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Soirées

Proceedings

for

1810

Tuesday
4th January
1820.

At a session of the Court of Exchequer held
Present
The Hon. Henry Cassamajor Esq.r Chief Judge
Andrew Scott Esq.r
John Hunt Esq.r } Puisne Judges
Edward Croft Spencer Esq.r

Read an extract from a letter
dated the 5th Instant from the Secretary
Government in the Judicial Department
stating that the Right Hon.ble the Governor
General in Council has been pleased
appoint Moothoo Subundar Vakeel
to officiate for Hazee Gud Ser during
the present Circuit in the Centre Division
and to authorize an additional allowance
being granted to him for the expenses
must incur by proceeding on the Circuit

(Here enter extract from the letter
referred to)

Ordered that the foregoing extract
be transmitted for the information of the Court
of Circuit in the Centre Division, and that
they be directed to administer to Moothoo
Subundar Vakeel the usual oath of
office.

Ordered that after the following
proceedings be entered on the Court's Records

The following letter
(Here enter No 1)

At a Sessions of the Court of
Tuesday Fazdarea Circuit
23d January 1810.

Present

John Read, Esqr. } Puisne Judges
Edward Hay Greenway, Esq. }

The Register taker and Re-
corder the oath prescribed by Clause
second, Section III, Regulation XII
of 1802, and in Section VI Regulation
VII of 1802.

Oath taken from Mr. Wade Esqr. (Please enter the oath A.)

It appearing from enquiries
made by the Register Letter, dated 14th
March, 1809, enclosing extracts from the
Joint's proceedings under that date
and the draft of Regulation therein
described, for the purpose of being
submitted to the consideration of
the Honorable the Governor in Council
has not been received in the office of
the Secretary to the Government in the
Judicial Department.

Ordered that another draft
be prepared, and transmitted to
Mr. Secretary Garhagan, with the
request of the Court that the same
may be laid before the Right Hon-
orable the Governor General in

connected together with an extract of their proceedings, and of the proceedings held by the Court on the 4th instant.

Sent following letter

To the Secretary to Govt in the Judicial Dept

(Encloses A.)

Read letter from the First Judge of the Court of Circuit in the Central Division, with returns of executions in cases Nos 7, 8 and 17 on the calendar for the Zilla of Cuddapa, 2d September 1809.

From the 1st Judge of Circuit in the Central Division forwarding Returned Warrants of execution in Cases Nos 7, 8 & 17 on the Calendar of Cuddapa

(Encloses No 17)

Read letter from the Magistrate in the Zilla of Chingleput forwarding, enclosing blank lists of convicts in his zilla, sentenced to transportation or banishment.

From the Magistrate of Chingleput forwarding Lists of Convicts Sentenced for transportation

(Encloses No 18)

Read report of prisoners for the month of December last, received from the Magistrates in the Zillas of Canara and North Malabar.

From the Magistrate of North Malabar forwarding Report of prisoners for the Month of Dec. 1809

From the D. of Canara forwarding do. for do.

(See reports in Nos 19 & 20)

Read report of prisoners

confined under sentences in the Zilla of North Malabar, to the 7th December 1809.

From the Magistrate of North Malabar forwarding Report of prisoners Confined under Sentence

(See report in No 16)

Read letter from the Judge on Circuit in the Northern Division dated 17th Instant requesting the orders of the Court for postponing the trial with respect to a case on the calendar for the Zilla of Masulipatam, stated to have been postponed at the last sessions for want of evidence, wherein the prisoner was committed by himself as Magistrate on a charge of having violated and abducted an old woman, alledging the practice of sorcery.

From the 3d Judge of Circuit No 2 in the Ceded Districts Requesting Orders of the Court in regard to the Case which was postponed in last Sessions for want of evidence

(Encloses No 35)

The Court being of opinion that the circumstance which has induced the present reference from the Judge on Circuit, is not of sufficient importance to require the further postponement of the trial:—

Ordered that the Judge on Circuit be directed to take cognizance of the case at the ensuing Sessions in the Zilla of Masulipatam; and that he proceed thereupon according to the regulations.

Ordered that extract of the

23d. January 1810.

proceedings be sent for the Judge's information.

Sent following letter

To the Judge in Circuit in the N. Dn. (Per entry B.)

Read letter from the Magistrate in the zillas of Cuddapah, Chittoor, Ganjam, Dharapooram, Masulipatam, Trichinopoly, Chingulput, Bellary, and Nellore, transmitting reports of prisoners for the last month.

From the Magistrate of Cuddapa — Forwarding Report of prisoners for the Month of Dec.r 1809 — (See report in No. 24.)
From do. of Chittoor forwarding do. do.
From do. of Ganjam do. do.
From do. of Dharapooram do. do.
From do. of Trichinopoly do. do.
From do. of Chingulput do. do.
From do. of Bellary do. do.

25, 26, 27, 28, 29, 30, 31 and 38.

Read letter from the Magistrate in the zilla of Chingulput, dated 20th. instant, transmitting a list of Convicts, under sentence of transportation to Prince of Wales's Island.

From the Magistrate of Chingulput forwarding List of Convicts under sentence of transportation (Entered No. 33)

Read letter from the Magistrate in the zilla of Vizagapatam — transmitting his reports of prisoners for the months of October 1809.

From the Magistrate of Vizagapatam forwarding Report of prisoners for Oct.r 1809 — (See report in No. 563 of 1809)

Read letters with

2nd. File.

28th. January 1810.

reports of prisoners, for the months of November 1809, from the undermentioned zillas, viz.t Canara, Salem, Masulipatam, Trichinopoly, Rajahmundry, Vendachellum, Chingulput, North Malabar, Seringapatam, Ganjam, Dharapooram, Bellary, Cuddapa, Chittoor, South Malabar, Combaconum, and Vizagapatam.

From the Magistrate of Canara forwarding Report of prisoners for Nov.r 1809 — (See reports in the folio of number of the register of letters for 1809, viz.t No.s 565, 566, 566, 572, 573, 574, 576, 584, 585, 586, 587, 588, 589, 590, 591, 594, and 595.)

