make the necessary arrangements for their trial before the Provincial court of Appeal and Circuit at Masulipatam.

(Vide entry P. 92)

From the Secretary to Govt Judicial Department
With Copy of Letter from the Judge of Vizagapatam
reporting the Apprehension of Several persons
Charged with Crimes against the State —

The Court beg leave to submit to the consideration of the Honorable the Governor in Council, that as it is represented by the Magistrate of Vizagapatam to be of importance to the permanent security of the district, that the prisoners should be brought to an immediate trial, and as the Provincial court cannot, without an inconvenient interference with the jail deliveries in the Northern Division, be expected to be complete with three Judges

Circuit

until an advanced period in the month of June - it may be expedient to convene a special court at Masulipatam for the purpose of trying the several delinquents in question.

And the Court further beg leave to state for the information of the Honorable the Governor in Council, that on the Law Officer attached to the Northern Provincial Court having proceeded on the circuit with the Senior Judge - it may be advisable, under the rule contained in section II. regulation XX 1802, respecting the constitution of special courts, that a Law Officer should be appointed to act with the Law Officer remaining at the Presidency station.

Ordered that extract of this proceeding be sent to the Secretary to the Government in the Judicial Department.

And the Court direct, in order that the Special Court, when assembled, may experience no delay in proceeding upon the trials of the several persons to be brought before them, that the Magistrate of Vizagapatam do by precept command forthwith to transfer the prisoners to the charge of the Magistrate in the Zillah of Masulipatam, who will be by precept instructed to receive them into his custody, and to obey such orders respecting them as may from time to time be issued by the Judge of the Special Court.

Sent following letter

To the Sec^y to Govt - Judicial Department - (Presented A)

Sent following precepts

To the Magistrate of Vizagapatam - (Presented B)

To the Collector of Masulipatam - (Presented C)

The Court having considered it to be necessary that provision similar to that comprised in sections XXIII, XXIV, XXV and XXVI of regulation III. 1802, for the punishment of resistance to the processes of the Zillah civil courts, should be extended to the criminal courts, and that provision should be made for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the processes issued against them: - and the Court being also of opinion that it is advisable that the reward prescribed by section XXIII, regulation VI, 1802, to be paid for the apprehension of every dacoit or robber, upon his conviction, should be extended to all robbers and persons concerned in any dacoity or night or day attack on any house, village, or town, and in robbing or setting fire to, or attempting to rob or set fire to, such house, village or town - the Court have directed the requisite alteration

Thursday.
16th March.
1809.

From the 3 Judges in the S. Sessions
to Mr Ashe's proceedings in Case No 2. on the
Salem Calendar D. Session 1808

P. M.

At a Session of the Court of Singapore Adawlut.

Present.

James Henry Casamajor Esqr — Chief Judge.
Andrew Scott Esqr — Puisne Judge.

Law Officers.

Moulavee Moostufa Ala Khan Bahadoor.
Cazee-ul-Cozaat.

Mohammud Mosa — Mooftee.

The Register lays before the Court trial No 2. from the Sessions Calendar for the Zilla of Malacca No 2. Sessions No. D 1808.

(Vide enter No. 332.)

The Court having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ul-Cozaat and Mooftees of the Singapore Adawlut, are pleased to confirm the said Futwas of the Cazee-ul-Cozaat and Mooftees aforesaid, and under the operation of Clause first, Section IV. Regulation XV. A.D. 1803, to sentence the prisoners Shaick Thopain and Shaick Eunoos to suffer death by being hanged at the usual time and place of execution.

Under the operation of Clause fifth

The Court having duly considered the proceedings of the Judge on Circuit, the Fatwa of the Provincial Law Officers, and the Fatwa of the Cazee-ool-Coozat and Mooftees of the Fouzdaree Adalut, are pleased to confirm the said Fatwa of the Cazee-ool-Coozat and Mooftees aforesaid, and do sentence the prisoner Goody Wadoo to suffer death by being hanged at the usual time and place of execution.

And the Court, under the Bokoshut pronounced against the prisoner Narayana Gounder, do adjudge him the prisoner Narayana Gounder aforesaid to be imprisoned and kept to hard labour in irons on the publick roads, or other public works, for and during the space of seven years.

To the 3d Judge in the Centre Division — Sent following letter. (Here enter C)

F. F.

At a Session of the Court of Fouzdaree Adalut.

Present.

James Henry Casamajor Esqr. — Chief Judge.
Andrew Scott Esqr. —
Edward Croft Greenway Esqr. — } Puisne Judges.

Friday — 24th March — 1809.

The Acting Register Esqr. before the Court the following letters —

From the Magistrate of Cuddalpa — States having sent Ramoodoo Chetty & others robbery at Madras to the selling Justices — (Here enter No. 93)

From the 3d Judge Wm. Dr. Returns Warrants of execution in Case No. 58. South Malabar Calendar 2d Session — 1808 — (Here enter No. 94)

From the 3d Judge of Circuit Centre Dn. transmits Returned Warrants of execution in the Cases of Collar Kancha & Baliya Vencatapa No. 31 and 37. in the Bellary Calendar 2d Sessions A.D. 1803 — (Here enter No. 97)

From the Magistrate at Chengalpat — forwards list of prisoners under Sentence of transportation — (Here enter No. 99)

From the Magistrate at Chittoor — encloses Reports of prisoners for Feby — 1809 — (Here enter No. 100)

From the Act. Judge on Circuit Centre Dn. States that he will proceed on the 18th Instant from Cuddalpa — (Here enter No. 103)

From the Act. Magistrate at Rajahmundry — forwards Reports of prisoners for the Month of Feby — 1809 — (Here enter No. 104)

From the Acting Judge on Circuit Centre Dn. forwards the Calendar for Cuddalpa — (Here enter No. 105.)

From the Magistrate at Chengalpat — forwards Reports of prisoners for Feby 1809 (Here enter No. 106)

The Acting Register lays before the Court the following letters from the Judge on Circuit Centre Division — referring his proceedings on trial No. 2 on the Calendar of South Malabar — in 2d Sessions A.D. 1808 — (Here enter No. 4)

From the 3d Judge Wm. Dr. transmits his proceedings in Case No. 9 — 2d Session 1808 Zilla South Malabar — (Here enter No. 4)

The prisoners Thongan Nathawen and Thodroomi Chetty Pattoo are charged with the murder of Gopalia Pater in the Nidangaimed

4r Should the Government approve of the proposed additional Rules, the Judges beg leave to suggest that sanction be granted for a reprint of the original work with the Rules in question incorporated therewith.

16th April 1849. /Signed/ J. H. Davidson.
Registrar

41. Persons appointed in any commission of the Peace, may act as Justices of the Peace, upon taking the prescribed oath in any Civil or Criminal Court, whether the Officer presiding in such Court, be a Justice of the Peace or not.

x Regn. II of 1820. x 53 Geo: III Cap: 155 Sec: CXII Sec: I Act XVI of 1841.

42. Persons whose names are entered in the Commission of the Peace, are not intended to act under it, unless called upon by Government to qualify, or are required to do so by the Rules or Regulations applicable to their office. This only is in such cases that Justices of the Peace in the Provinces, who have already qualified, should administer the oaths of qualification to others.

Order of Govt. dated 6th January 1835, circulated by the S. D. on the 9th idem.

43 Although a person may have qualified to act as Justices of the Peace, by taking the prescribed Oath under Act XII of 1841, he cannot legally act while his name is not enrolled in the Commission.

S. D. Dy. 16th May 1844.

Magistrate,

44 Magistrates, Joint Magistrates and Criminal Judges in the Provinces, having duly qualified as Justices of the Peace, are empowered by Government to exercise the jurisdiction described in Sections CV and CVI, 53 Geo: III Cap: 155; except in cases arising at the Station of the Zillah Court, or where the Magistrate or Joint Magistrate is residing at such Station, in which cases, the complaint should be preferred to the Criminal Judge, and tried and determined by that authority.

x See page 918 of the Official Gazette for 1834.

Order of Government dated 23rd December 1834.

45 At the Stations of the Zillah Court, the powers of Justices of the Peace, should be exercised ordinarily by the Criminal Judge, and by the Magistrates and Joint Magistrates at other places within the limits of their ordinary jurisdiction respectively, excepting Military Stations where the Superintendent of Police is in the Commission of the Peace, at which Stations, unless they are also Stations of Zillah Courts, the functions of Justices of the Peace, should be exercised ordinarily by the Superintendent of Police.

Order of Govt. dated 6th January 1835, circulated by the C. D. on the 9th idem.

46. It is intended by the above orders that the Magistrate should exercise the powers of Justice of the Peace, at the Station of the Zillah Court, in cases of Complaints of Assault against Europeans, that may have taken place beyond such Station.

S. D. Dy. 19th October 1836.

Duteing

47. During the absence of a Criminal Judge from the Zillah Station, it is the duty of the Magistrate or Joint Magistrate, in his capacity of Justice of the Peace, to receive and dispose of cases existing at the station of the Zillah Court, and having once entered upon the investigation of a case, it is no longer competent for him to transfer it to the Criminal Judge for disposal, should the latter Officer in the meantime return or arrive at the station.

Extract Minute of Cons: dated 29th Sept: 1837, circulated by the S.A. on the 12th Oct: 1837.

48. As by Act VII of 1843 the Subordinate Judge has taken the place of the former Criminal Judge, the duty of acting as Justice of the Peace under Regulation II of 1820, belongs to the Subordinate Judge, but at stations where a Subordinate Judge is not located, it belongs to the Sessions Judge.

S.A. Pro. Circ. 4th March 1846 and
P.A. — " — 26th October 1843.

49. Justices of the Peace in the Provinces shall have Jurisdiction in Cases of Assault, trespass or other injury accompanied with force, not being felony committed by British subjects on the Natives of India; and shall punish the offender with a fine not exceeding 500 Rupees to be levied by distress; if not paid, imprisonment in some secure place, for a period not exceeding 2 months.

53 Geo: III Cap: 155 Section CV

* Reg: II of 1820.

50. If a Justice of the Peace, before whom a Perjury may have been committed, be also Criminal Judge, he is competent

competent to commit the offender to trial before the Local Court (as Criminal Judge) without the intervention of the Magistrate.

P.A. Dy. 30th May and 18th June 1842.

51. A Justice of the Peace in the Provinces, under 53 Geo: III Cap: 155, Section CV, has jurisdiction only on complaint of Natives against European British subjects; his jurisdiction beyond the local limits of the Supreme Court of Judicature, is altogether confined to the Acts and offences committed by Europeans, or committed by other subjects of the Crown at sea.

Opinion of the Advocate Gen: circulated by S.A. in C.O. No 13 dated 1st Oct: 1844.

52. A Justice of the Peace, acting beyond the limits of Madras, must proceed as regards Summary Convictions, and generally in the preservation of the peace, according to the course prescribed for Justices in England, as far it is applicable in India.

Opinion by the Advocate Gen: circulated by S.A. in C.O. No 13 dated 1st Oct: 1844.

53. A Magistrate exercising his office beyond the jurisdiction of the Supreme Court, has legally no discretion in regard to the committal or bailing for trial, any British subject charged with the commission of a petty theft, if upon the investigation before him, he is conscientiously satisfied from the evidence, of the guilt of the party charged, and the wishes of the Prosecutor cannot legally sway his determination on the subject.

Opinion of the Advocate Gen: in P.A. Dy. 31st March 1836.

A.

54. A Magistrate cannot, as Justice of the Peace, take cognizance of offences committed by Natives, against Act XVII of 1847, but should send up such cases to be tried by the Local Courts.

F. P. C. Dy. 16th March 1842.

55. In his proceedings for committing persons accused of Murder on the high seas, the Magistrate acts as a Justice of the Peace, and for his Acts in that capacity is responsible to the Supreme Court of Judicature.

F. P. C. Ro: 24th January 1816.

56. In cases of offences committed at sea, the nearest Justice of the Peace should be resorted to on disembarkation, and he, or whatever Justice of the Peace be referred to, must examine into the case in the same way as he would into any offence committed on land by a person subject exclusively to the jurisdiction of the Supreme Court, and commit the offender (or bail him) to take trial there at the next Sessions, and bind over the witnesses to attend and give evidence at such Sessions.

Opinion of the Advocate Genl circulated by the F. P. C. in C. O. dated 31st July 1834.

57 As Acts 5 and 6 William IV Cap: 19 Section 38 give only jurisdiction to 2 Justices over cases of Common Assaults committed at Sea, a single Justice can only act on his general jurisdiction as Justice of the Peace, that is, by committing parties charged before him of Crimes of any quality to take their trial

of

(if British subjects) before the Supreme Court, or holding them to bail to appear to any such charge. Such course can never be adopted except in Assaults of a felonious or of the most aggravated quality. —

Opinion of the Advocate Genl in F. P. C. Dy. 2d Feby. 1843.

58. A party charged with robbery committed within the limits of the jurisdiction of the Supreme Court, and apprehended by a Magistrate in the Provinces, should be either sent to a Justice of the Peace at Madras, or if the Magistrate has qualified as a Justice of the Peace, he may himself commit the offender for trial before the Supreme Court.

F. P. C. Ro: 10th February 1809.

59. When any person brought before a Magistrate charged with a Criminal offence claims to be a British subject, his birth and parentage, ought to be most minutely investigated.

F. P. C. 8th October 1835.

60. The powers vested in a Justice of the Peace give him no authority over the general Police of the District, nor warrant any interference with the Magistracy in the preservation of the public peace. —

F. P. C. Dy. 18th July 1832.

61 A Justice of the Peace may issue a Warrant to search the house of a European, on an affidavit, that a

European

European soldier, (a deserter) was supposed to be concealed therein.

Fort St. George Pro. 14th June 1845.

62. Fines imposed by Justices of the Peace, shall be paid in the first instance to the Magistrate, and by him transmitted to the Clerk of the Crown

* Regn. II of 1820

53 Geo. III Cap. 155 Section CV.

63. In all Acts passed by the Governor General of India in Council, the terms "fine" and "fines" extend to all "penalties" and "forfeitures," and the term "Magistrate" extends to all "Joint Magistrates," "Persons lawfully exercising the powers of a Magistrate" and "Justices of the Peace."

Act II of 1839 Section IV

64. In all actions cognizable by a Justice of the Peace, under Section CVI, 53 Geo. III Cap. 155, Bonds and other Instruments executed on unstamped papers, are admissible as evidence.

Fort St. George Dy. 24th April 1822.

65. All Commissariat officers at a Military Station are not required to qualify as Justices of the Peace, but only the Senior Commissariat Officer who alone can exercise the Police duties at such stations, under Section IV. Regulation VIII of 1832.

Fort St. George Dy. 19th February 1835.

(Signed) T. H. Davidson.

Register.

No. 346. (No. 18.)