From do. of Salem — do. do.
From do. of Trichinopoly do. do.
From do. of Rajamundry do. do.
From do. of Vedachellum do. do.
From do. of Chingulput do. do.
From do. of North Malabar do. do.
From do. of Seringapatam do. do.
From do. of Ganjam do. do.
From do. of Dharapooram do. do.
From do. of Bellary do. do.
From do. of Cuddapa do. do.
From do. of Chittoor do. do.
From do. of South Malabar do. do.
From do. of Combaconum do. do.
From do. of Vizagapatam do. do.

Read letter from the Magistrate in the zilla of Tinnevelly enclosing the reports of prisoners for that zilla for the month of November 1809.

From the Acting Magistrate of Tinnevelly forwarding Report of prisoners for the month of Nov.r 1809 — (See report in No. 1.)

Read report of prisoners received from the Magistrate in the zilla of Nellore — for the month of November 1809

(Ve

Report from the Magistrate of Nellore for Nov.r (See report No. 2)

Read also the letter dated 4th Instant from the Magistrate in the Zilla of Nellore - enclosing a corrected report of prisoners under his charge to be tried at the close of the month of November, 1809 - for substitution in lieu of that before transmitted.

From the Magistrate of Nellore transmitting Report of prisoners under Charge of Magistrate in the Room of One transmitted before (See report in No. 6)

Read letter from the Magistrate in the Zilla of Madura, dated 29th Ultimo - transmitting his report of prisoners for the month of November last.

From the Magistrate of Madura transmitting Report of prisoners for the Month of Novr. 1809 (See report in No. 3)

Read letter from the Magistrate in the Zilla of Chingleput - enclosing a report of prisoners confined under sentence in his jail to the 4th Ultimo.

From the Magistrate of Chingleput forwarding Report of Prisoners Confined under Sentence (Recd. vide No. 568 of 1809)

Read letter from the Magistrate in the Zilla of Tanjore - enclosing a report of prisoners confined under sentence in his jail to the 30th Ultimo (Recd. vide No. 571 of 1809)

From the Magistrate of Combaconum - forwarding Report of prisoners confined under Sentence -

Read letter from the Magistrate in the Zilla of Chingleput dated 6th Ultimo - enclosing a list of convicts in the depôt for transportation.

From the Magistrate of Chingleput forwarding List of Convicts arrived from different Zillas for transportation (Recd. vide No. 575 of 1809)

Read letter from the Magistrate in the Zilla of Rajahmundry, dated 25th Ultimo - enclosing a report of prisoners confined under sentence in his jail.

From the Magistrate of Rajahmundry forwarding Report of prisoners confined under Sentence (Recd. vide No. 576 of 1809)

Read report of prisoners confined under sentence, in the jail of the Zilla of Masulipatam, to the 30th Ultimo.

From the Magistrate of Masulipatam Report of Prisoners Confined under Sentence (Recd. vide No. 558 of 1809)

Read return from the Magistrate in the Zilla of Ganjam to the Court's precept of 30th November - directing his attention to the provision of Section III, Regulation IV of 1809, and commanding him to proceed, as therein directed, in the case of Quarter Master Serjeant Pike

Sept. & Nov. 1809 (Recd. vide No. 12)

From the Magistrate of Ganjam - Returning the Precept of 30th Nov. 1809 relating to Quarter Master Serjeant Wm. Pike -

The Magistrate reports that

28th January

Report

January 1810

Petition Paper, with the articles against him, has been sent to the Presidency; and that he is therefore unable to conform to the Magistrate of the precept.

Read letter, dated 22d Inst. from the Acting Magistrate in the Zillah of Rajahmundry, upon the suspension of Vandavasa Patell, a Grantah in the magistracy office on a monthly salary of 5 Pagodas and the nomination of Condacary Sadasiva Naidoo to act in his place.

(Vide entry No 563 of 1809)

The Court are pleased to approve of the temporary arrangement made by the Acting Magistrate for executing the duties of Vandavasa Patell, and direct that a report of their proceedings be sent for the Magistrate's information.

Sent following letter to the Magistrate in the Zillah of Rajahmundry (Vide entry C.)

From the Acting Magistrate of Rajahmundry transmitting Copy and Translation of the Charges against a Grantah is suspended and Nominating another person to fill that Vacancy

From the Magistrate

Tuesday January 30th 1810

Present

James Stuart Sharpe Esqr. Chief Judge.
Andrew Scott Esqr
John Reid Esqr } Puisne Judges.
Edward Gregory Esqr

Read letter from the Magistrate of the Zillah of Rajahmundry dated 15th Instant transmitting his report of Prisoners for the last month.

(See report in No 37)

The Court observing, on a cursory perusal of the reports before them, that in the report of persons apprehended for the purpose of Rawaid is stated to have been punished by a fine of 100 Rupees for a "contempt of authority"

Ordered that the Magistrate be by precept called upon to explain for the information of the Court, the nature of the contempt, with which the prisoner was charged.

Sent following Precept (Vide entry A)

Read letter from the Magistrate for the Assistance

town and island of Seringapatam, dated 15th Instant — transmitting the report of prisoners, required by Section XXVII, XXVIII and XXIX Regulation VI of 1802, excepting the "report of prisoners under the charge of the Magistrate to be tried."

(Vide entry No. 32)

Ordered that the enclosures in the above letter be returned to the Assistant to the Magistrate, by precept requiring the immediate transmission of the report in question.

(vide following Precept Vide entry B.)

Read letter from the Judge of Circuit in the Northern Division, dated 11th Instant transmitting copies of the calendar for the Zillas of Vizagapatam and Ganjam; and reporting the close of the Circuit for the 2d Separate of 1809.

(Vide entry No. 36)

Read letter from the acting Magistrate in the Zillas of Tinnevelly and Salem — transmitting their reports of prisoners for the last month.

(See reports in Nos. 42)

Read letter from the acting Magistrate in the Zilla of Salem, dated 20th Instant — enclosing blank lists of prisoners under his charge, who have been sentenced to transportation or banishment.

(Vide entry No. 01)

Read letter from the Judge of Circuit in the Northern Division, dated 22d Instant — enclosing a copy of the calendar for the Zilla of Nellore.

(Vide entry No. 43)

Read letter from the Magistrate in the Zillas of Rajahmundry, and from the Assistant to the Magistrate in the Zillas of Vizagapatam — transmitting their reports of prisoners for the last month.

(See reports in Nos. 22 & 23)

Read letter from the Magistrate in the Zillas of Chingleput, dated 5th Instant — reporting his having received charge of the prisoner Christian Bastian of Ghotam Report.

(Vide entry No. 7)

Read letter from the acting

30th Jan

30th January 1810

Second Judge of the Court of Circuit
in the Southern Division, dated 5th
Instant transmitting returned with
a report of precaution in case No. 2 on
the Cumbacomum calendar 20th Sept.
1809 - Pari Nairgoe, for murder.

(Vide entry No. 12)

Read the following
letters, with reports of prisoners
for last month, in the Zillah
of Vizagapatam, South Malabar
and Cumbacomum.

(See reports in Nos 47, 48 & 51.)

Read letter from the
Judge of Circuit in the Centre
Division, dated the 22d Instant
reporting the arrival of the court
at Bellary

(Vide entry No. 49)

The Court directed that
general abstract statement of
criminal trials, on which leave
has been passed by this Court
from 23d June 1803, and 21st Dec 1809
be prepared and transmitted to the
Government, with the request of the
Court for it's being forwarded to the
Honorable court of Directors.

(Letter under date the 5th current
with the letter marked

Fol

At a Court of the
Foujdaree Adawlut
Monday
February 16th 1810.

Present

James Stuart Casamajor, Esqr. Chief Judge
Carleton Scott, Esqr
John Read, Esqr } Puisne Judges
Edward Hoyt Greening, Esqr

Read letter from the Magis-
trate in the Zillah of South Malabar,
dated 20th November last - enclosing
a certificate, in case No. 1 on the cal-
endar for that Zillah 24th Septr 1809;
under the seal & signature of the Judge
of the Circuit in the Northern Division

(Vide entry No. 562 of 1809)

Appearing to the Court, from
the certificate exhibited, that Adima
parambil Agatan and Adimaparam-
bil Chakoo have fulfilled the condi-
tions of the pardon which the Magistrate of
South Malabar was authorized to
tender to them - for the purpose of
convicting the principals in the murder
of Kaddaungy Neddangaddy, and
of the prosecutor Naddakasherry Gopa-
rasha Neddangaddy -

Ordered that the certificate

specified in section XX Regulation VIII A.D. 1802, in confirmation of such conditional pardon, be transmitted to the Magistrate for the purpose of being delivered to the parties for their security respectively, so far as regards the act referred to.

I subjoin a Precept

(Here enter A.) with Certificate of Pardon I and II.

Recall letter from Mr. A. G. Blake, junior member of the Special Court, appointed under date the 22d. March 1809, to assemble at Masulipatam, for the purpose of trying certain prisoners, who had been recently apprehended in the Zillah of Vizagapatam for offences against the state, as also for the trial of all the persons confined under similar charges in any of the Zillahs in the Northern Division.

(Here enter No. 592 of 1809)

The Junior member represents the reduced state of the Special Court, consequent upon Mr. Nelson's Departure for Europe, and the absence of Mr. Thomas Townsend on Circuit with the Cazee, as also the Master, [illegible] with Mr. Chaders; and of the Mahommedan

Law officer of the Zillah continuing to receive permission to await the arrival of no delay. He states the arrival of the additional witnesses required on the part of the prosecution in the four remaining numbers on the Vizagapatam calendar of State prisoners, and solicits the orders of the Court for his guidance.

Under the rule contained in Section IV Regulation XX of 1802, providing for the death or absence of any of the Judges, or the Law officers of Special Courts, the powers of proceeding of the said Courts, are not affected by the death or absence of such Judges, or Law officer or Law officers, or any more than if the same had not taken place; and the remaining Judges, or Law officer or officers, are competent to form a Court, and proceed with the trial or trials, until provision can be made by the Governor in Council for supplying the place of such Judges, or Law officer or officers, and such Provision shall be deemed necessary.

Mr. A. G. Blake the Junior Commissioner, has therefore competence to proceed with the trials in the four remaining numbers on the Vizagapatam calendar, until the Court will be assisted by the

Mootee of the Northern Court of Appeal who, since the date of his letter, has returned to Masulipatam.

Ordered that extract of these proceedings be sent for Mr. Blake's information.

And the Court direct that extract be also transmitted to the Secretary to the Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor General in Council, with the request of the Court that His Lordship in Council may be pleased to take into consideration the expediency of supplying the places of the Hon. Brown & Turnbull, and that their opinion be at the same time requested; should any such opinion be deemed necessary, fully submitted, that it might be convenient to appoint Mr. J. B. Fraser, second judge of the Provincial court, and Mr. J. O. Ford, the zilla judge, to sit with Mr. Blake.

~~[illegible]~~

Last following letter
(Herewith B.)
(Herewith C.)

Read letter from

21 F. C.

16th February 1810.

the Secretary to the Government in the Judicial Department, dated 20th December 1809 - acknowledging the receipt of the Acting Registrar's letter of the 30th November, with the several enclosures, and communicating the determination of the Right Honorable the Governor General in Council, on the proceedings held in the case of Comarah Pullanga Servegar of Tippapore, reported by the Registrar in the zilla of Chingulpet, under date the 14th November; and in the case of Pullamah Storich, Servegar of Gommadapoondy, reported by the Registrar in the zilla of Chittoor, under date the 11th of the same month.

(Herewith No. 5 7 8 9 10.)

The Court direct that the second paragraph of the above letter, together with extract of these proceedings, be transmitted to the Registrar of Chingulpet, by precept commanding his attention to the orders of the Government therein signified.

Last following Precept
(Herewith D.)

And the Court adjourned

the third paragraph of the above letter, together with extract of these proceedings, be transmitted to the Magistrate of Chittoor, by precept commanding his attention to the orders of Government therein signified.

Nullamah Naick, Peroyah of Goomadapoondee, will therefore be restored to his office at the expiration of five months from the day of the date of his suspension.

Ordered that the suspension of Nullamah Naick, Peroyah of Goomadapoondee, from office be for five months, be reported for the information of the Civil Auditor.

Sent following Precept
(Vide ante E.)
Sent following letter
(Vide ante F.)