To,

The Secretary to Government in the Judicial Department.

Sir,

1. Adverting to the Extract from the Minutes of Consultation in the Judicial Department under date the 5th July 1848. No. 1440 requiring the Fort St. George Gazette to call for Returns of all State Prisoners under the charge of the several Judicial and Magisterial Officers in this Presidency, I am directed by the Judges to submit the following Report.

2. The Magistrate of Chingleput reports that the only State Prisoner under his charge is Sutrocharla Veerabadra Ranze who was removed to Chingleput from Vizagapatam under the authority of a Warrant issued by Government under date the 2nd March 1821. This Warrant was issued in consequence of the Prisoner having been concerned in creating disturbances in the District of Vizagapatam. The Prisoner is now merely under the surveillance of a Guard of Peons. He is permitted to go where he likes during the day accompanied by one Peon, and is allowed every freedom consistent with his safe keeping. The Prisoner's conduct has always been respectful, subordinate.

3. The Magistrate of Bellary has the following Prisoners in confinement or under surveillance.

Ramchy

namely.

In Confinement.

1st Moozuffer Khan Ex-Nabob of Kurnool.

2d Pedda Juggiah (Female) of the Polemdah Family.

3d Dora Bissoye of Goorsoor

Under Surveillance.

The Family of the late Anuntabhopaty of Polemdah.

4. Regarding the release or otherwise of the said Prisoners the Magistrate refers to a correspondence he had had with the Government of the dates noted in the margin.

Ext Home Cons dated 6 November 1815 N 116
Letter from Magte of Bellary dated 28th Jan 1835
Ext Public Cons dated 16 January 1846 N 30
Letter from Magte of Bellary dated 4th Nov 1846 N 27
Ext Home Cons dated 4th December 1846 N 113

5. The Magistrate of Tanjore reports that there under his charge 13 persons the descendants &c of the former King of Kandy who are styled "Kandian Prisoners" receiving from 2 to 40 Rupees per mensem for maintenance.

6. These parties are under no restraint or surveillance the only liberty debarred them being a prohibition against their leaving Tanjore without permission.

In addition to these persons there are sundry "Kandian Pensioners" who are under similar restrictions: and the Magistrate further wishes to be informed whether the 13 Kandians are to be considered as "State Prisoners".

7. The Magistrate of Guntoor reports that in that District there is only one State Prisoner named Passem Ramanappah who was transferred to his charge from

from the Magistrate of Bellary in the month of February 1847. This man was taken in the service of one of the refractory Zemindars, Pyke Row, in Vizagapatam having received a wound in action which required the amputation of his leg. He was permitted by Government, on account of his age and decrepitude, to return to his native Village Sorjiengamidlah in the Guntoor District where he resides - his family receiving a monthly allowance for their subsistence of 2 Rupees 4-6. He is in good health and has conducted himself well.

8. The Magistrate of Salem reports that there is only one State Prisoner under his charge - namely Comaramaka Kandian - who was transferred to Salem from Vellore in accordance with the Extract from the Minutes of Consultation under date the 13th July 1847 and draws her monthly stipend Rupees 15-8-/ from the Treasury of the Collector of Salem.

9. Under the Magistrate of Vellore there is only one "State Prisoner" named "Yetta Venkatasawmy" a Kandian who was forwarded to the former Judge and Magistrate of Vellore with a Letter from the Chief Secretary to Government dated the 7th September 1816. He is under the surveillance of the Magistrate, but not in confinement. He draws the receipt of a monthly allowance from the Treasury of the Collectorate,

&

of Rupees 3-0-0.—

10. Information regarding this individual was furnished by the Collector of Nellore to Government in a Letter addressed to the Chief Secretary to Government under date the 7th August 1847.—

11. With these exceptions all the other Judicial and Magisterial Officers have reported that they have no State Prisoners under their charge.—

16th April 1849.— /Signed/ T. H. Davidson.
Register.

N° 352 To /N° 19/

The Secretary to Government in the
Judicial Department.

Sir,

1. Under the provisions of Act N° IV of 1849, I have the honor by desire of the Judges of the Tanjore Adalut, to solicit the instructions of the Right Honorable the Governor in Council in respect to the disposal of an insane person, who was charged in Criminal Case N° 76 on the file of the Subordinate Court of Salem with having stolen a Bullock, but was acquitted by the Subordinate Judge on the ground of insanity.—

2. The Certificate of the Zillah Surgeon declares "the Prisoner to be in a state of idiotcy, and quite harmless" and it appears that he has been labouring under this malady

malady for the last 10 years: his age is stated to be sixteen.—

17th April 1849.— /Signed/ T. H. Davidson.
Register.

N° 353. To

The Sessions Judge of Chicacole.—

Sir,

With reference to your Letter dated the 2nd inst. relative to the trial of the Peon charged with conniving at the escape of two Convicts, I am directed by the Judges of the Tanjore Adalut to inform you that the Calendar should be prepared from the Record of the Trial held before the Court of Sessions.—

17th April 1849. /Signed/ T. H. Davidson
Register.

N° 354. To

The Magistrate of Cuddapah.

Sir,

1. I am directed by the Judges of the Tanjore Adalut to acknowledge the receipt of your Letter dated 24th ultimo forwarding for submission to Government an explanation relative to the observations contained in the Extract from the Minutes of Consultation under date 24th November last.

2. The Judges do not consider it to be within their

their province to forward your explanation to Government, and I am therefore directed to return the enclosures of your Letter in order that the same be submitted, (if you think fit) directly to Government thro' the Secretary in the Judicial Department.

17th April 1849. (Signed) J. Cushington
Sr. Senior Dy. Registr.

N° 364. To (N° 20)

The Secretary to Government in the
Judicial Department.

Sir,

1. I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of the Extract from the Minutes of Consultation in the Judicial Department under date the 26th March 1849 - N° 793 - communicating for their consideration and report a Letter from the Mysore Commissioner in which it is suggested that, in extension of the practice at present existing in the Bangalore Division, permission be granted to the local Native Police Officers in Malabar and Coimbatore, to effect at once and without reference to the Magistrates under whom they serve, any Warrants for the apprehension of offenders which they may receive from the Police or Magisterial Officers of the Divisions of Mysore, bordering on those Districts.

The

The Judges observe that they see no legal objection

2 whatever to the adoption of the course indicated.

18th April 1849. (Signed) T. H. Davidson
Registr.

N° 365 To

The Secretary to the Medical Board.

Sir

1. With reference to your Letter of the 12th December last, forwarding a Table of admissions and mortality in the Salem Jail from 1829 to 1847 inclusive, and requesting the opinion of the Court respecting the Jail in question, I am directed by the Judges of the Foujdaree Adalut to observe that they have already communicated their opinion to Government, that the unhealthiness of the Salem Jails is chiefly to be attributed to the very unfavorable nature of the site on which those Buildings are erected, and that unless the Government are prepared to erect other Buildings in a more favorable situation the Judges have but little hope that any suggestions which they could offer would effect much towards the improvement of the Sanatory condition of the Salem Jails.—

2. I am however directed to observe that with the view of guarding as much as possible against the approach of disease the Judges have ordered the removal of a large

body

body of Convicts to the Mount, and the Prisoners now confined in the Jails amount to only 185 persons. With this limited number the Judges see reason to hope that the ratio of mortality will not be so great as in former years.—

19th April 1849.— /Signed/ F. Luchington.
Acting Senior Dy. Registrar

No. 373. To

The Magistrate of Salem —

Sir,

I am directed by the Judges of the Fouzdaree Adalut to acknowledge the receipt of your Letter of the 5th instant, and to state, that upon consideration of all the circumstances, they resolve, in exercise of the power vested in them by Section XII Regulation XIII of 1832, to authorize you to offer a pardon to R. Vencatrammuna the 4th prisoner and Mungummanah the 5th prisoner, charged with being concerned in the Murder of one Rungunnah as reported in your Letter of the 13th ultimo, on the terms and conditions specified in Section XX Regulation VIII of 1802.—

I have the honor to be &c.

25th April 1849.— /Signed/ T. K. Davidson.
Registrar

To

(No. 21)

No. 374. To

The Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Fouzdaree Adalut to state for the information of Government that there are at present in the Jail at Chinglepute 8 Convicts awaiting their sentences of transportation and to suggest that tenders be invited for their passage to Singapore.—

1. Narrain alias Narroo
2. Mandjee Natoolal Dauneegundoo
3. Seerungom.
4. Bommun.
5. Bheer Bustwa.
6. Dyem Dauneegundoo.
7. Gnas Saib.
8. Esteen alias Bauldo.

23d April 1849.— /Signed/ T. K. Davidson.
Registrar

No. 383

Memorandum.

A Printed Form of Statements shewing the number of Cases forwarded to the Criminal Court, by each Head of Police, and the manner in which they were disposed of required under Circular Order No. 175 are herewith forwarded to the Sessions Judge of _____

By Order of the Court of Fouzdaree Adalut.

24th April 1849.— (Signed) A. J. Arbuthnot
Asst. to the Regr.

To

The several Sessions Judges and Agents.

(No. 22)

No. 384 To

The Secretary to Government in the Judicial Department.

Sir,

I am directed by the Judges of the Court of Fouzdaree Adalut

Adalut to request that the Right Honorable the Governor in Council will be pleased to authorize the preparation by the Civil Engineer of the Division of an estimate for repairing the Jail at Cuddalore; the Acting Sessions Judge having reported that certain repairs will be required for that building previous to the commencement of the ensuing monsoon.

24th April 1849. (Signed) T. H. Davidson.

Registered

No. 385. To No. 23.

The Secretary to Government in the Judicial Department.

Sir,

1. I am directed by the Judges of the Tanjadaree Adalut to submit to be laid before Government the accompanying estimate, forwarded through the Sessions Judge by the Subordinate Judge of Combaconum, of the cost of sundry repairs to the Buildings connected with the Jail at that station.

2. The estimate is said to be prepared by the Assistant Civil Engineer of the Division on an inspection of the Buildings in question, but no previous authority was asked for the purpose. The attention of the Sessions Judge has been called to this irregularity.

3. The estimate amounts to Rupees 291-7-0 two hundred and ninety one and annas seven, and the Judges of the Tanjadaree Adalut beg to recommend that the sanction of Government be granted for its being transmitted to the Board of Revenue in the Department of Public Works for a check and examination

examination, and for eventual submission to Government.

24th April 1849. (Signed) T. H. Davidson.

Registered

No. 386. To

The Sessions Judge of Combaconum.

Sir,

1. With reference to your letter under date the 27th Ultimo enclosing a letter from the Subordinate Judge and an Estimate of the cost of certain repairs to the Jail Buildings under his charge, I am directed by the Judges of the Tanjadaree Adalut to call your attention to the order of Government of the 31st July 1838 published at page 530 of the Official Gazette of that year, wherein it is required that in all cases of repairs to Public Buildings a report shall in the first instance be made to this Court and permission be obtained to call on the Civil Engineer to prepare the necessary Plan &c.

2. In the case under noticed the Judges of the Tanjadaree Adalut observe that these orders have not been conformed to.

3. As this irregularity has arisen with the Subordinate Judge you will call that Officers attention also to the subject. The estimate has however been recommended for the sanction of Government but in any future instances of similar irregularity the Judges will be constrained to insist upon the adoption of the prescribed course.

24th April 1849. (Signed) T. H. Davidson.

Registered

Mem.

№ 391

Memorandum.

The Original Record in Case № 11 of 1849 on the Madura Calendar, is herewith returned to the Sessions Judge of Madura.

By Order of the Court of Foujdaree Adalut

26th April 1849. Signed T. H. Davidson.

Register.

№ 392. To the Session Judge of Chittoor

Sir,

With reference to my letter under date the 6th February last, I am directed by the Court of Foujdaree Adalut to request that you will accelerate the transmission to this Court of the two statements therein required from the Officer in charge of Convicts at Arcot.

26th April 1849. (Signed) T. H. Davidson

Register

№ 393. To

The Session Judge of Combaconum.

Sir

I am directed by the Court of Foujdaree Adalut to request that you will call upon the Magistrate of Tanjore to submit the statement required under the orders of the Court of Foujdaree Adalut dated 25th July 1838 shewing the manner in which the convicts under his charge were employed for the 2d half of 1848 as well as the Jail return for 1848 if he has not already done so, and transmit them to this Court without further delay

26th April 1849. Signed T. H. Davidson

Register

№ 394. To

The Session Judge of Tellicherry.

Sir,

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Foujdaree Adalut to request that you will forward without delay the Duplicate Copies of certain Proceedings and Calendars noted marginally of which duplicates have not been received by this Court.

Extract Proc: Sess: Ct. Dated 26th Jany 7th and 28th Feby 1849 and the 11 Magtes returns for Feby 1849 on State of Police Officers for last half year for 1848.

Do dated 7th and 28th Feby 1849 and the 2 Magtes returns dated 12th Feby 1849 on Magtes Cases for 4th Quarter 1848.

Do dated 31st Jany 2d 5th 12th Nov 28th Dec 1848 and 24th Jany 1849 and the 6 Magtes returns for Jany 1849 on Appeals preferred against decisions of Magistrates &c.

Extt from the Calendars thereon furnished by 11 Magtes from 1st Octr to 31st December 1848.

Do Committals to Jail Do Do

I have the honor to be &c

26th April 1849. (Signed) T. H. Davidson.

Register

To

N° 395. To,

The Session Judge of Calicut.

Sir,

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Poyjdaree Adalut to request that you will forward without delay the Duplicate Copies of certain Proceedings and Calendars noted marginally and which have not been received by this Court.—

N°2. Calr of Persons punished by the Magte and his Assistants for the 1st July to 30th Septr 1848.
Extt Pan Sessions Ct 24th Novr 1848 and the Magtes return dated 19th Decr 1848 and the Acadtes Magtes Memo of 1st December 1848, on the Magtes Calrs for the 3rd Quarter of 1848.—

26th April 1849.— (Signed) T. H. Davidson

Register.

N° 396 To

The Session Judge of

Masulipatam

Sir,

I am directed by the Court of Poyjdaree Adalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate copies of Statements N°s 1 2 3 & 4 or to that submitted under Circular order N° 175 but to all Reports &c connected therewith.

26th April 1849. (Signed) T. H. Davidson

Register

N° 397. To,

The Session Judge of Tinnevelly

Sir,

I am directed by the Court of Poyjdaree Adalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements N°s 1 2 3 and 4 or to that submitted under Circular Order N° 175 but to all Reports &c connected therewith and to request that you will furnish to this Court without delay the Duplicate copies of only the Session Report and Magistrates Calendars &c.

26th April 1849. (Signed) T. H. Davidson.

Register.