Read letter from the acting Second Judge of the Court of Circuit in the Southern Division reporting, under Section XXXVII, Regulation VII of 1802, certain observations made by him during

16th February 1810

his late circuit.

(Vide ante No. 561 of 1809)

The Court, on due consideration of the letter before them, resolve that a copy thereof be transmitted to the Secretary to the Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor General in Council; and that the attention of His Lordship in Council be respectfully solicited to the representation therein made respecting the state of the jails in the Zillas of Cuddapah, Madura and Tinnevelly, but more especially in the former Zilla where the building at present applied to the purposes of a prison, appears to the Court to be not less insecure, than deficient in every requisite accommodation.

Concerning that part of the acting Judge's letter, wherein he recommends that a strong prison should be erected in convenient situations, to which all convicts under sentence of imprisonment with hard labor for any considerable term, might be sent to be employed in the preparation of hemp and steel, the Court

16 16th February 1810

incompetent to judge of the expediency of adopting his suggestion, except in relation to the means it has in view of giving effect to judgments & hard labor.

The Court therefore resolve to submit the acting Judge's recommendation to the consideration of the Government, with their opinion that establishments of the nature proposed would, under proper management, furnish employment for the convicts in all respects preferable to any they have yet had occasion to inflict.

Ordered that extract of the proceedings be sent to Mr. Secretary Gahagan.

Sent following letter (Records G.)

R

E.H.C.

F.H.

Monday 26th February 1810.

Present

Andrew Scott Esqr. } Puisne Judges &c.
John Lind Esqr. }

Law Officers.

Sumbhoo Nundun Mookerjea Bahadoor.
Cazee-ool-Cozaat.

Mohummud Aswad — Mooftee —

The Register laid before the Court
Trial No 1 — from the Judge on Circuit in the
Zillah of Chinsurah — on 9th Inst. upon A. D.
1809. (Vide entry No 8.)

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-ool-Cozaat and Mooftees of the Sudder Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Cozaat and Mooftees aforesaid and do sentence the prisoner Bhoomoo to suffer death by being hanged at the usual time and place of execution.

The Court in conformity with the Futwa delivered by their Law Officers, have sentenced the prisoner Ramoo to suffer death. But from the examinations

16th Feb. 25th February 1810.

tified by the Magistrate it appears that the Witness as well as the prisoner was in a state of intoxication at the time when the homicide was committed. The Court are therefore of opinion that this evidence must be admitted with considerable caution since they cannot be supposed to possess with sufficient clearness the circumstances which led to the commission of the act; and as the proceedings on the trial exhibit no proof that the prisoner was actuated by previous enmity against the deceased it seems reasonable to conclude that the homicide was occasioned by a sudden quarrel between them.

On these grounds the Court wishes to avail themselves of the authority granted to them by Section XIX. Regulation VIII. A. D. 1802, to direct that the whole of the proceedings on the foregoing trial be submitted to the Right Hon.ble the Governor in Council, with a recommendation that the sentence of death passed upon the prisoner Thannoo be mitigated into imprisonment and hard labour in irons on the publick roads or other publick works for and during the term of one year.

Ordered that extract of these proceedings be sent to the Secretary of

25th February 1810

Government in the Judicial Department for the purpose of being laid before the Right Hon.ble the Governor in Council.

(Vide letter following letter.)

(Vide enclosure A)

The Register lays before the Court trial No. 18. from the Judge on Circuit in the Zillah of Chittagong in Circuit in the Sessions A. D. 1809.

(Vide enclosure No. 9.)

The Court observe that the foregoing trial and proceedings on the part of the prosecution assumed as they appear the fact of the actual death of the persons, for the murder of whom the prisoner Tanpeh Chody was arraigned.

The Court consider it necessary to remind the Judge on Circuit that in cases of homicide it is indispensably requisite that the death of the supposed deceased be proved by the evidence of witnesses, and that the confession of a prisoner is in no case a sufficient proof of guilt, unless the actual commission of the crime be proved or established by collateral evidence.

The Court further observe that the Magistrate in the Zillah of Chittagong

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1810

put his marks to it in conformity with
Section V. & VI. Regulation VII. A.D.
1802, which direct that the Magistrate
shall examine such persons as are
stated to have any knowledge of the
crime alleged against the prisoner,
and that he shall bind over to attend
at the next Session the Witnesses to
the commission of the crime, as well as
standing the confession of the prisoner.

Ordered that the proceedings
on the foregoing trial be returned to the
Judge on Circuit with a Precept commanding
him to obtain the further evidence again
and to re-transmit to the Sunjdaree
Adaulut the record of the trial, with
such further evidence annexed thereto,
with as little delay as possible.

Ordered that extract of
these proceedings be sent to the Judge.

Sent following Letter:

(Vide enter B)

The Deputy Reg. upon the
Court trial No. 16 from the Judge on
Circuit in the Zilla of Chittoor - in 2nd
Sessions A.D. 1809.

(Vide enter No. 546.)

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26th Feb.
1810.

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The Court having duly weighed
the proceedings of the Judge of Circuit, the
Futwa of the Provincial Law Officer, and the
Futwa of the Cazee-ool-Cozat and Mosfee
of the Sunjdaree Adaulut, are pleased to
confirm the said Futwa of the Cazee-ool-
Cozat and Mosftee aforesaid, and
under the operation of Section X. Regulation
VIII. A.D. 1802, do sentence the prisoner
Parasooramen to suffer death by being
hanged at the usual time and place of
execution.

Sent following Letter

(Vide enter C)

The Deputy Reg. upon the
Court trial No. 20. from the Judge on
Circuit in the Zilla of Chittoor - in 2nd
Sessions A.D. 1809.

(Vide enter No. 11.)