N° 398. To,

The Acting Session Judge of Cuddalore.—

Sir,

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Poyjdaree Adalut to request that you will forward without delay the Duplicate copy of the Report of the Acting Joint Magistrate dated 1st March 1849 on the State of the Police for the year 1848, which has not been forwarded with the Criminal Reports for the 2d half 1848.

26th April 1849.— (Signed) T. H. Davidson.

Register

To,

No 399 To The Acting Sessions Judge of
Coimbatore

Sir,

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1 2 3 and 4 or to that submitted under Circular Order No 175 but to all Reports &c connected therewith, and to request that you will furnish the Duplicate Copies of the Calendar of persons punished by the Joint Magistrate on the Neilgherries from 4th July to 30th September 1848 and of the proceedings of the Sessions Court dated 29th December 1848.—

26th April 1849. (Signed) J. H. Davidson
Register

No 400 To The Agent to the Governor of Fort St George
at
Kurnool

Sir

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last does not allude to Duplicate Copies of Statements Nos 1 & 2 or to that submitted under Circular order No 175 but only to the Reports &c connected therewith

(Signed) J. H. Davidson
Register

No 401 To
The Agent to the Governor of Fort St George
at
Vizagapatam

Sir,

I am directed by the Court of Foujdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1 and 2 or to that submitted under Circular Order No 175. but only to the Reports &c connected therewith and to request that you will furnish without delay a duplicate of your letter dated 20th February 1849.—

26th April 1849 (Signed) J. H. Davidson
Regr

No 402 To The Superintendant of Government Roads
Guindy

Sir, I am directed by the Court of Foujdaree Udalut to request that you will submit to this Court the Jail Return for the year 1848 filled up in one of the five printed forms herewith furnished and to continue the same for every year as other Officers in charge of Convicts.—

26th April 1849 (Signed) J. H. Davidson
Register

To

Nos 404. 405 406 and 407.

To

The Sessions Judge of Bellary

Sir,

The same to the Sessions Judge of Rajahmundry Chingleput and Guntoor

I am directed by the Court of Fouzdaree Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos 1, 2, 3, and 4 or to that Submitted under Circular Order No 175, but to all reports &c connected therewith and to request that you will furnish to this Court without delay the Duplicate Copies of only the Sessions and Magistrates Reports Calendars &c

27th April 1849. (Signed) T H. Davidson

Register

No 408. To

The Magistrate of North Arcot

Sir,

1. I am directed by the Judges of the Court of Fouzdaree Udalut to acknowledge the receipt of your letter under date the 7th Instant requesting the issue of certain instructions for the guidance of the Criminal Courts at Chittoor in the disposal of Cases committed to them for trial.—

2. The Judges desire me to return to you your letter now under acknowledgment in order that it may be forwarded through the Sessions Judge through whom all references made by the Magistracy to the Court of Fouzdaree Udalut in matters connected with the local Courts should be transmitted.—

3. The Judges at the same time direct me to observe that they are not prepared to issue any specific instructions upon references of the very General nature of that which is contained in your letter now under reply.—

27th April 1849. (Signed) Ad. S. Arbuthnot.—

H. Sgt. to the Registr

No 409 To

The Sessions Judge of Chingleput

Sir,

I am directed by the Judges of the Fouzdaree Udalut, to desire you will immediately dispatch to the Presidency, for transfer to the custody of the Chief Magistrate and Superintendant of Police all the Convicts now under your charge awaiting Execution of their Sentences of transportation.—

You will be pleased to transmit to this Office by Tapaul, the usual Calendar of the Convicts who may be forwarded to the Presidency under these orders.—

27th April 1849. (Signed) T H. Davidson

Register

No. 410, To

The Sub Judge of Rajahmundry

Sir,

In reply to your letter of the 9th Instant, I am directed by the Judges of the Foujdaree Udalut to inform you that under the authority vested in them by the order of Government of the 25th January 1845, they sanction the expences incurred in repairing the Cooking Sheds &c. in use by the Prisoners in the Jail under your charge, amounting to Rs. (35-12-0) thirty five and annas twelve.—

27th April 1849.— (Signed) T. H. Davidson
Register

No. 411 To

The Session Judge of Masulipatam

Sir,

Adverting to your letter under date the 12th Instant I am directed by the Judges of the Foujdaree Udalut to inform you that they resolve under the authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that

year to sanction the expenditure of Rupees 5-10-0 five and annas ten, in Batta paid to the Children of Convicts in the Jail under your charge, during the 1st Instant of 1849.

27th April 1849. (Signed) T. H. Davidson
Register

No. 412 To, The Subordinate Judge of Chittoor

Sir,

Adverting to your letter under date the 14th Instant, I am directed by the Judges of the Foujdaree Udalut to inform you that under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year they sanction the disbursement of Rupees (32-0-0) thirty two, as batta to the Witnesses, who from Pondicherry, attended the Session Court to give evidence in cases Nos. 14 and 15 of that Court's Calendar for 1849

27th April 1849.— (Signed) T. H. Davidson
Register

No. 413 To The Session Judge of Chittoor

Sir,

I. I am directed by the Judges of the Foujdaree Udalut to request you will immediately report whether the Convicts now working under the orders of Lieutenant Colonel A. Mansey Commanding arrest, are those made available

available to the Military authorities by the order of Government of the 15th February 1845 No. 134 for the purpose of repairing the principal roads in the Contonment of Arcot— and if so— how much longer they are likely to be detained on that duty, and the means adopted for their accommodation conteoal and safe custody.—

2. Pursuant to instructions received from Government, the Judges further request you will instruct Colonel Mansey to employ twenty of the convicts under his charge, in opening the paths and cleaning the compound of the Bungalow occupied by the Sub Collector at Old Arcot.—

27th April 1849. (Signed) T. H. Davidson
Register

No. 414. To The Session Judge of Rajahmundry

Sir,

The Judges of the Foujdaree Adalut have received from Government a copy of a letter dated the 2nd April 1849 to your address, from the Subordinate Judge of Rajahmundry reporting the attempt on the 22d Ultimo, of certain prisoners to escape while being escorted, preparation to their return to the Jail, from the working at Cantonments.

Adverting

2. Adverting to the circular order of the 20th May 1834— the Judges request you will explain why no report of the circumstance has been made to this Court—

3. The Judges further request that translations of any deposition which may have been taken in regard to the matter, may be immediately forwarded to this Court.—

27th April 1849. (Signed) T. H. Davidson.
Register

No. 415 To The Magistrate of Cuddapah

Communicating copy of the observations and orders of Government, on the letter addressed by him to Government, relative to the case of Atchut Row &c.—

27th April 1849 } (Sent usual letter) No.

No. 419 To The Session Judge of Tinnevelly

Sir,

Adverting to your letter under date the 13th Instant, I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the authority vested in them by the order of Government of the 28th July 1843. published at page 608. of the Official Gazette of that year to sanction the expenditure of Rs. 51.—2.—8) fifty one annas two & price eight in the repair of 8 Bandies in use by the Prisoners in the Jail under your charge.—

28th April 1849. (Signed) T. H. Davidson
Register

(№ 24)

№425 To the Secretary to Government in the Judicial Department

Sir,

With reference to the Extract from the Minutes of Consultation under date the 26th Instant №263,— I am directed by the Judges of Fouzdaree Udalut to state, that in obedience to the orders therein contained, 8 Convicts under sentence of transportation are reported to have been despatched from Chingleput on the 28th Instant, to the charge of the Chief Magistrate and Superintendant of Police at Madras in view to their embarkation.—

2 The usual Calendar of these Convicts accompanies this Communication.—

30th April 1849 (Signed) T. H. Davidson
Registr

№26

№438 To,

The Secretary to Government in the Judicial Department

Sir,

With reference to the Extract from the Minutes of Consultation in the Judicial Department under date the 2nd March 1849 №116 and to the order of Government of the 24th April 1849 №248 forwarding a Copy of the proposed Draught Act "for better defining the law as to the removal of prisoners."

2 The Judges have no observations to make on, or objections to offer to the proposed Draught.

3rd May 1849. (Signed) T. H. Davidson
Regr

№439 To,

The Subordinate Judge of Rajahmundry

Sir,

With reference to your letter under date the 18th Ultimo I am directed by the Judges of the Fouzdaree Udalut to inform you that they resolve under the authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year, to sanction the expenditure incurred in the repairs of a Bandy in use by the

the prisoners in the Jail under your charge, amounting to Rupees (17 - 2 -) Seventeen and Annas two -

3d May 1849. /Signed/ T. H. Davidson

Register

Nos 1440 and 1441.

To,

The Magistrates of

Malabar and Coimbatore

Sir,

I am directed by the Judges of the Fonjdaree Adalut to state that they have communicated to the Government their opinion, that consistently with the Provisions of Section XXXIV. and XXXV of Regulation XI of 1816 and in extension of the practise at present obtaining in the Bangalore Division of the Mysore Country - permission may be granted to the local Native Police Officers in Malabar and Coimbatore, to execute at once and without previous reference to the Magistrates under whom they serve, any warrants for the apprehension of offenders which they may receive from the Police or Magisterial Officers of the Division of Mysore bordering on those Districts: and to request that you will immediately issue the requisite instructions to the several Heads of

of Police under your authority enjoining them to act accordingly.

2. You will be pleased to observe, and to require your native Police Subordinates to bear in mind, that in the Case of the Parties being British subjects, or otherwise within the description in Section II Act I of 1849 their subsequent disposal will be regulated by the act.

/Signed/ T. H. Davidson

4th May 1849.

Register

No 1449.

Memorandum

Circular

Our Printed Copy of the observations by Sir Laurence Peel Knight on the Indian Penal Code, forwarded for the use of the several Session Subordinate and Assistant Judges, Principal Sudder Ameens of Cochin and Vizagapatam, and Trichinopoly and to the several Magistrates and Joint Magistrates

By Order of the Court of Fonjdaree Adalut

/Signed/ T. H. Davidson

7th May 1849.

Register

No. 450

To,

The Session Judge of Calicut

Sir,

With reference to your letter under date

date the 16th Ultimo forwarding an estimate prepared by the Principal Sudder Ameen of Cochin of the Cost of repairing the building occupied as a dwelling house by the European Jailor at that station, I am directed by the Judges of the Foujdaree Udalut to call your attention to the order of Government of the 31st July 1848, published at page 530 of the Official Gazette of that year, wherein it is required that in all cases of repairs to public buildings, a report shall in the first instance be made to this Court and authority be obtained to call in the Civil Engineer of the Division for the necessary estimate &c.

2. In the Case under notice the Judges observe that this order has not been attended to.

3 They therefore return the estimate which accompanied your letter, in view to the adaption by you of the Course prescribed by the order of Government above referred to.

7th May 1849 (Signed) T. H. Davidson
Register

No. 151. To,

The Sessions Judge of Mangalore.

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter of the 20th Ultimo and to state that under the Circumstances therein represented they resolve in exercise of the power vested in them by Section XII Regulation XIII of 1832, to authorize you to offer a pardon to the 3rd Prisoner Sorabroya in Case No. 17 of the Calendar of the Sessions Court of 1849, on the terms and conditions specified in Section XX Regulation VIII of 1802.

2. In regard to the 2nd prisoner, the Judges observe that she allows that she aided in the murder - and there are circumstances which would seem to indicate that she was more engaged in the affair than she admits.

3 The Judges therefore think it right decline sanctioning the offer of a conditional pardon to that prisoner

4 The Record is returned.

7th May 1849. (Signed) T. H. Davidson
Register

To,

No. 458 and 459 To,

The Magistrates of Salem and Tanjore

Forwarding Copy & Extract Para 5 of

of Government, Dated 4th Instant, conveying observations and orders on the report submitted by the Foujdaree Adalut upon the state Prisoners under the charge of the General Judicial and Magisterial Officers of the Madras Presidency.

Sent the Usual letters Nos

9th May 1849

No. 460. To,

The Sessions Judge of Combaconum.

Forwarding Copy of an order of Government under date the 1st Instant, referring to the Revenue Board an estimate of the Cost of certain repairs required to the Jail at Combaconum.

/ Sent Usual Letter No /

9th May 1849.

No. 461. To,

The Acting Sessions Judge of Cuddalore

Forwarding Copy of an Order of Government under date the 1st Instant, referring to the Revenue Board an application that the Acting Sessions Judge of Cuddalore may be permitted to call upon the Engineer Department for an estimate of the Cost of repairs required to the Jail at that station.

/ Sent Usual Letter No /

9th May 1849

(No. 37)

No. 463 To, The Secretary to Government

in the Judicial Deptt.

Recommending for the sanction of Government an Indent by the Sub. Judge of Calicut for certain tools.

/ Semi-annual letter No /

10th May 1849.

Memorandum

No. 464.

12 Printed forms of the Half Yearly Criminal Statement No. 3

12 Do. of the Do. Do. No. 4.

Forwarded to the Sessions Judge of Chicacole with reference to his letter dated the 28th Ultimo.

By Order of the Court of Foujdaree Adalut.

/ Signed / T. H. Davidson

Register

10th May 1849.

No. 466. To,

The Sessions Judge of Salem,

Sir,

With reference to Mr. Stoney's Communication of the 29th March 1849, relative to the insane Prisoner in Case No. 46 of 1849 on the file

file of the Sessions Court the Judges of the Tonjdaree Udalut under instructions from Government direct me to inform you that as the person referred to is declared to be harmless, it will be sufficient to make him over to his friends, on their agreeing to enter into a Mochilka to take care of him

2. You will therefore take the measures necessary towards this arrangement.

11th May 1849. (Signed) T. H. Davidson
Register

(No. 28)

No. 467 To,

The Secretary to Government
in the Judicial Deptt.

Sir

I am directed by the Judges of the Tonjdaree Udalut to submit for the special sanction of Government the accompanying Bill, amounting to Rupees (50) fifty, submitted by the Sessions Judge of Cuddapah, of the cost of remuneration to an extra Translator employed by that Officer in the Translation of two very important referrible Cases

2. His remuneration has been calculated at

At one Rupee for four hundred words, there being twenty thousand and seventy throughout the papers translated.

3 The Judges of the Tonjdaree Udalut beg to recommend that the sanction of Government be granted to the Bill in question.

11th May 1849. (Signed) T. H. Davidson
Register

No. 469. To,

The Sessions Judge of Trichinopoly.

Forwarding his Indent for tools on the Commissary of ordnance at his Station passed by His Military Board.

12th May 1849. (Sent usual letter No.)

No. 30

No. 475. To,

The Secretary to Government
in the Judicial Department

Sir,

1 The Government will recollect that by its order dated the 23d June 1848 No. 419 - The Tonjdaree Udalut were required to submit their opinion on the Draught of a proposed Act "for

for defining the Law as to remission of the sentences of Subordinate Criminal Courts" which has since become Law as act XIX of 1848.