Perhaps from the Magistrate's
proceedings in this case that Nunnoo boy
having preferred a charge against the Zemeen-
dar of Bomrauze, Somaiah was summoned
as a witness on the part of the prosecution,
and on the 3rd June 1809 deposed that he
heard the Zemeendar aforesaid order Pallegar
and Ramareddy to set fire to the house of
Nunnoo boy, and that he saw Pallegar
set fire to the house while Ramareddy
and the Retwal Chundoo Jay were
standing by

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It appears further that some days afterwards (for the date is not specified in the proceedings) the Magistrate called Nannoshoy before him, and charged him with having delivered false evidence in the above-mentioned case, upon which Nannoshoy acknowledged that his deposition was false, and that he had given it at the instigation of Nannoshoy —

The Court are unable to discover the grounds on which the Magistrate found the charge of perjury against Nannoshoy, for setting aside the acknowledgment of the prisoner himself in answer to the accusation, nothing appears on the proceedings to warrant it. The unsupported declaration of Pollegan and Chumbah Sing, being parties deeply concerned, are obviously insufficient, it was their interest to deny that they received the alleged orders from the Zemindar or that they were implicated in the burning of Nannoshoy's house, and the evidence of the other Witnesses does not in the least affect the credibility of Nannoshoy's deposition bearing date the 3rd June.

The proceedings of the Judge on Circuit exhibit the same defects as those of the Magistrate; Pollegan and Chumbah Sing were not called upon to corroborate by evidence the allegations contained in their respective depositions; and as the prisoner in his defence asserts that his original deposition is true, the only admissible proof

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of his guilt arises from his declaration of his having been charged with perjury by the Magistrate. Into this declaration he might fairly have been surprized, and the Court properly have been surprized, and the Court consider it their duty to suspend judgment on the case until they obtain more satisfactory evidence that the facts stated by Nannoshoy in his deposition of the examination of the 3rd June are false.

The Court observe that if the circumstances stated by Pollegan and Chumbah Sing be true, they admit of easy proof, and if they be clearly substantiated, all doubt can vanish of the guilt of the prisoner Nannoshoy.

The Court cannot conclude this remarks without noticing the extraordinary terms in which the arraignment of the prisoner before the Court of Circuit is couched. Nannoshoy's deposition of the 3rd June was the subject matter of the trial; his conviction of the crime charged against him rests solely on the proofs adduced, of its falsehood; and the assertion of the Judge on Circuit, contained in the arraignment that every word of that deposition was proved to be false, can be considered as little less than a prejudgment of the case which he was about to try.

The Court direct that the Records of the Trial be returned to the Judge with

+ by his (the prisoner's) own confession and the declaration of Witnesses

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26th February 1810

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without delay

precept commanding him to take the additional evidence which in the opinion of the Court as expressed in the foregoing Decree is necessary ~~to be taken~~ to warrant a final decision on the case.

Ordered that a transcript of the proceedings be transmitted for the information and guidance of the Judge.

Sent following Precept.

(Vide entry D)

The Register lays before the Court Trial No 22. from the Judge on Circuit in the Zilla of Masulipatam, — in 3rd Appeal A. D. 1806.

(Vide entry No 547.)

It appears that one of the charges against the prisoner, is that having been committed to imprisonment by the Court of Circuit he escaped from Jail; and the proceedings on the trial are defective inasmuch as they do not contain a copy of the Warrant for his ordering the imprisonment ~~of the prisoner~~ Doorga Tackerey.

Ordered therefore that the record of the trial be returned to the Judge of Circuit with precept commanding him to insert an attested copy of the said Warrant therein.

Ordered that extract of the

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26th Feb.y 1810

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proceedings be sent for the information and guidance of the Judge.

Sent following Precept.

(Vide entry E)

The Register lays before the Court Trial No 25. from the Judge on Circuit in the Zilla of Bellary, — in 1st Appeal A. D. 1806. — together with the opinions of the Cazee-ool-Cozaat and Moofties of the Fowjdaree Adaulut to whom the proceedings had been referred for their opinions, and the Court having remitted the same to the Judge on Circuit with the orders of the Court under date the 3rd August last. —

(Vide entry Letter

The Court, having maturely considered the proceedings of the Court of Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Cozaat and Moofties of the Fowjdaree Adaulut, are pleased to confirm the said Futwa of the Cazee-ool-Cozaat and Moofties aforesaid, and under the discretion allowed by the Regulations of Circuit, and in consideration of the long imprisonment which the prisoner Moodapa

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has suffered, do direct that the prisoner Moodahah executed, be released.

Vide Folio 4 Letter (Thirteenth F

The Register lays before the Court trial No 3. from the Judge on Circuit in the Zillah of Chittoor, in 2nd Session A.D. 1809. — (Thirteenth No

The Court, having duly weighed the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozzat and Mooftee of the Foujdaree Udalut, — are pleased to direct that a second Futwa be demanded of the Cazee-ool-Cozzat and Mooftee aforesaid, as follows, viz.

Question — If Moncaiss, the 1st and Rungapa the 2nd Witness, had been Mooslims, and had given the same evidence to what sentence would

26th February 1810

the prisoner Hossain Khan be liable under the Mooselman Law?

N

16

F. 11.

At a Session of the Court of Enquiry held at

Present

Andrew Foote Esq^r — } Civil Judges

John Reid Esq^r —

Naval Officers

Monday 5th March 1810.

Lieut. Mostyn Tilson Thomas Badcock

Lieut. Edward Mostyn

The Register laid before the Court

that No. 9. from the Judge Advocate in Gibraltar by Letter — in 9 Sessions A. D. 1809 — together with the Remarks of the Lieut. and Masters of the Enquiry thereon —

(Vide Letter Remarks)

Ordered that the proceedings held in the above case be returned to the Judge Advocate at the same time with such directions as the Court has provided at the end of the Register to the deposit in evidence noted by the Law Officers, and recommended that the further evidence required be forthwith taken, and that the record of the trial so amended be returned without delay —

Lieut. Mostyn Tilson Thomas Badcock to follow Enquiry

(Vide Letter A)

The Register laid before the Court

that No. 6. from the Judge Advocate in Gibraltar by Letter — in 9 Sessions A. D. 1809 —

16. 5th March 1810

(Sentence No. 50.)

The Court, having duly weighed the proceedings of the Judge in Circuit, the Petition of the Provincial Law Officer, and the Petition of the Cazee-ool-Cozzat and Mooftees of the Foujdaree Adaulut, are pleased to direct that a second Petition be demanded of the Cazee-ool-Cozzat and Mooftees aforesaid, viz.

Question — If Hoosee Nair, the 2d and Cheroote the 3d Witness, had been Mooshirs, and had given the same evidence, to what punishment would the prisoner Shaik Kasherry Bonee Moideen be liable under the Mooselmaun Law?