2. The Judges in their letter of the 1st July 1848, observed that the Course of proceedings prescribed in Section II of the Draught, is precisely and in every particular, that which had been observed for many years in this Presidency; and that the same might be said of Section III, so far as it respects the mitigation of sentences deemed to be too severe. But the Judges added it further provides that the Foujdaree Adalut shall be at liberty to annul any verdict, Judgment or sentence, upon a review of the said abstract statements or Calendars, after calling upon the Judge of the lower Court, (should they see fit so to do) for further information or explanation. This seemed to the Judges to be a great improvement upon the then existing law, which, in this Presidency, had always been construed to preclude the Foujdaree Adalut from setting aside a sentence of a Sessions Court (in a case not referrible) without first calling for an English Translation of the entire Record of such case, however

however clear it might be either from the abstract of evidence in the Calendar or from the Judge's own showing, that the Conviction and Judgment were contrary to the evidence and it was with reference to these views that the Judges submitted their opinion that the proposed Act would be a very beneficial one.

93 The Foujdaree Adalut who have never received any intimation from the Supreme Government that their construction of the Law as above stated was incorrect and inconsistent with the views and intentions of the legislature in framing that Law, have until a recent period, acted upon that construction and accordingly mitigated sentences which upon a review of the Abstract statements or Calendars, appeared too severe, without calling for further information from the lower Court.

4 But a Sessions Judge of this Presidency has recently urged that this Course of Proceeding is contrary to the intendment of the Act in question, and that under that Act, a sentence of a Subordinate Court cannot be either mitigated or annulled unless the Record at least so far as regards such Prisoner in whose favor the sentence

sentence is proposed to be mitigated or annulled be first called for and he supported his view with arguments of sufficient cogency to induce the Fouzdaree Adalut to make a reference to the Court of Nizamut Adalut at Calcutta for the purpose of ascertaining - First what was the construction put by that Court upon Section III of the act, so far as it respects the point above mooted and Secondly what was the practice in force in Bengal before that act was passed.

5 The Nizamut Adalut in their reply state that in the few instances of their interference with sentences under the new law, which have occurred, no sentence has been altered on its merits, without first calling for an explanation from the Sessions Judge and requiring such parts of the evidence as referred to the prisoner, regarding the propriety of whose conviction or sentence the Court had doubts. They have further stated their opinion that the terms of the law enjoin this Course of procedure, and that they have no power, under Section III act XIX of 1848, to alter or mitigate a sentence

Fouzdaree Diary 15th May 1849

merely upon a perusal of the Sessions Judge's remarks in the Abstract Statements of Trials and they have informed the Judges that before the act a sentence was never altered on the merits, whether mitigated, enhanced or annulled, without calling for the Record" and that it was only in Cases in which the sentence was manifestly illegal that an alteration was directed without calling for the record.

The Fouzdaree Adalut have hitherto exercised the power of mitigating sentences upon a perusal of the Calendars furnished by the Sessions Courts, and it seems to the Judges very desirable, on every account, that that power should be continued to them. The Course prescribed by the new law must frequently entail considerable delay, and greatly and inconveniently add to the labours of the Trans. lators' Department in the Sessions Courts. In those Courts, there is only one Translator and if in voluminious Cases including many prisoners, the Fouzdaree Adalut as frequently happens, see fit to mitigate the sentences of all the Prisoners, both before they can do this, an english Translation of the record is to be called for, it is obvious that one Translator cannot be equal to the Extra work and it will be necessary frequently to

to employ Temporary additional Translators, as has already happened at Cuddapah and Salem.

7 Moreover, the Judges remark that they never mitigate "merely upon the remarks" of the Sessions Judge, but after a careful review of the abstract of evidence given in the Calendar, and of the Futwah of the Mooftummudan Law Officer which always contain a very full and complete statement of the evidence - That abstract is, in fact, an epitome - a condensation of all that is taken evidence before the Lower Court, both for the prosecution and defence - and the remarks of the Judge are merely a summing up of - or comment upon that evidence. The abstract contains all that is important to the Case in the evidence of each witness and in this respect the Calendars of the Madras Courts differ materially from those of Calcutta of which a Specimen has been furnished to this Court by the Nizamut Udalut. The latter it will be observed contains no abstract of evidence at all: and to this difference

Note Copies of that received from the Nizamut Adalut and of one submitted by a Madras Sessions Judge are submitted for all the Consideration of Government.

difference, the Judges would beg leave to call particular attention in the disposal of this question.

8. Under all these circumstances, the Judges would strongly urge a reference to the Supreme Government with the view of obtaining a modification of the Law so far as to allow of an order for mitigation being passed without calling for the record whenever from the abstract of evidence, such mitigation may appear guilt and expedient.-

15th May 1849. (Signed) J. H. Davidson
Register

No. 476. To.
The Acting Sessions Judge of Cuddalore
Communicating Copy of a Petition from Parthasarathy Iyengar late a Clerk in the Customs Office at Port Novo with report and correspondence on the subject of that individuals trial and conviction by the Magte of the District on the charge of embezzlement, and desiring him to report, on the matter.-
15th May 1849. (Sent usual letter No.)

To.

No. 477. To

The Sessions Judge of Combaconum.

Sir.

Adverting to the Circular letter of the 5th October last, I am directed by the Court of Fouj.dareé Udalut to request that you will forward — without delay the Duplicate Copies of Certain Calendars and proceedings noted in the Margin which have not been forwarded with the Criminal Reports for the 2d half of 1848.

Copy of Cases Nos 1-6-20-27-28-34-40 & 41 on the Calr of persons punished by the Magy during the 3d quarter of 1848.—
Copy of Case No. 17 on the Calr of persons released
" No. 9 do. punished by the Mag. during the 4th Qr. of 1848
" No. 24 do. released do.
Extt from Proc: Sessn Ct dated 30th Decr 1848 on the Calr. do.
" " " 19th Jany 1849 do.
" " " 22d " " do.
" " " 12th April do.
Memo from the Spl. Asst Magte 15th Jany 1849 do.
Letter from the Asst. Magte 17th Jany " do.
" " 18th " " do.
Extt from Proc: Sessn Ct dated 30th March 1848 on several Police reports for the 3d Quarter of 1848.

Signed J. H. Davidson
Register.

17th May 1849.

No. 31.

No. 478. To

The Secretary to Government in the Judicial Department

Sir

1. Adverting to the sanction granted by the Government of India, under date the 4th of July 1848, for the continuance for a further period of 12 Months of an additional Police Establishment in the District of South Arcot, at a Monthly charge of Rupees 88——, I am directed by the Judges of the Fouj.dareé Udalut to annex the accompanying Memorandum received from the Magistrate of

District, shewing the amount of Crime perpetrated during the past year in Tirunallie, and the other adjacent Talooks in which the additional Police force have been mainly employed.—

2. From this Return it will be observed that the amount of Crime has been greater in the past, than in the previous year, and this increase is, in the opinion of the Magistrate, "owing to a greater number of released Convicts going about that part of the country, and their apprehension made difficult by the shelter & affordeé them by the jungles." another cause is stated to be "the great demand for money owing to the depressed state of the market."

3 The Judges of the Fouj.dareé Udalut fully concur with the Magistrate in his opinion that, under existing circumstances, the continuance of this body of Police is most desirable, and that their withdrawal cannot be effected with any degree of safety to person and property.—

4 The Judges accordingly beg to — recommend that sanction may be granted for the continuance of the Additional Police Establishment for the further period of twelve Months.—

Signed F. Cushington
Sens. Dy. Regr.

17th May 1849.

№ 479. Memorandum.

The Original enclosures which accompanied the letter from the Magistrate of Salem, dated the 13th March last, are herewith returned to that Officer, with reference to his letter dated the 11th instant.

By Order of the Court of Foujdaree Udalut

(Signed) T. H. Davidson.

17th May 1849.

Register

№ 481. Memorandum

1 Printed Copy of additional Rules for the guidance of Justices of the peace, forwarded for the use of.

By Order of the Court of Foujdaree Udalut.

18th May 1849 (Signed) A. J. Arbuthnot

Asst Sect. to the Regr

Sr. Js. Judges.	Sub. Judges.	Magistrates	Asst. Magistrs	P. S. Asses
Honore	Calicut	Masulipatam	Malabar	Cochin.
Tellicherry	Combaconum	Malabar	South Arcot	Vizagapatam
Masulipatam	Salem	Tanjore	Tanjore	
Calicut	Mangalore	South Arcot	Salem	
Combaconum	Madura	Salem	Canara	
Cuddalore	Rajahmundry	Canara	Coimbatore	
Salem	Chittoor	Coimbatore	Ootacamund	
Mangalore	Cuddapah	Tinnevelly	Tinnevelly	
Coimbatore	Bellaree	Madura	Madura	
Tinnevelly		Rajahmundry	Rajahmundry	
Madura		Guntoor	Nellore	
Chicacole		Nellore	St. Thomas Mount	
Rajahmundry		Chinglepat	North Arcot	
Guntoor		North Arcot	Cuddapah	
Nellore		Cuddapah	Bellaree	
Chinglepat		Bellaree		
Chittoor		Trichinopoly		
Cuddapah		Vizagapatam		
Bellaree		Ganjam		
Trichinopoly		Kurnool		

To.

No. 487.

To,

The Sessions Judge of Mangalore.

Sir,

I am directed by the Court of Foujdaree Adalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos. 1, 2, 3 and 4 or to that submitted under Circular Order No. 175 but to all Reports &c connected therewith and to request that you will forward without delay the Duplicate Copies of the Magistrate's and Joint Magistrate's reports dated 31st March and 14th February, as well as of your letter of the 17th April 1849.

19th May 1849.

(Signed) T. H. Davidson
Register

No. 488.

To,

The Sessions Judge of Chicacole

Sir,

I am directed by the Court of Foujdaree Adalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos. 1, 2, 3 and 4 or to that submitted under Circular Order No. 175 but to all Reports &c connected therewith and to request

that you will forward without delay the Duplicate Copies of the Proceedings of the Session Court dated 23rd April 1849 and of the Reports of the Magistrates of Vizagapatam and Ganjam dated 6th and 28th Feb. 1849.

19th May 1849.

(Signed) T. H. Davidson
Register

No. 489.

To,

The Sessions Judge of Madura

Sir,

I am directed by the Court of Foujdaree Adalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos. 1 2 3 and 4 or to that submitted under Circular Order No. 175 but to all Reports &c connected therewith and to request that you will forward without delay the Duplicate Copies of the Magistrates' report dated 20th March as well as of your letter of the 23rd March 1849.

19th May 1849.

(Signed) T. H. Davidson
Register

No. 490

To,

The Sessions Judge of Honore.

Sir,

I am directed by the Court of Foujdaree Adalut

Udalut to intimate to you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos. 1, 2, 3 and 4 or to that submitted under Circular Order No. 175 but to all Reports &c. connected therewith and to request that you will forward without delay the Duplicate Copies of the reports of the Sessions Judge and Magistracy, Extract of the Calendar of persons punished by the Magistracy during the 4th quarter of 1848 with Proceedings of the Sessions Court and of the Appendix containing the abstracts and figured Statements compiled from the Calendars of Cases disposed of during the year 1848.

19th May 1849. /Signed/ T. H. Davidson
Register

No. 491

To,

The Sessions Judge of Salem.

Sir,

Adverting to the Circular Letter of the 5th October last, I am directed by the Court of Foujdaree Udalut to request that you will forward without delay the Duplicate Copies of the Magistrates petty Calendars and of the Proceedings of the Sessions Court held thereon which were

were forwarded with the Criminal Statements for the 2nd half of 1848.

19th May 1849 /Signed/ T. H. Davidson
Register

Nos. 492 & 493

To,

The Sessions Judges of Chittoor and Cuddapah

Sir,

The half yearly Criminal Reports due from you for the last half of 1848 not having as yet been received by this Court I am directed by the Judges of the Foujdaree Udalut to request that you will forward the same without delay, and to inform you that their Circular letter of the 5th October last, does not allude to Duplicate Copies of Statements Nos. 1, 2, 3 & 4 or to that submitted under Circular Order No. 175 but to all Reports &c. connected therewith.

19th May 1849 /Signed/ T. H. Davidson
Register

No. 494

To,

The Agent to the Governor of Fort St. George
at Ganjam

Sir,

I am directed by the Court of Foujdaree Udalut to request that you will without further delay forward the Criminal Reports due from you for the last half of 1848.

19th May 1849 /Signed/ T. H. Davidson
Register

To,

№ 498. To,

The Agent to the Governor of Fort St George
at Vizagapatam

Sir

I am directed by the Court of Tonjdaree Udalut to return the Statement № 1 for the 2d half of 1848 and to state that 29 persons are entered under the head of Petty theft, as their Cases were not disposed of by the District Police at the close of the last report while the Statement for the previous half year contain nothing of that kind.

2 You will be pleased to transmit the Statement duly amended or furnish an explanation of the discrepancy.

22d May 1849. (Signed) T. H. Davidson
Register

№ 499. To,

The Session Judge of Chingleput

Sir

I am directed by the Court of Tonjdaree Udalut to return the statement shewing the number of Cases forwarded to the Criminal Court by each Head of Police for the 2d half of 1848 and to state that in the similar Statement for the preceding half

half year, one Case containing one person is entered as under examination of those forwarded by the Head of Police of Poonamaly, but of which there is no corresponding entry in the Statement under review.

2. You are therefore requested to have the Statement amended and retransmitted without delay.

22d May 1849 (Signed) T. H. Davidson
Register

№ 500. To,

The Session Judge of Madura

Sir,

I am directed by the Court of Tonjdaree Udalut to return the Statement № 3 for the 2d half of 1848 and to state that the total number of persons charged with the Criminal of Gang robbery, attended with aggravating Circumstances, escaping from Custody, Perjury, and False and Malicious accusations of Crimes and offences preferred to a Native Police Officer and entered in Columns 5 do not correspond with the particulars of their respective disposal.

2. I am further directed to point out to you that in the Statement № 2, 3 persons were included

included in 1 Case charged with the Crime of Perjury in opposition to Circular Order dated 6th August 1832 which requires that each individual charged with that crime should be tried separately.

3 You are therefore requested to have the Statement amended and retransmitted without delay.

22d May 1849 /Signed/ T. H. Davidson
Register

No. 501. To,
The Sessions Judge of Mangalore

Sir,

I am directed by the Court of Foujdaree Udalut to return the Statement No. 4 Shewing the operations of your Court for the 2nd half of 1848, and to request that you will cause the 1 Cases of Culpable Homicide, and 1 Case of Murder and Robbery entered in Column 8 to be exhibited in either of the succeeding Columns 9-10-11 & 12 as the case may be, and to state that 2 trials of Murder appear in Column 8 to have been referred to this Court whilst in Column 11 only one trial is entered.

2. You are therefore requested to have the Statement amended and retransmitted without delay.

/Signed/ T. H. Davidson
Register

22d May 1849.

No. 502. To,
The Sessions Judge of Canara

Sir,

I am directed by the Court of Foujdaree Udalut to return to you the Statement No. 1 for the 2nd half of 1848 in view to the exhibition therein by a Memorandum of the extent and degree of supervision and control exercised by the Magistrate over the proceedings of his Assistants as required by this Court's Circular Letter of the 12th April 1843.

22d May 1849 /Signed/ T. H. Davidson
Register

No. 503. To,
The Magistrates.

Circular Sir

I am directed by the Judges of the Foujdaree Udalut to transmit to you the accompanying Copy of a roll of three Convicts, named Ganiga Simmappah Bhundaree alias Gundwamy Vencatah, Jokrliah, who are reported to have effected their escape from Province Wellesley, in Prince of Wales' Island, in view to their apprehension should they appear in your District.

22d May 1849 /Signed/ T. H. Davidson
Register

To

(No. 32.)

No. 504. To,

The Secretary to Government
in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of the Order of Government dated the 5th May 1849 No 388 referring to their opinion the Draught of a proposed Act "to punish tampering with the Army or Navy"

2 The Judges are of opinion with reference to Section I of the Draught, that there should be an punishment between Seven years imprisonment and Transportation for life.

3 In this Presidency, the Sessions Courts in Cases of Gang robbery and some other Crimes, can pass sentense of fourteen years imprisonment in banishment and the Judges are of opinion that the Act would be improved if the same power were given to the Sessions Courts in regard to the Offences indicated in this Act.

4 The Judges also recommend that all Cases in which the Sessions Courts may deem a Sentence of fourteen years imprisonment inadequate to the degree of Criminality established against the accused should be referred for the final Judgment of the Foujdaree Udalut, who alone, under the existing Code, have authority to sentence to transportation for life.

5 The Judges would likewise observe that the wording of Sections I and II is somewhat obscure, as it regards the Courts by which the final Sentences are to be passed; and they suggest that that point be made more distinct in order to avoid future doubts and references.

2nd May 1849. (Signed) T. H. Davidson
Register

No. 505. To,

The Chief Magistrate and Superintendant of Police at Madras.

No Original

No. 506. To,

The Subordinate Judge of Combaconum.

Sir,

The Government having been pleased by an order in the Public Works' Department dated the 10th. May 1849. No. 93 to order the transfer of the Myaveram Convicts to Negapatam for the purpose of being employed on certain works in the Fort of that Town, for three Months, at the expiration of which time they are to return to the Myaveram Jail, and at the same time, expressed a wish that the strength of the Negapatam Jail should afterwards be increased till the work proposed be completed. I am directed by the Judges of the Tonjdaree Adalut to request that you will, without delay, report how many Convicts you will be able at

at the end of three Months, to transfer from the Jail under your charge to that at Negapatam and how many additional Convicts the latter Jail is capable of containing with due regard to their health and safe Custody.

23d. May 1849.

Signed J. T. H. Davidson
Register

(No. 533)

No. 507. To,

The Secretary to Government
in the Judicial Department

Sir,

Adverting to the Extract from the Minutes of Consultation in the Public Works Department under date the 7th. April 1849. No. 77. I am directed by the Judges of the Tonjdaree Adalut to state that the Officer Commanding Arcot has reported that the Convicts made available to the Military authorities by the Order of Government No. 134 of the 15th. February 1845, are still employed in making roads clearing the Cantonment and Parade ground of the 1 light Cavalry "and yet there is such quantity of work to be done, that it is impossible to say when their Services can be dispensed with"

2 The Commanding Officer reports that the Jail in which they are accommodated is a large

and

and healthy barrack and there is a guard furnished by the 52d. Regimt Native Infantry of 1 Havildar 6 Naigurs and 30 Privates for their safe Custody, exclusive of the usual Jail prons which are attached to them, and the whole are under the Controul of the Staff Officer of the station."

3d. In obedience to the order of Govermt above citid, the Judges of the Foujdaree Udalut directd that twenty of the Convicts Colonel Munsey should be employed in opening the paths and clearing the compound of the Bungalow occupied by the Sub Collector at old arcot: and Colonel Munsey has reportd that that number of Convicts has been employd accordingly.

23d. May 1849. (Signed) T. H. Davidson Register

No. 508. To,

The Magistrate of Madura

Sir,

I am directd by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter of the 17th. Instant and to inform you that under the Provisions of Section XXI. Regulation IX of 1816, they authorize the offer of a reward of Rupees (500) five hundred for the discovery and apprehension of the offender

offender or offenders Concernd in the murder reported in that communication.

23d. May 1849. (Signed) T. H. Davidson Register

No. 510. To,

The Sessions Judge of Cuddapah

Communicating sanction of a Bill of the cost of remunerating an extra Translator employd in the translation of two important referible Cases.

25th. May 1849 (Signed) T. H. Davidson Register.

No. 511. To,

The Magistrate of Masulipatam

Sir,

I am directd by the Judges of the Court of Foujdaree Udalut to return to you the Statement of Contingent charges which accompanied your letter of the 10th. March last in order to its retransmission in Duplicate.

2 The Judges observe that the designation of the authority, though whom the sanction of the Government was conveyed to you for the charges entered as No. 2 and 3 of the Statement now returd, should be specified, together with the date of the Communication by which the orders in question were transmitted.

The

23 The Judges desire to be informed why no statement was submitted of the Contingent charges incurred by you during Fusly 1256, which it is observed amounted to Rupees 227 - 7 - 5 Two hundred and twenty seven, annas seven, pice five.

25th May 1849 (Signed) A. J. Arbuthnot
A. Agt. to the Regt.

No. 512. To,

The Sessions Judge of Honore

Sir,

In reply to your letter of the 16th Instant reporting the transfer of 20 Convicts from the Jail under your charge to the Jail at Sircy, I am directed by the Judges of the Foujdaree Adalut to inform you that the Prisoners in question having been permanently transferred to the Jail at Sircy, the peons under whose charge they have been sent should be entered upon the Sircy Jail establishment, and that their pay should be reduced to that received by the other peons attached to the Jail at Sircy.

25th May 1849 (Signed) A. J. Arbuthnot
A. Agt. to the Regt.

No. 522. To,

The Magistrate of Malabar

Sir,

1 I am directed by the Judges of the Court of Foujdaree Adalut to return to you the statement of Contingent charges incurred by you in Fusly 1257 in order to its resubmission in an amended form by the insertion of those charges incurred in the preceding Fusly 1256 for which no corresponding items are to be observed in the statement under reference.

2 The Judges desire me to request that you will furnish them with an explanation of the delay which has occurred in the transmission of the statement now returned, which it is observed although dated the 11th July 1848 did not reach the Court of Foujdaree Adalut until the 20th April 1849.

29th May 1849. (Signed) A. J. Arbuthnot
A. Agt. to the Regt.

No. 523. To,

The Acting Sessions Judge of Coimbatore

Sir,

With reference to your letter of the 16th

16th Instant soliciting sanction for the expenditure of a further sum of Rupees (14 3 -) fourteen and annas three in the manufacture of certain pickaxes for the use of the Prisoners in the Jail under your charge. I am directed by the Judges of the Fouzdaree Udalut to inform you that under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Fort St. George Gazette of that year they sanction the expenditure of that amount

29th May 1849. (Signed) T. H. Davidson
Register

No 524 To,

The Sessions Judge of Rajahmundry

Sir

Adverting to Mr Irvines Letter of the 5th Instant Explaining, in reply to the communication from this Court of the 27th Ultimo why no Report was made to the Fouzdaree Udalut of the attempted escape of certain prisoners while being conducted preparatory to their return to the Jails from the works at Cantaroo I am directed by the Judges to observe that this Circular Order of the 20th May 1831 requiring that the report to be made direct to Government shall be a Copy of that made to the Provincial Court (under

the present system. the Fouzdaree Udalut) and that if it was not necessary to report the matter to this Court, it was obviously unnecessary to report it to Government.

2 I am directed to add that the Judges are awaiting the Translations of the Depositions taken in the Case, which are required to enable them to submit to Government their opinion on certain points relating to the Conduct of the Police on the occasion.

(Signed) T. H. Davidson
Register

29th May 1849.

No 525 To,

The Acting Subordinate Judge
of Cuddapah

Sir,

I am directed by the Judges of the Fouzdaree Udalut to request that on the receipt of this Communication, you will make preparation for the immediate transfer of one hundred (100) able bodied Convicts from the Jail under your charge to that of the Subordinate Judge of Rajahmundry, for the purpose of their being employed on the Anicut in that District

29th May 1849 (Signed) T. H. Davidson
Register

To

No. 526. To,

The Acting Subordinate Judge
of Rajahmundry

Sir,

Adverting to Mr. Irvine's letter of the 9th instant I am directed by the Judges of the Foujdaree Udalut to inform you that they have instructed the Acting Subordinate Judge of Cuddapah immediately to transfer to your charge, one hundred (100) Convicts, to be employed on the Engineer Works in the District of Rajahmundry.

29th May 1849 (Signed) T. H. Davidson
Register

No. 527. To

The Magistrate of Masulipatam

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of your letter of the 12th Instant, and in reply to inform you that, with reference to the Circular order of the Sudder Udalut No. 8 they authorize you to disburse the sum of Rupees 260 being the amount of fines levied from the parties convicted in the case referred to in the Proceedings of the Sessions Court of Masulipatam under date the 28th April 1849 for the purpose of its being refunded to the parties in question agreably to the instructions of the Session Court.

29th May 1849. (Signed) T. H. Davidson
Register

No. 528. To,

The Session Judge of Tellicherry

Communicating Minutes of Consultation by the Government declining interference in the Judgment arrived at by this Court regarding Kunayet Ally Khan Moofty Sudder Ameen of the Zillah Court.

29th May 1849. (Signed) T. H. Davidson
Register

No. 529 To,

The Session Judge of Calicut

Forwarding his Indent for tools passed by the Military Board.

(Sent Usual Letter No.)

30th May 1849.

To

The Subordinate Judge

of Calicut.

No 537

Sir,

In reply to your letter of the 11th Ultimo, I am directed by the Judges of the Foujdaree Adalut to observe that the Rules in force respecting the arms of the Peons must be strictly attended to it will remain, therefore, with you to adopt such measures as you may deem best calculated to render the guards efficient.

2d June 1849.

/Signed/ F Lushington

Acting Sen.e Dp. Register.

To

The Session Judge

of Honore

No 538

Sir,

Adverting to your letter under date the 11th Ultimo, I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the Authority vested in them by the Order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year to sanction the Expenditure of Rupees 16 8 a Sixteen and annas Eight, in making up 4 irons Bars for the purpose of Securing those Prisoners who have once effected their escape from the jail under your Charge.

2d June 1849.

/Signed/ J H Davidson

Register.

No. 547.

To

The Principal Assistant Magistrate

Sir, in Charge of Ganjam

With reference to your letter of the 18th Ultimo, applying for the Sanction of Government for the Sum of Rupees 25 — twenty five being the amount of a Reward paid during Fusly 1257 to certain parties for the recapture of a Prisoner Bhoye Naik in Case No 9 of 1847 of the Agents file, who effected his escape in the Zillah of Masulipatam while under escort to Nellore. I am directed by the Judges of the Foujdaree Udalut to observe that as the Reward in question appears to have been paid in conformity with a Specific provision of the Regulations, the Special Sanction of Government is not required for the same but in submitting the accounts to the Civil Auditor, the Regulation under which it was offered and paid should be distinctly set forth.

4th June 1849. (Signed) J. H. Davidson
Register

No. 551

To

The Magistrate of

Madura.

I am directed by the Judges of the Foujdaree Udalut to request that, under the Circumstances mentioned in your letter of the 24th Ultimo, you will consider as cancelled the Sanction of the offer of the Reward of Rs. 500 — Communicated in my letter of the 23d Ultimo.

5th June 1849. (Signed) J H Davison
Register

No. 552

To

The Several Sessions and Sub Judges

Principal Sudder Ameens and

Magistrates.

Sir,

1 I am directed by the Judges of the Court of Foujdaree Udalut to transmit for your guidance the following instructions in regard to the preparation of the Statements of contingent charges annually forwarded to this Court.

2 The Judges desire that in future the Statements in question may exhibit the number of Prisoner in confinement in the Jail under your Charge in each of the years under comparison, in order that it may be clearly apparent from a perusal of the Statement itself, whether or not any explanations offered for an increase or decrease observable in the amount of the Charges incurred for the diet ing of Prisoners, are sufficient.

3 All Charges passed by the Court of Sudder Udalut under the authority vested in them by the Resolutions of Government dated 28th July 1843 and 25th January 1845 you will be pleased to insert in the annual Statement of contingent Charges, in order that the Statements in question may present at one view the entire amount of Contingent expenditure incurred during the

the periods to which they refer.

4 The Judges desire that no Charges incurred on account of repairs of public buildings but those of a trifling or emergent nature accounted within the limit prescribed by the orders noted in the margin, and regarded as "contingencies," may in future be exhibited in the annual Statements.

5 The notification of the instructions conveyed in the Circular Order of the Sudder Adalat dated the 30th October 1824 the Judges direct that the Statement of Charges incurred in the pending Fusly to which no corresponding items are to be observed in the Fusly under review, be in future confined to the aggregate amount of such Charges the Government Considering the detailed Statements hitherto inserted under this head to be unnecessary.

6 The Right Honorable the Governor in Council having observed that many of the annual Statements recently submitted are encumbered with useless details which might have been better furnished in separate account particular, which others contains an unnecessary repetition of terms in the discription

of

of the Several Charges incurred, I am directed to request that the Statements in question may in future be prepared in a form as concise and condensed, as may be consistant with perspicuity.

7 In conclusion the Judges of the Foujdaree Adalat direct that the Estimated value of such articles as are manufactured by the Convicts, and used for Public purposes, and also of Prisoners labor when employed upon public works may be noted at the foot of the annual Statements to which these Constructions refer.

I have the Honor to be
Sir
Your Most Obedient Servant
(Signed) A. J. Arbuthnot
Ad. Asst. to the Register.

6th June 1849.

To

(№ 34)

№ 553

To

The Secretary to Government

in the Judicial Department.

Sir

I am directed by the Judges of the Court of Foujdaree Udalut to report for the information of the Right Honorable the Governor in council that the Session Judge of Calicut at the request of the Principal Sudr Ameen of Cochin has suggested that the Civil Engineer of the Division may be authorized to frame an Estimate for the execution of certain Repairs which the Principal Sudr Ameen reports to be required to the building occupied as a dwelling house by the jailor and constable at Cochin.-

2 The Judges of the Foujdaree Udalut to recommend that the Civil Engineer may be authorized to prepare an Estimate for the Execution of the repairs referred to.-

6th June 1849. (Signed) J.H. Davidson

Register.