The Register lays before the Court Trial No. 43. from the Judge in Circuit in the Zillah of North Malabar, — in 2d Sessions A.D. 1809 —

(Sentence No. 580.)

The Court, having duly considered the proceedings of the Judge in Circuit, the Petition of the Provincial Law Officer, and the Petition of the Cazee-ool-Cozzat and Mooftees of the Foujdaree Adaulut, are pleased to confirm the said Petition of the Cazee-ool-Cozzat and Mooftees aforesaid, and acquitting the prisoner Warriam Kutty Kayamood, do direct his release accordingly —

Sent following letter.

5th March 1810

The Register lays before the Court Trial No. 5. from the Judge in Circuit in the Zillah of North Malabar, — in 2d Sessions A.D. 1809 —

(Sentence No. 555.)

The Court, having maturely considered the proceedings of the Judge in Circuit, the Petition of the Provincial Law Officer, and the Petition of the Cazee-ool-Cozzat and Mooftees of the Foujdaree Adaulut, are pleased to confirm the said Petition of the Cazee-ool-Cozzat and Mooftees aforesaid, and do direct that the prisoner Vaidy Nambadee Pekka be confined until he shall have recovered the use of his reason.

Sent following letter.

(Sentence C)

His ordered that the Judge who presided at the above Trial (No. 5. on the Calendar of North Malabar, — in 2d Sessions A.D. 1809) be by Circuit commanded to instruct the Magistrate in the Zillah of North Malabar, to report from time to time to the Court of Circuit when the state of the prisoner Vaidy Nambadee Pekka, sentenced under this date to be confined a prisoner until he shall recover the use of his reason, — and that the Magistrate be charged on no account to release the said prisoner without the previous permission of the Foujdaree Adaulut obtained through the Court

5th March 1810

Court following Verdict
(Vide entries D)

E. St.

Province Kebec

At a Session of the Court of King's Bench

Present.

Andrew Foote Esq.r
John Reed Esq.r
Edward Croft Gwillim Esq.r
} Puisne Judges.

Monday
12th March
1810

Law Officers

Monsieur Stanislaus Alexis Adam Bedard
Esq.r Advocate General

Mohammed Shirreff ——— Sheriff

The Register brings before the Court a
Record No 31. from the Judge on Circuit in
the District of Canada — in Quarter Sessions A.D.
1809. (Vide entries No 523.)

From the Judge on Circuit in the W.D.
Refers his proceedings on Record No 31 on the Calendar
of Canada D. Sessions 1809 —

The Court having maturely considered
the proceedings of the Judge on Circuit the Return
of the Provincial Law Officers, and the Return of the
Esqr. Advocate and Sheriff of the Province be
Rebated are pleased to confirm the said Return
of the Esqr. Advocate and Sheriff aforesaid
and order the Execution justified in the said
Verdict but pronounce against the Prisoner
Simon and Thos Parmer to stand Judge Time, the
Prisoners Simon and Thos Parmer upon the
to suffer Death by being hanged at the usual
time and place of execution —

And the Court confirm the said

12. March 1810

of the prisoner Veracan -

sent following letters.

From the 3d Judge of Circuit in the W.e D.r (Vide enclosure A

The Register lays before the Court trial N.o 34. from the Judge on Circuit in the Zilla of Camara, in 2d Sessions A.D. 1809. (Vide enclosure N.o 510)

From the Judge on Circuit W.e D.r transmitting his proceedings on trial N.o 39. 2d Sessions 1809 Zillah Camara.

The Court having attentively considered the proceedings of the Judge on Circuit, the Letter of the Provincial Law Officer, and the Petition of the Cazee-ool-Coozat and Mooftees of the Sudder Adaulut, observe that the Cazee-ool-Coozat and Mooftees aforesaid reject the evidence of Dwarka the 1st Witness on the ground of his being an approver, because it contains a complaint - being an approver on their own shewing

Now as the Witness is not one of the Police, or those who are entitled to demand retaliation, as neither his house nor property was injured by the prisoners, the Court cannot admit the objection to be founded in reason, nor do they believe it to be agreeable to the principles of the Mooselman Law.

The objection seems to be grounded on the assertion of the Witness that the prosecutor Sirna, and himself went to Mungeeboon and preferred a complaint to the Magistrate - the Witness making no further mention of this circumstance, but merely stating that he went for the purpose of supplicating the prosecutors complaint by communicating to him the facts which he was an eye-witness of, nothing more can possibly be understood by it, for it does not appear that he had any concern whatever

12. March 1810

of complaint against the prisoners -

The rule of the Mooselman Law which debars the evidence of a prosecutor to be inadmissible is grounded on this principle that it is testimony in favour of himself, and therefore liable to suspicion, but this objection cannot reasonably be made to the testimony of Dwarka, for he has no interest whatever in the conviction of the prisoners, and as the false - - - - as far as for the money, is not legally entitled to prosecute the said prisoners for the murder of Timapah -

The Court therefore direct that the Cazee-ool-Coozat and Mooftees aforesaid do take the depositions of the witnesses and the proceedings had thereon into consideration, and deliver to the Cazee-ool-Coozat and Mooftees aforesaid, to the extent of their powers in this behalf, their opinion and deliver to the Court their futwa and that they may re-consider their futwa and correct it if it should be found erroneous

The Register lays before the Court trial N.o 37. from the Judge on Circuit in the Zilla of Goruckpore, in 2d Sessions of 1809. (Vide enclosure N.o 36.)

From the 2d Judge of Circuit N.o 2. transmitting the trial of Gyamungalasing N.o 7 in the Bangalee Calendar - 2d Sessions 1809

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-Coozat and Mooftees of the Sudder Adaulut, acquit

12th March 1810

confirm the said Futwa for the Jaya = vil[illegible] Zillah aforesaid; and do direct that the Prisoner Jayamungala Sing be confined in Prison until he shall receive the will of his Master.

Sent following letters.

Sent. 2 Judges on Circuit No. 2 (True extract B

It is ordered that the Judge who presided at the foregoing trial (N.7. on the Calendar of Jaffna, in 2nd Sessions A.D. 1809) be by Circuit commanded to instruct the Magistrate in the Zillah of Jaffna aforesaid to report from time to time to the Court of Circuit on the state of mind of the Prisoner Jayamungala Sing entered under this date to be confined in Prison until he shall receive the will of his Master, and that the Magistrate be charged on no account to release the said Prisoner without the especial permission of the ~~Court of Circuit~~ Governor Robert Brownrigg through the Court of Circuit.