(№ 35)

№ 558

To

The Secretary to Government

in the Judicial Department.

Sir

I am directed by the Judges of the Foujdaree Udalut to submit the accompanying List, forwarded through the Session Judge by the Principal Sudr Ameen of Chingleput, of unclaimed property convicted with certain Criminal Cases disposed of by that Officer, and which property has accumulated

accumulated since the establishment of his Court in the year 1843, and to recommend at the suggestion of the Principal Sudr Ameen that it be sold by Public outcry and the proceeds be remitted to the Collector's Treasury for the purpose of being carried to the credit of Government, together with the Sum of Rupees (4-1-1) four Anna one and Pie one, property of the same discription, being in ready Money.-

7th June 1849.- (Signed) J.H. Davidson

Register.

№ 559.

To

The Acting Session Judge of

Cuddalore.

Sir,

With reference to your letter of the 29th Ult. applying for instructions as to the extent of the investigation you are required to make in the matter of Parthasawratty Iyengar. I am directed by the Judges of the Foujdaree Udalut to inform you that all that you are required to do is to go into the Record of the Single Case in which that Individual was "convicted" and to Report your opinion on the same.-

7th June 1849 (Signed) J.H. Davidson

Register

(№ 36)

№ 562.

To

The Secretary to Government

in the Judicial Department

Sir,

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of the Order of Government

of

of the 29th May 1849. No 335. Forwarding a letter from the under Secretary to the Government of India, dated the 12th May 1849. and to Submit as required the accompanying Draught of an act for extending the provisions of act XVII of 1840 to Head Officers of Police, to enable them to adjudicate Petty Breaches of the Salt Laws.

8th June 1849. (Signed) J.H Davidson

Register

Act No

An act for amending Act XVII of 1840, in regard to penalties for certain breaches of the Salt Laws.

Whereas inconvenience has been experienced in consequence of Head Officers of District Police in the Madras Presidency being prohibited from taking cognizance of petty offences against the Salt Laws.-

I It is hereby enacted, in modification of Act XVII of 1840, that it Shall be competent to those of District Police to hear and determine cases of offences against the Salt Laws when the value of the Article in question Shall not exact five Madras Rupees and to inflict punishment not exceeding ten days imprisonment with labour or a fine not exceeding three Rupees commutable, if not paid, to imprisonment with labour for a period not exceeding ten days.-

II And it is hereby enacted that whenever a Head of District Police investigating under the authority vested in him by this Act Shall be of opinion that the punishment which

which he is empowered to inflict is not adequate to the offence committed he Shall report the case to the Magistrate for his final orders. Stating precisely the nature and exclent of the punishment he recommends to be inflicted. and the Magistrate Shall, at his discretion either issue his orders in writing to the Head of Police to inflict such punishment as the Magistrate may deem Sufficient not exceeding that declared in act XVII of 1840. Recording his reasons, if it is at variance with the opinion of the Head of Police, or he Shall order the Head of Police to forward the parties & witnesses to him for further investigation.-

III Provided always and it is hereby enacted that if at the expiration of thirty days from the date and day of dispatch of any reference from a Head of District Police to a Magistrate no answer or order of the Magistrate Shall have been received by the Head of Police then, the Head of Police Shall release the offenders, and the Confinement which they have so had Shall be considered a Sufficient punishment for the said offence, and they Shall not be liable to be again tried for the Same.-

IV And it is hereby enacted that Heads of District Police Shall report to the Magistrates in the Mode prescribed by Clause Second Section XXXIII Regulation XI of 1816, all punishments which they may inflict by Virtue of the authority vested in them by this Act.-

8th June 1849. (Signed) J.H Davidson

Register.

No. 565. To

The Magistrate of

South Arcot.

Sir,

1 With reference to your letter of the 10th April last requesting sanction for the continuance of the additional Police Establishment in South Arcot. I am directed by the Judges of the Foujdaree Udalut to forward to you the annual copy of his Extract from the Minutes of consultation under date the 2d Instant and to request you will lose no time in furnishing this Court with the fullest information on the subject.

2 You will be pleased to pay particular attention to the opinion recorded by Government as to the expediency of locality an Assistant Magistrate in the Talooks in which crime is most prevalent and report what steps you have taken or propose to take, with reference to that opinion.

3 You will likewise be placed particularly to bear in mind the opinion of Government that a more morjelic Superintendence of the Police by the Magistracy of South Arcot is very requisite. On opinion in which the Foujdaree Udalut cannot but entirely concur.

11th June 1849. (Signed) J H Davidson

Register

No. 566. To

The Session Judge of Chittoor

Sir,

Adverting to your letter of the 12th Ultimo, I am directed by the Judges of the Foujdaree Udalut to request you will immediately take measures to obtain and forward to this Court answers to the following questions relative to the employment of the convicts under the Officer Commanding Arcot.

1 What work (exactly) has been executed by convict labour from the 11th March 1845 to the present time.

2d What is the State of the Existing roads in the contonment.

3d What is the Estimated value of the work performed in the last twelve Months.

What is the number of Convicts, the Strength of the Jail Guard, and the Exctra Cost, all Items included, of the maintenance of the convicts, and 5th Whether the Detachment of the 52 Regement is required Solely for their Safe Custody.

11th June 1849. (Signed) J H Davidson

Register.

No. 567

No 573..... To

The Officer Commanding

Arcot

Sir,

I am directed by the Court of Foujdaree Udalut to return to you the Statement of Convicts for the 2d Half of 1848 and to request that you will exhibit at the bottom of it the date of the Authority of Government placing convicts under your control and retransmit it by return of Post.-

I have the Honor to be

Sir,

Your Most Obedient Servant

13th June 1849. /Signed/ J H Davidson

Register

No 576 To The Session Judge

Sir of Coimbatoor

Communicating orders of Government sanctioning an Estimate for repairs to the Jail at his Station.

11th June 1849. /Signed/ J H Davidson

Register

No 577 To

The Session Judge of

Sir Chingleput.

I am directed by the Judges of the Foujdaree Udalut to request you will forward to the Jail at Guindy twelve able bodied convicts in addition to those already there under the care of the Magistrate of Chingleput.-

14th June 1849. /Signed/ J H Davidson

Register

No 578 To The Magistrate of Chingleput.

Sir,

I am directed by the Judges of the Foujdaree Udalut to inform you that they have instructed the Session Judge of Chingleput to send twelve convicts to the Guindy Jail, in addition to those now under your orders. and to request you will made the same arrangements for their safe custody &c as you have done for the others. and further that you will take measure for having them sent every morning early to the Sudder Court the compound of which they are to be for a while employed in repairing and clearing, which is the property of Government.-

14th June 1849. /Signed/ J H Davidson.

Register

No 579 To Captain W. R. Worster

Superintendent of Roads.

Sir,

I am directed by the Judges of the Foujdaree Udalat

Udalut to inform you that the Sessions Judge of Chingleput has been instructed to send to the Guindy Jail, twelve convicts in addition to those now under the Charge of the Magistrate: and that from the date of their arrival at Guindy It will not be necessary for you to send to the Sudder Court, the party of Prisoners applied for in the Letter from this Office of the 16th March last.

14th June 1849. (Signed) T. H. Davidson
Register

No. 580 To The Principal Sudder Ameen
in Charge of the Sessions Court of Trichinopoly.

Sir,

With reference to your Letter of the 5th Instant, reporting the escape of two Prisoners on the morning of the 4th Instant, I am directed by the Judges of the Foujdaree Udalut to request that you will lose no time in submitting for their Consideration a report of your enquiring into the Circumstances under which the escape was effected, together with translations of the depositions taken from the parties examined before you.

2 The Judges observe that Foujdaree Udalut Circular Order No. 60 expressly forbids the detachment of Convicts to the Jungle and they direct that such practice be immediately discontinued in the Trichinopoly Jail.

14th June 1849. (Signed) F. Lushington
Acting Sen. Dy. Register

No. 584. To (No. 38)
The Secretary to Government
in the Judicial Department

Sir,

With reference to the Extract from the Minutes of Consultation in the Public works Department under date the 10th May 1849. No. 93. directing the temporary removal of the Convicts stationed at Myaveram to Negapatam, and expressing a wish that the Strength of the Jail at the latter Station may hereafter be encreased. I am directed by the Judges of the Foujdaree Udalut to state that a reference had been made to the Subordinate Judge at Combaconum to ascertain whether any convicts could be spared from that Jail, but that Officer has reported that the continued decrease of the number of Prisoners at Combaconum in 1846 amounted to 401 and is now but 233 has disabled him already from maintaining a part of the work performed in 1845 and 1846, and any further reductions will make it necessary to abandon much which even now is maintained with difficulty within the Town itself, and which, such is the nature of the Soil, without timely and incessant repairs, will speedily fall into decay. The Subordinate Judge adds that the whole number of available convicts for public works in the Jail under his Charge falls short of 120.

2 At Cuddalore and Salem the number

of

of Convicts is also small: and at Trichinopoly they are employed upon important public works ordered by Government.

Under these circumstances, the Judges apprehend that it will not be in their power for some time to come, to order the transfer of any Convicts to Negapatam from the Neighbouring Jails.

15th June 1849. /Signed/ J H Davidson
Register.

No 585.

Memorandum.

4 Printed forms of the Half yearly Criminal Statement No 1
4 Do of the Do Do No 2
4 Do of the Half yearly Statement of labor of Convicts
4 Do of the Jail Returns.

Forwarded to the Sessions Judge of Combaconum with reference to his letter dated the 28th Ultimo.

By Order of the Court of Foujdaree Udalut.
15th June 1849. (Signed) J H Davidson
Register

No 586.

Memorandum

5 Dozens of Printed Calendars forwarded to the Sessions Judge of Nellore with reference to his letter dated the 5th Instant.

By Order of the Court of Foujdaree Udalut.
15th June 1849. /Signed/ J H Davidson
Register

To

(No 39)

No 593 To The Secretary to Government.
in the Judicial Department.

Sir,

With reference to the order of Government dated the 25th July 1840 No 351/604, I am directed by the Judges of the Foujdaree Udalut to transmit for Submission to the Government of India, the accompanying Copy of the Criminal Report for the 2d half of 1847.

18th June 1849. /Signed/ J H Davidson
Register.

No 594 To The Sessions Judge of Chingleput.

Sir

Sanctioning the disposal in the manner proposed by the Principal Sadder Ameen of the unclaimed property received by that Officer in Criminal Cases since 1843.

18th June 1849. /Signed/ J H Davidson
Register.

No 601 To The Secretary to the Board of Revenue
in the Department of Public Works.

Sir,

With reference to the order of Government of the 1st Ultimo No 272, I am directed by the Judges of the Foujdaree Udalut to transmit for examination and check and for eventual Submission to Government the accompanying Estimate of the repairs required to the Jail &c at Cuddalore.

19th June 1849. /Signed/ J H Davidson
Register.

To

No 604. (No. 40)

To The Secretary to Government
in the Judicial Department.

Sir,

With reference to the Extract from the Proceedings of this Court dated the 15th Instant No 37, I am directed by the Judges of the Fouzdaree Udalut to transmit to you for the purpose of being laid before the Right Honorable the Governor in Council the accompanying Statement, exhibiting the number of Trials disposed of by them, from the 1st July to 31st December 1847, and shewing the number of days occupied from the date of apprehension to the final disposal of each case, as required by para 23 of the Extract from the Minutes of Consultation dated 7th April 1848. No 258.

20th June 1849. (Signed) J H Davidson
Register.

No 605. To The Acting Sub Judge in Charge of
the Session Court of Cuddapah

Sir,

I am directed by the Judges of the Court of Fouzdaree Udalut to return to you the Copies of the letter of the Magistrate of Cuddapah under date the 8th May 1849 forwarding the Comparative Statements of crimes Committed in that District during the year 1848 in order that the letter may be retransmitted to the Magistrate for amendment by the omission of

Paras

Paras 17, 18, 19, 20, 21, and 23 which it is observed convey certain Suggestions for the alteration of the law regarding the Offence of Perjury.

2 The Judges desire me to state that Magistrates in this Presidency were on a former occasion directed to inform the observations contained in the letter Submitted by them with the annual Police Reports to a review of the State of the Police in their respective Districts, abstaining from inserting therein any propositions or Suggestions of a general nature, which it was observed Should invariably be submitted in Separate Communications.

20th June 1849. (Signed) J H Davidson
Register.

No 606 To The Session Judge of
Calicut.

Sir,

Communicating order relative to the repairs of the Jailors Quarter at Cochin.

20th June 1849. (Signed) J H Davidson
Register.

No 608. To The Agent to the Governor of
Fort St George at Gunjam.

Sir,

Adverting to this Courts Circular letter dated 5th October last, I am directed by the Court of Fouzdaree Udalut to request that you will forward without further

delay

delay the duplicate Copy of your report dated the 18th May 1849 forwarding the Criminal returns for the last half year.

21st June 1849. /Signed/ T.H Davidson

Register.

No 609. To

The Subordinate Judge

of Calicut.

Sir,

With reference to your letter under date the 8th Instant requesting Sanction for the expenditure of a sum amounting to Rupees (73-15-9) Seventy three Annas fifteen and Pice nine in certain repairs to the Jail and to the Cooking utencils in use therein I am Sam directed by the Judges of the Foujdaree Udalut to inform you that under the authority vested in them by the Order of Government of the 28th July 1843 published at Page 608 of the Official Gazette of that year, they can sanction only the Charges on account of the iron Cooking utencils and the tubs (large and small) requisite for use in the Jail and the Hospital, together with amounting to Rupees 19-8-0 Nineteen and annas Eight.

2d The Charges for repairing the drains and the roof of the Jail which amount in the aggregate to Rupees 54-7-9 Fifty four annas Seven and Pice nine being of a nature different from the foregoing and involving an Expenditure beyand the Sum which the Judges are empowered to authorize for the repairs of Public Buildings, I am directed to state that you must Submit a Separate application through

through this Court for the special Sanction of Government for those charges, accompanied by the necessary explanations.

21st June 1849. /Signed/ T.H Davidson

Register

No 610. To

The Secretary to the

Medical Board

Sir,

With reference to your letter of the 11th February 1843, I am directed by the Court of Foujdaree Udalut to transmit to you to be laid before the Medical Board the accompanying General Statement of Prisoners in the Several Jails under this Presidency for the year 1848.

21st June 1849. I have the honor to be &c.

/Signed/ T.H Davidson

Register

Statement

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No 612 To

The Sessions Judge of Chittoor

Sir,

Adverting to the Circular Letter from this Court dated 5th October last I am directed by the Court of Foujdaree Udalut to request that you will without further delay forward the Duplicates of all the papers submitted with your Report of the 9th Instant, with the exception only of statements Nos 1, 2, 3 and the end of that submitted under Circular Order No 175. the Duplicates however of the Reports of the Magistrate and Sessions Court have been furnished by you

2 I am further directed to return for amendment the Calendar of Persons punished by the Magistracy during the 4th quarter of 1848 and to state that no copy of Case No 4 remarked upon in para 3 of your Proceedings of the 26th March last, as well as of your Proceedings in Case No 3 appears to have been annexed

3. The reason for the delay in submitting the Report has not been stated, which you are requested to furnish

22d June 1849. /Signed/ T H Davidson

Register

No 613. To

The Sessions Judge of Combaconum

Sir,

I am directed by the Judges of the Foujdaree Udalut to return to you the Jail returns prepared by the Subordinate Judge and the Magistrate of Tanjore for the year 1848 and to request that you will call upon those Officers to explain the Causes of the direct contradiction and inconsistency between the notes entered at the foot of the statements furnished by them

You will be pleased to retransmit the statements with the required explanation without

without delay in order that the transmission of the same to the Medical Board may not be delayed any longer.

22d June 1849. /Signed/ T H Davidson

Register

No 614. Memorandum

6 Printed forms of the Half yearly Criminal Statement No 3 forwarded to the Principal Sudder ameen of Cuddalore with reference to the late Acting Principal Sudder ameen's letter dated the 15th June 1849.

By Order of the Court of Foujdaree Udalut.

/Signed/ T H Davidson

22d June 1849. Register

No 615. Memorandum

4 Printed forms of the half yearly Criminal Statement No 1

4 ——— do ——— of the ——— do ——— do ——— No 2

Forwarded to the Magistrate of Rajahmundry with reference to his letter dated the 11th June 1849.

By Order of the Court of Foujdaree Udalut.

/Signed/ T H Davidson

22d June 1849. Register

To

No 66. To

The Session Judge of

Bellary.

Sir,

I am directed by the Court of Foujdaree Udalut to acknowledge the receipt of your letter of the 11th Instant, and to state that in forwarding the Duplicate Copies of the Reports &c required in their letter of the 27th April last, you have by mistake subjoined thereto Extracts of Petty Calendars disposed of by the Magistracy during the 1st and 2d Quarter of 1848 and of the proceedings held thereon by you, the submission of which, with the Reports for the 2d Half of 1848 is not required.

You are therefore requested to transmit a Duplicate Copy of what has already been submitted with the reports for the 2d half of 1848. The Duplicates in question are herewith returned.

I have the honor to be,

Sir,

Your Most Obedient Servant

22d June 1849.

/Signed/ T H Davidson

Register.

To

(No 41.)

No 67. To

The Secretary to Government

in the

Judicial Department.

Sir,

I am directed by the Judges of the Court of Foujdaree Udalut to report for the information of the Right Honorable the Governor in Council that an individual, named Seruu Rookiah committed for trial before the Sessions Court of Rajahmundry upon a charge of High way Robbery in Case No 21 of 1849 on the file of the Sessions Court the Calendar of which is herewith transmitted has been acquitted by the Sessions Judge in concurrence with the Futwah delivered by the Mohammedan Law Officer, on the Ground that the Prisoner has been proved to have been insane at the time of the Commission of the Robbery laid to his Charge.

2 The Medical Officer has certified that the Prisoner is of sound mind at present, but the Sessions Judge consider the evidence sufficient to Establish the Prisoner's insanity at the time of the Commission of the Offence Charged against him; and states that he had been under Medical treatment in the Village of Saitagontah

from

from which he had effected his escape on the very day that the Robbery occurred.-

3 Under the provisions of Act IV of 1849 the Judges of the Fouydaree Udalut direct me request that they may be favored with the Orders of the Right Honorable the Governor in Council in regard to the disposal of the individual referred to.-

Have the honor to be,

Sir,

Your Most Obedient Servant.

/Signed/ A J Arbuthnot

23d. June 1849. Hd. Asst. to the Registr.-

Memo.

No. 620

Memorandum

1 Copy of Nezamut Udalut Reports Vol: VI Part 3 from 1846/49

1 do. ——— do. ——— do. — Vol: VI Part 4 for 1848 forwarded for the use of the Session Court of ———

By Order of the Court of Fouydaree Udalut.

25th June 1849. /Signed/ a.J. arbuthnot

Hd. Asst. to the Register

No. 621. To The Session Judge of Salem.

Sir,

I am directed by the Court of F.U. to acknowledge the receipt of your letter dated 25th May last, and to state that it appears from the Calendars of the Mag.cy originally forwarded to this Court that you have omitted to insert the case No. 28 in the Duplicate Copy of the Calendar of Persons released by the Magistracy during the 4th Quarter of 1848, and that the Case No. 18 entered in the Duplicate Copy of the Calendar of Persons furnished by the Magistracy during the 3d Quarter of 1848 does not appear in the one originally forwarded.-

2 The Judges therefore direct me to return the duplicate Copies of the Calendars in question and to request that you will transmit without further delay a Duplicate Copy of what has already been submitted with the Criminal reports for the 2d Half of 1848.-

25th June 1849. /Signed/ J.H. Davidson

Register

No 622. To The Subordinate Judge in Charge of the Session Court of Cuddapah.

Sir,

In Acknowledging the receipt of your letter dated the 14th Instant, reporting the escape of three Security Prisoners from custody on the 6th Instant. I am directed by the Judges of the Foujdaree Udalut to observe that the detachment of Prisoners to jungly places at a distance from the jail is strictly prohibited by Foujdaree Udalut Circular Order No 60 dated 29th January 1836, and to request that you will immediately direct the discontinuance of such parties in the jail at Cuddapah.

26th June 1849. /Signed/ T H Davidson
Register

(No 42.)

No 629. To The Secretary to Government in the Judicial Department.

Sir,

Forwarding an Indent by the Sub Judge of Mangalore for working implements.

27th June 1849 /Signed/ T H Davidson
Register

(No 43)

No 632. To The Secretary to Govt in the Judicial Depat.

Sir,

Forwarding an Indent by the Acting Magistrate of Bellary for 40 Hand Cuffs of Prisoners.

28th June 1849. /Signed/ T H Davidson
Register

No 633 To The Secretary to Government in the Judicial Department. (No 44)

Sir,

In reply to the Order of Government dated 5th June 1849 No 357 referring for this Report a Letter from the Secretary to the Government of India dated the 12th May 1849 and an Extract from dispatch from the Honorable the Court of Directors No 9 of 1849 (L.D.) dated 14th March in which the Honorable Court desire to be informed of the result with which experiments with regard to the effect of Solitary confinement of classification of Prisoners of the entire exclusion of their friends of compulsory labour and of the deprivation of employment have been attended I am directed by the Judges of the Foujdaree Udalut to state that in this Presidency no experiments have been made on any of the points of Prison Discipline enumerated by the Honorable Court.

/Signed/ T H Davidson
Register

29th June 1849

No 634 To The Magistrate of Chingleput.

Sir, I am directed by the Judges of the Foujdaree Udalut to inform you that they have fined one of the Jail Peons named Soobbee Said of Salem who accompanied the party of Convicts to work in the Court Compound this day, in the sum of one Rupee for neglect of duty and to request that you will stop the same from his Salary for the current Month

Month and carry it to the credit of Government.
30th June 1849.

/Signed/ A.J. Arbuthnot
Vd af.t to the Register

A.o 835 To (No 45)
The Secretary to Government
in the Judicial Department.

Sir,

With reference to the Order of Government dated 23d June 1838, No 636, I am directed by the Judges of the Court of Foujdaree Udalut to transmit to be laid before the Right Honorable the Governor in Council, the accompanying General Statement made up to the 31st December 1848, Shewing the number of Convicts Sentenced to labor on public works throughout the Madras Territories, the number allotted to each discription of work, their Age, the authorities under whom they are placed, and, where destined from Officers in charge of Jails, the date of the Authority of Government under which convicts were placed under their Controul.

I have the honor to be
Sir
Your Most Obedient Servant
/Signed/ T.H. Davidson
Register.

30th June 1849.

A.o 836 To (No 46)
The Secretary to Government
in the Judicial Department.

Sir,

With reference to the Extract from the Minutes of Consultation in the Public works Department, under date the 2d June 1849 A.o 106 calling for information respecting the Convicts employed under the Officer Commanding arcot. I am directed by the Foujdaree Udalut to state that Colonel Mansey has reported that no journal was kept of the works done by the convicts previous to my 1847. and that since that period, they have been employed in the following works. Cutting down an immense quantity of Prickly Pear and Aloes in and around the Sepoys Lines. Assisting in building a new watering Grough, repairing & clearing out the well. Digging a new Well in the Horsekeepers Lines. Repairing the Tank at the House called the Commandants Quarters. Making the Roads and Cutting down a large Quantity of Prickly Pear in the Compound. Making a Foot Parade for the Regiment between the Barracks and Sick Stables, which is described to have been a very arduous piece of work, large Masses of Rock requiring to be removed. Making a new Road from the Horse Lines to the Officers Quarters. Repairing the High Road to Madras as well as the numerous

numerous Roads within the contonment and Civil limits-
Cutting and Splitting Rock and forming it into Slabs for
covering drains and making Bridges- Making a Road from the
main Road to the Military Bazar which was a dessicult work
as there were numerous large Rocks to be blown up and removed
and Several Gillahs bridged over: Removing a number of Huts
in the immediate Neighbourhood of the European Barracks as
they were considered detrimental to health- Cutting down an
enormous quantity of Prickly Pear in and around the contonment
and making Several new drains to carry off the Stagnant
water from low and unhealthy places-

2 Colonel Munsey States that the contonment Roads
at present require repair owing to the recent rains as well as to the
Convicts having had other employment on hand-

The estimated value of the work done by the Convicts
is Stated to be about 2120 Rupees for the last twelve Months-

1 At present the number of Convicts is 99 of whom
8 are, on an average in Hospital, and 2 employed as Jail Attendants, besides 20 under the orders of the Sub Collector at Ole
Arcot leaving by effection Mem: There are 1 Dafadar
1 Naique 26 Peons. It is Stated that there is no Extra Cost
to Government on account of these Convicts, beyond the Simple
Item of marching Batta for the infantry Guard to and from
Vellore amounting to about Rupees 73 8 . per annum-

5th Colonel Munsey adds that the Infantry Guard
is

Toujdaree Diary 30th June 1849.

is Solely for the Safe Custody of the Convicts-

/Signed/ J H Davidson
Register

№649 To

The Sessions Judge of
Masulipatam

Sir

With reference to your letter of the 21st Ultimo I am directed by the Judges of the Foujdaree Udalut to request you will without delay forward a certificate by the Zillah Surgeon of the state of mind of the Prisoner in Case №14 of 1849 and you will be pleased to inform the Medical Officer that his opinion on the subject must be distinct and positive

(Signed) J. H. Davidson
Register

3d July 1849

№654. To

The Sessions Judge of
Rajahmundry.

Communicating order of Government directing that the Individual who was charged with highway Robbery, and was acquitted of that offence by the Sessions Judge on the grounds of insanity but who is now represented to be of sane mind, be made over to his friends on their responsibility for his quiet demeanour

(Signed) J. H. Davidson
Register

5th July 1849

(No. 47.)

No 658 To

The Secretary to Government
in the Judicial Department

Sir

I am directed by the Judges of the Fouj: daree Udalut to request that the Sanction of the Right Honorable the Governor in Council may be accorded to the disbursement of a pecuniary reward to Adda Sungum of the Tallook of Tripatoor in the District of Salem. Prosecutor in case No. 9 on the calendar of the Sessions Judge of that Zillah to his three sons the 1st 2nd and 3d Witnesses therein to the families of a fourth son named Symbiryyan and of one Ragovan for the spirited resistance made by them to a gang of robbers by whom the house of the Prosecutor was attacked on the night of the 29th January last and the Prosecutor his four sons and Ragovan severely wounded, Symbiryyan and Ragovan having died from their wounds the one on the following day and the other on the third day after the robbery took place.

2. The Prosecutor and his sons having been for several weeks disabled from working, in consequence of the wounds they received in resisting the gang by whom their house was attacked the Magistrate of Salem upon the representation of the Head Assistant Magistrate by whom the case was committed to the Criminal Court has recommended that the liberality of Government should be extended to them as a reward for the manly resistance made by them, and as some compensation for the injuries they have sustained, and this recommendation is supported by the Sessions Judge.—

3. On perusal of the Abstract of the evidence as contained in the Calendar, the Judges of the Foujdaree Udalut are satisfied that the Individuals referred to have shewn themselves to be deserving of the consideration of Government and deverting to the advantages likely to result from marking with approbation such instances of a brave resistance to the attacks of robbers as are brought to the notice of the authorities; the Judges beg to recommend that the Magistrate of Salem may be authorized to disburse the sum of Rupees 300 three hundred in equal shares to the Prosecutor and his three surviving sons, and the families of the two individuals whose deaths have resulted from the wounds they received.—

7th July 1849. (Signed) T. H. Davidson
Register

№659. To the Sessions Judge of Tellicherry.—

Sir.

Adverting to your letter under date the 18th Ultimo, I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year, to sanction the expense incurred on account of the Confinement of the prisoner referred to in your letter amounting to Rupees (4-13-4) one annas thirteen and pice four—

The Judges are of opinion that this trifling charge might have been included in the annual Contingent Statement without an application for special sanction.—

7th July 1849.—

(Signed) T. H. Davidson

Register

№660. To

The Sessions Judge of Chingleput

Sir.

Adverting to your letter under date the 25th Ultimo I am directed by the Judges of the Foujdaree Adalut to inform you that they resolve under the authority vested in them by the order of Government of the 28th July 1843 published at page 608 of the Official Gazette of that year to sanction the expenditure of Rupees (51-15-0) fifty one and annas fifteen in repairing 12 old Jail Carts

7th July 1849.

(Signed) T. H. Davidson

Register

To

№665 To

The Agent for the Governor

at Kurnool

Sir

1 I am directed by the Judges of the Foujdaree Adalut to acknowledge the receipt of your letter of the 25th Ultimo requesting authority to expend a sum not exceeding forty Rupees in completing certain alterations in the Jail at Kurnool.

2 As the work is not of an emergent nature the Judges are of opinion that it may be completed by the Convicts and that with due care, it will not be attended with any risk.

3 The Judges therefore decline to sanction any money for the purpose.

Signed T. H. Davidson

10th July 1849

Register

№669- To

№48-

The Secretary to Government

in the Judicial Department

Sir

With reference to the Extract from the minutes of Consultation in the Revenue Department under date the 4th May 1849 №452 transmitting to

&c

the Tondiaree Udalut a Petition № 1849 of 1848 presented by Parthasarady Iyengar with the report and correspondance thereon received from Board of Revenue with a view to the same being remitted by the Sessions Judge of Cuddalore for full inquiry and for his opinion as to the guilt or innocence of the Petitioner on the different charges on which he has been tried and punished; I am directed by the Judges to forward for the information of Government the annexed Copy of a letter from the Acting Sessions Judge communicating the result of his inquiry into the only case in which the Individual in question was convicted

2 The original enclosures are herewith returned

Signed/ J H Davidson
Register

11th July 1849.