Sent following Circuit.

W.B.G.
Sent. 2 Judges on Circuit No. 2 (True extract C

E. H.

At a Session of the Court of Vice Admiralty

Present

James Perry Casamajor Esq.r — Chief Judge.
Andrew Scott Esq.r
John Reed Esq.r
Edward Croft Greenway Esq.r — Puisne Judges.

Monday 19th March 1810

Last letter, dated the 13th December last, from the Judge on Circuit in the Northern Division — forwarding copy of two Calendars for the Zillah of Canara — 1st and 2nd Sessions A.D. 1809 — and copy of the Calendar for the Zillah of North Malabar — 2nd Sessions A.D. 1809.

(the Calendars are N.5 & 8.)

The Court, having examined the Calendar of the Zillah of Canara for 1st Sessions A.D. 1809, remark that in case N.30. — of Thivoo ~~Poota~~ Poota, for kicking and squeezing the neck of his son of which he died, the prisoner is stated to have been found guilty of Homicide, and sentenced to three years "of Rehumit and hard labour" imprisonment.

The Court direct that the Judge who presided at the above-mentioned trial be by Circuit commanded to forward to the Governor Robert without delay other more perfect and explicit Proceedings on the case, together with the Futwa of the Law Officers.

19th March 1810

Ordered that extract of the proceedings be sent to the 3rd Judge of Circuit in the Western Division — suit following Precept.

(Vide entry A)

Read letter, dated the 14th December last, from the Judge on Circuit in the Western Division, — forwarding copy of the Calendar for the Zilla of Rajahmundry, — in Dd. Cases A.D. 1809.

(See Calendar in No 582)

On a review of the above Calendar the Court observe that Case No 5 — of Chenula Dannia Ex. prosecutor, versus Meenda Bindoo and three others is a case of homicide by poison; and therefore direct that the Judge, who presided at the trial, be by Precept commanded to forward to the Sujadaree Adaulut without delay copies in Persian and English of all his proceedings in the case; together with the Futwa of his Law Officers.

Ordered that extract of the proceedings be transmitted to the 2d Judge of Circuit in the Northern Division — suit following Precept

(Vide entry B)

Read letter, dated the 18th March last, from the Judge on Circuit in the Northern Division, — forwarding copy of the Calendar for the Zilla of Masulipatam, — in Dd. Cases A.D. 1809.

(See Calendar in No 531.)

On a review of the above Calendar the Court remark that in case No 5. the Futwa is stated to have declared the prisoner Veerabadra, who is charged with the murder of Dewanji Veerados, also in charge with the prosecutor Yellaiah Sawados, liable to Kissas but "merely from Hubeh or suspicion" and that the Judge has sentenced the said prisoner to imprisonment and hard labour for three months.

The Court direct that the Judge who presided at the above trial, be by Precept commanded to forward for the information of the Sujadaree Adaulut a copy in Persian and English of the Futwa of his Law Officers in the case.

Ordered that extract of these proceedings be sent to the 2d Judge of Circuit in the Northern Division — suit following Precept

(Vide entry C)

Read letter, dated the 4th December last, from the Judge on Circuit in the Western Division, — forwarding copy of the Calendar for the Zilla of Chingleput, — in Dd. Cases A.D. 1809. (See Calendar in No 562)

On examination of the above Calendar the Court observe that in case No

19th March 1810

The Magistrate of Chingleput
versus
Cabanee

for theft at Bangalore, the prisoner was committed on the grounds of his own confession and the evidence of the Witness, but that the Judge on Circuit returned the case to the Magistrate because it did not belong to his Zilla.

The Court also remark that in

Case No. 16 -

Casavierger
versus
Venkatasen
&
Bode Naiken

also for theft, the prisoner Venkatasen was committed on the grounds of his own confession and the prisoner Bode Naiken on the grounds of the Prosecutor's declaration; - that the prisoner Venkatasen was convicted, and that prisoner "stood charged with the prisoner "Bode Naiken", the said prisoner was therefore returned to the Magistrates Court by the Judge on Circuit; "with directions to make a "fresh charge against him, if any, - if "otherwise to release him."

The Court further remarks

that in case No. 22.

Lashmi
versus
Crowen.
Naiken.
Pandaloorum

} for robbing the Plaintiff of gold and silver

C. R. (2)

Monday.
19th March.
1810.

Naiken — } for being concerned as
Pollegaur — } accomplices in the
Lachegaur — } robbery -

the prisoners were committed on the grounds of their own confessions and the evidence of Witnesses; that the prisoner Crowen was committed; that Pandaloorum and Naiken were returned to the Magistrate, their cases belonging to the Nellore Zilla; and that the prisoners Naiken, Narrainaloogum, Pollegaur, and Lachegaur were returned to the Magistrate, there being no charges against them.

The Court considers it necessary to require more satisfactory information in regard to the three cases above-mentioned from the Calendars transmitted by the Judge on Circuit.

The Court therefore direct that the Judge of Circuit be by Circular ordered to transmit to the Registrar Adalut copies in English of all his proceedings and those of the Magistrate in cases Nos. 16. 22. & 23. on the Calendars of Chingleput, in 2nd Sessions A. D. 1809. -

Ordered that a Circular Letter be sent to the Sub Judge of Chingleput, enclosing the proceedings to be sent to the Sub Judge of Cuddapah in the Carnatic Division on Circuit following Record.

(Form in No. D)

Dated Letter, dated the 20th June

19th March 1810

Extr. from the Acting 2nd Judge of Circuit in the Southern Division — in return to the Court's Precept dated the 4th December 1809 requiring further evidence in case No. 5. of the Zilla of Jessore finally in 2nd Sessions A. D. 1809.

(Vide inter letters No. 44.)

The Court direct that the documents enclosed in the foregoing letter be returned to the Acting Judge, and that he be by Precept commanded to insert the said documents in the body of the proceedings in case No. 5. of the Zilla of Jessore finally in 2nd Sessions A. D. 1809.