№ 678.

To
The Secretary to Government
in the Judicial Department

Sir

1 I am directed by the Judges of the Court of

of Tondiaree Udalut to request for the information of the Right Honorable the Governor in Council that a Sum of Rupees 54-7-9 fifty four Annas Seven and pice nine has been expended by the Sub Judge of Calicut in the construction of a drain in the Jail at that Station and in repairing the Roof and Shutters of the Jail and Hospital -

2 The Subordinate Judge represents that the works in question being of an Emergent Nature he deemed it necessary to order this Execution previous to the commencement of the South West Monsoon, and the Judges accordingly beg to recommend that the Sum expended may receive the Sanction of Government.

13th July 1849

Signed/ A J Arbuthnot
Dy Agt to the Register

№ 682

To
The Sessions Judge
of Chicacole

Sir

I am directed by the Judges of the Tondiaree Udalut to request that you will without delay report your opinion whether there be any necessity for a Jail being kept up at Itchapore and whether any objection exists to the transfer of all Prisoners from Itchapore to the Jail at Chicacole

Signed/ J H Davidson
Register

17th July 1849.

№ 683.

The same to the Magistrate
of Ganjam.

№684 To

The Magistrate
of South Arcot

Sir

I am directed by the Judges of the Foujdaree Udalut to call your attention to the letter from this Office of the 11th Ultimo and to request you will lose no time in furnishing the information therein required; respecting the additional Police force in the District of South Arcot.

Signed/ J H Davidson
Register

17th July 1849

№685 Memo

6 Printed forms of the Half yearly criminal Statement № 1
6 ——— Do —— of the ——— Do ——— Do —— № 2
6 ——— Do —— of the ——— Do ——— Do —— № 3
6 ——— Do —— of the ——— Do ——— Do —— № 4
4 ——— Do of the Statement Shewing the number of cases forwarded to the Criminal Court by each Hd. of Police
4 ——— Do of the Half yearly Labor of Convicts —

Forwarded to the Sessions Judge of Nellore with reference to his letter dated the 2d Instant

By Order of the Court of Foujdaree Udalut
Signed J H Davidson
Register

17th July 1849.

To

№686 Memo

20 Printed forms of the Monthly Criminal reports № VI
20 ——— Do ——— of the Statement of the Labor of Convicts
20 ——— Do ——— of the Statement created by Regulation X of 1832
10 ——— Do ——— of the Half yearly Criminal Statement № IV
10 ——— Do ——— of the ——— Do ——— Statement of Convicts —
20 ——— Do ——— of the Statement of Batta paid to Prosecutor and Witnesses. Forwarded to the Sessions Judge of Tinnevelly with reference to his Official Memo dated the 17th Instant.

By Order of the Court of Foujdaree Udalut
/Signed/ J H Davidson
Register

17th July 1849

№698 To

№ 49.

The Secretary to Government
in the Judicial Department

Sir

I am directed by the Judges of the Foujdaree Udalut to acknowledge the receipt of the Extract from the Minutes of Consultation in the Judicial Department under date the 14th April 1849 № 233 forwarding copy of a letter from the Subordinate Judge of Rajahmundry relative to an attempted out break amongst the Convicts at that Station. and with reference to the Statement of the Subordinate Judge, that the Ryots appear to have behaved with

with great steadiness and not to have used more violence than was absolutely necessary to repress the out break" requiring the Judges to report whether the conduct of the Peons especially those that were wounded, has entitled them to pecuniary reward from Government.

2 The record of the trial having been set down for reference to the Tongdaree Udalut for their final judgement. The Judges awaited its arrival before submitting the required report to Government.

3 The attempt at escape appears to have been confined to two prisoners.

4 Three Peons named N Venkatachellum M Veeramah and A Lutchmoodoo were severely wounded. It appears indeed from the certificate of the Zillah Surgeon that the two first named persons were dangerously wounded.

5 A Duffadar named Lunga Sobaroyadoo and three Peons named Jenooga Canakiah Shaik Adam and Cassetty Venkatsawmy appear by the deposition taken to have behaved well.

6 The rest of the Peons present on the occasion were not called upon to act, as the attempt of the two prisoners above referred to to excite the gang to a general outbreak was not successful.

7 The seven Peons above named appear to have acted with much firmness and at the same time with much forbearance. and adverting to the wounds inflicted upon the first three the Judges of the Tongdaree Udalut beg leave to recommend that each of them receive gratuity of three months pay

8 The Judges likewise recommend that the remaining four persons receive each a gratuity of one months pay.

9 It may be added that of the two prisoners whose cases were referred to the Tongdaree Udalut on account of their share in this outbreak one was sentenced by this Court to imprisonment for fourteen years with 195 Lashes and the other to imprisonment for three years with one hundred Lashes

/Signed/ J H Davidson
Register

21st July 1849-

No 699 To No 50.

The Secretary to Government
in the Judicial Department

Sir

With reference to the order of Government dated

dated the 12th July 1849 No. 452 authorizing the Magistrate of Salem to disburse to certain parties, the sum of three hundred Rupees, as a reward for their spirited resistance on the occasion of an attack by Gang Robbers on the house of the Prosecutor in case No. 9 of the calendar of the Sessions Judge of Salem, and desiring to be informed how far the resistance was successful and what number of the Robbers have been brought to justice through the exertion of the Police.

I am directed by the Judges of the Tondiarey Udalut to state that it appears from the calendar that the evidence was deemed by the Sessions Court, insufficient for the legal conviction of the accused of whom, however, three were considered liable to strong suspicion and were accordingly required to find security for their future good behaviour for three years.

/Signed/ J H Davidson
Register

21st July 1849

No 701

Memorandum

6 Printed forms of the Half yearly Statement of convicts forwarded to the Subordinate Judge of Salem with reference to his letter dated the 13th Instant.

By Order of the Court of Tondiarey Udalut
/Signed/ J H Davidson
Register

23d July 1849—

No 708—

To
The Subordinate Judge
in charge of the Sessions Court
of Cuddapah

Sir

In reply to your letter of the 14th Instant reporting the escape of two security prisoners on the occasion of their having been sent to procure twigs at a place about five miles from Cuddapah; I am directed by the Judges of the Tondiarey Udalut to direct that the practice of sending prisoners to procure twigs may be discontinued, as such work can only be performed in jungly places to which the detachment of prisoners has been prohibited

/Signed/ J H Davidson
Register

24th July 1849

Memorandum

No 714

1 Printed copy of Extracts from Selections from Public correspondence relative to Tuema bazy Thugs. Forwarded for the use of the several Sessions Judges Magistrates and Joint Magistrates.

By Order of the Court of Tondiarey Udalut
/Signed/ A J Arbuthnot
Ag. Supt to the Regr.

25th July 1849—

To

№ 713

Memorandum

12 Printed forms of the Monthly Criminal Reports VI
12 D° D° of the D° D° B
12 D° D° of the Statement created by Regulation X of 1832
12 D° D° of the Monthly Statement of Labor of Convicts
2 D° D° of the Half yearly Statement of Convicts
2 D° D° of the Half yearly Criminal Statement III
2 D° D° of the Annual Jail Returns.

Forwarded to the Subordinate Judge of Rajahmundry with reference to his letter dated the 16th Instant.

By Order of the Court of Sondaree Adalut

(Signed) J H Davidson
Register

25th July 1849.

To

№ 720 The Subordinate Judge of Calicut

Communicating for his information with reference to his letter dated the 29th June 1849, copy of an order of Government dated 13th July 1849 Sanctioning a charge of Rupees 54-7-9 incurred by the Subordinate Judge of Calicut in the execution of certain emergent repairs to the jail under his charge

(Signed) J H Davidson
Register

26th July 1849

№ 722

To

The Session Judge of Masulipatam

Sir

In reply to your letter of the 12th Instant forwarding copy of a communication from the Sudr Ameen of Ichapoor regarding the Prisoner in case № 36 of 1849 on the file of the late Principal Sudr Ameen Court of Masulipatam who was forwarded to Ichapoor for the purpose of being identified before the Sudr Ameen of that Station;

I am directed by the Judges of the Sondaree Adalut to inform you that as the witnesses named by the prisoner for his defence are represented to be inhabitants of the Zillah of Chicacole, they consider it desirable that the case should be disposed of by the Session Judge of that Zillah, to whom you will be pleased to forward the depositions which have been already taken in the case, requesting the Sudr Ameen of Ichapoor to forward the prisoner and his witnesses to Chicacole

(Signed) A J Arbuthnot
Hd Asst to the Regr

27th July 1849.

№ 727 To

The Session Judge of Masulipatam

Sir I am directed by the Judges of the Sondaree

Tonjdaree Udalut to acknowledge the receipt of your letter under date the 16th Instant and in reply to inform you that under the authority vested in them by the order of Government of the 28th July 1840 published at page 608 of the official Gazette of that year, they sanction the sums disbursed as Batta to the children of Convicts during the 2nd quarter of 1849 amounting to Rupees 15-11-../ five and annas eleven

/Signed/ J H Davidson
Register

28th July 1849.

No 728

To

The Sessions Judge
of Trichinopoly

Sir

With reference to your letter of the 11th Instant I am directed by the Judges of the Tonjdaree Udalut to observe that it is competent to you to decide as to the expediency of placing upon his trial the Jail Peon — therein referred to for connivance at the escape of two convicts who effected their escape on the 4th Ultimo and that they therefore deem it necessary to furnish you with any instructions on the subject.

/Signed/ A J Arbuthnot
Hd Asst to the
Register

28th July 1849.

To

No 726. To

Sessions Judge of
Mangalore

Sir

I am directed by the Judges of the Tonjdaree Udalut to acknowledge the receipt of your letter of the 16th Instant, applying for sanction to admit as approvers the 11th and 12th prisoners in case No 28 of the Calendar of the Session Court

2 The Judges have carefully considered the Record which accompanied your letter, and not being of opinion that there is sufficient grounds for admitting the prisoners in question as approvers they are compelled to decline compliance with your request.

3 The original papers are returned.

/Signed/ J H Davidson
Register

28th July 1849

Memorandum

No 731

Memorandum

The Registrar to the Court of Foujdaree Udalut has the honor to forward the papers alluded to in the Memorandum of the Secretary to Government in the Judicial Department under date the 25th Instant relative to the Dhakoity perpetrated at Ullore in the year 1838

/Signed/ J H Davidson
Registrar

30th July 1849.

No 732 To,

The Secretary to Government
in the
Judicial Department

Sir,

1. I am directed by the Judges of the Court of Foujdaree Udalut to submit for the consideration of the Right Honorable the Governor in Council the accompanying Calendar of Case No 20 of 1849 of the Sessions Court of Honore wherein a prisoner named Budapa charged with having wounded three individuals with a Mamety has been acquitted by the Sessions Judge in concurrence with the Mahomedan Law Officer on the ground that he is insane.—

To be returned

2. It will be observed that the Zillah Surgeon reports that he considers the prisoner in a state of idiocy; and that he was so at the time the act charged against him was committed has been proved by the evidence of three witnesses examined by the Sessions Judge.—

3. Under the provisions of act IV of 1849. the Judges of the Foujdaree Udalut beg that they may be furnished with instructions in regard to the disposal of the prisoner referred to.—

4. With reference to the orders of Govt. under date the 26th Ultimo, No 413. directing that the reports of cases of this nature should in future be accompanied by a certificate from the Medical Officer, the Judges desire me to state that circular instructions to this effect have been issued to the several Judicial Officers in the provinces; but that as the Calendar of this case was dispatched from Honore before instructions in question would have been received and as the insanity of the prisoner in the case now under notice appears to

to have been fully and satisfactorily Established they have deemed it unnecessary in this instance to call for the certificate of the Medical Officer — which however on all future occasions will be transmitted —

(Signed) S H Davidson
Register

30th July 1849

№ 736

To

The Magistrate of
Trichinoply

Sir

1 I am directed by the Judges of the Tondaree Udalut to state that their particular attention has been called by government to the state of the Lock up Room attached to the Cutwals Choultry at Trichinoply, in which a Brick contractor named Naga Pillay appears to have been confined when Mr. William Elliot was Acting Magistrate of the District, and to request that you will lose no time in taking measures for putting it in such a condition as shall render it fit for a place of confinement.

2 It is observed also that notwithstanding the circular order of the 28th September 1844 perforated logs of wood" are still occasionally used in the Trichinoply District as a substitute for Iron hand cuffs, and the Judges request you will immediately make an inquiry into this matter and issue the most peremptory instructions to your Native Police officers, prohibiting the use of such wooden handcuffs in future

3 It is further observed that the late Cutwal of Trichinoply reported that the Police Annees Syed Mohomed Sahib apprehended under a warrant a person

person named Caroopen and another named Appavoo and took them to the Choultry, and ordered him (the Cutwal) personally to confine them in the godowns; and he accordingly confined them for 25 days; It is added that the Police Peons took them every day to the Police Ameens Cutchery, and again brought and confined them in the Choultry but no Investigation ever took place

4 The Judges observe that under Section XXVII Regulation XI of 1816, a Prisoner may not be kept in custody by a District officer of Police during the investigation of the case in which he is concerned beyond forty eight hours, without an explanation of the delay; and the Judges request you will report under what circumstances this infringement of the law took place in the case in question and that you will further issue circular instructions to all your native Police officers strictly enjoining an adherence to the provisions of the law above stated.

5 And the Judges further request that you will send your early convenience, submit a Report upon what you may have done in pursuance of these instructions

(Signed) J H Davidson
Register

31st July 1849-

Memorandum

No 738- The Register to the Court of Fongdaree Adalut has the honor to forward the calendar of case No 9 of 1849 of the Session Court of Salem referred to in the Courts letter of the 21st Ultimo No 50 and called for in the Memorandum of the Secretary to government in the Judicial Department under date the 31st Ultimo

Signed J H Davidson
Register

1st August 1849

No 739 To

The Session Judge of
Rajahmundry

Communicating for his information and guidance copy of an order of government Sanctioning the grant of certain rewards to the Several Peons who were instrumental in defeating an attempted outbreak on the part of the Prisoners in Rajahmundry

(Signed) J H Davidson
Register

1st August 1849-

No 741 To

The Several Session Judges and Agents.

Sir

The Criminal Reports due from you for the 1st half of 1849. not having as yet been received I am directed by the Judges of the Fongdaree Adalut to call your attention to their Circular Order dated 10th June 1835 No 74

and