The Court further direct that the Acting Judge be required to re-transmit to the Fouzdaree Adalut the amended record of the trial, thus re-instituted within five days from the date of his receipt of the Court's Precept.

Ordered that extract of the proceedings be sent to the Acting Judge sent following Precept.

(Vide inter E.)

E. K.

At a Session of the Court of Fouzdaree Adalut.

Present.

Andrew Leith Esqr. —
John Lind Esqr. —
David Crpt Guthrie Esqr. — } Puisne Judges —

Law Officers —

Wednesday 28th March 1810.

Mouluvee Moostufa Alee Khan Bahadoor. Cazee-ool-Coozat —

Mohummud Mowaz — Mooftee —

D.C.G. K.

The Register lays before the Court a Letter from the Judge on Circuit in trial No. 6. from the Sessions of the Zilla of South Sabahad — in 2nd Sessions for the Zilla of Jessore with the Second Petition of the Cazee-ool-Coozat and Mooftee of the Fouzdaree Adalut, pursuant to the order of the Court under date the 5th Instant.

The Court having maturely considered the proceedings of the Judge on Circuit the Future of the Provincial Law Officers and the Future of the Cazee-ool-Coozat and Mooftee of the Fouzdaree Adalut, are pleased to confirm the said Future of the Cazee-ool-Coozat and Mooftee of the Cazee and under the sanction granted by the sentence of Cazee do adjudge the prisoner Shaddee Sherry Bonee Mordeen to suffer death by being hanged at the usual time and

19

28th March 1810

Place of execution —

Sent following letters
(Documents

The Registar lays before the Court
Paper No 3. from the Judge on Circuit in the
Zilla of Chittoor — in 2d Session — A.D. 1809
— together with the second Futwa delivered by
the Cazy-o-ool-Cozzat and Mooftee of the
Fouzdaree Adalut, pursuant to the order
of the Court under date the 26th February
1810.

The Court, having maturely
considered the proceedings of the Judge on
Circuit, the Futwa of the Provincial Law
Officer, and the Futwa of the Cazy-o-ool-
Cozzat and Mooftee of the Fouzdaree
Adalut, are pleased to confirm the said
Futwa of the Cazy-o-ool-Cozzat and
Mooftee aforesaid, and order the dis-
cretion granted by the construction of Regul.
to adjudge the prisoner Hoossain Cauns
to be imprisoned and transported to Prince
of Wales' Island there to be kept to hard
labour in irons in the publick roads or
other publick works for and during
the term of his natural life —

The Registar lays before the Court
Paper No 6 from the Judge on Circuit
in the Zilla of Chittoor — in 2d Session A.D. 1809
(Documents No 15.)

28th March 1810

The Court, having duly weighed
the proceedings of the Judge on Circuit, the
Futwa of the Provincial Law Officer, and
the Futwa of the Cazy-o-ool-Cozzat and
Mooftee of the Fouzdaree Adalut, are
pleased to confirm the said Futwa of the Cazy
Cazy-o-ool-Cozzat and Mooftee aforesaid,
and order the discretion allowed by the Construction of Regul.
of Bokobust pronounced upon the prisoner
Chenjeevarayen to adjudge him, the prisoner
Chenjeevarayen aforesaid, to receive thirty-
nine stripes on his bare back with a
rattan, to be imprisoned and kept to hard
labour in irons on the publick roads or
other publick works for and during the
space of one year, and then to be released
from imprisonment upon his entering into
sufficient security for his
future good behaviour and appearance
when required, for the period of one year.

And the Court direct that
the prisoner Thoolen be released on his
finding sufficient security for his future
good behaviour and appearance when
required for the period of one year —

The Registar lays before the
Court Paper No 35. from the Judge on
Circuit in the Zilla of Chittoor — in 2d
Session A.D. 1809.
(Documents No 13.)

The Court, having duly

28th March 1810

considered the proceedings of the Judge and the Future of the Provincial Law Officers and the Future of the Lazer-hole Lodgings and Messfares of the Trajdaire Adalat and pleased to confirm the said Future of the Lazer-hole Lodgings and Messfares aforesaid, and under the late Circumstances of the Country do adjudge the Prisoner Pallicoda attainted to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the space of three months -

(Fine entered)

Ent'd

F. Ll.

At a Session of the Foujdaree Adalat

Friday March 30th 1810.

Present

James Stuart Cavanagh, Esq. Chief Judge
Andrew Ross, Esq
John Read, Esq
Edward Croft Greenway, Esq

} Principal Judges

Read about of the regulation for facilitating the progress of detachments of troops through the Company's territories; for affording any requisite assistance to persons travelling through the Countries; and for the guidance of the Civil Officers in applying for military guards' - prepared after regulation XI of 1806, passed by the Governor General in Council, on the 3d of Feby 1806, for the whole of the provinces subject to the immediate government of the presidency of Fort William -

(Annexed Ref I)

The Court having duly considered the Abstract before them -

Resolved that it be transmitted to the Secretary to the Government in the Judicial Department

for the purpose of being laid before the Right Honorable the Governor General in Council, with the request of the Court that His Lordship in Council may be pleased to take into consideration the expediency of adopting a regulation, which has for its object to provide rules of conduct for the guidance of Commanding Officers of detachments or corps, magistrates, collectors, officers of police, and others, on occasions of frequent occurrence, the nature of which appears to the Court to require that the powers and duties of those officers should be carefully defined.

Ordered that extract of these proceedings be transmitted to the Secretary Gahagan.

Miscellaneous letters received

(Vide Cover D)

Read reports of prisoners for the month of January 1810, received from the magistrates in the undermentioned Zillahs viz.t Rajahmundry, Ganjam, Salem, Vizagapatam, Canara, North Malabar, Tinnevelly, Verdachellum, Chittoor, Bellary,

Seringapatam, Madura, South Malabar, Vizagapatam, Trichinopoly, Chingleput, Combaconum, Tanjore, Cuddapah, Darapooram & Nellore.

(the reports in Nos. 50, 62, 65, 67, 68, 69, 71, 72, 73, 74, 77, 80, 83, 86, 87, 91, 92, 93, 94, & 115.) Entd.

Read letter, dated the 30th Peniltimo, from the Assistant to the magistrate for the Southern Division of Seringapatam, reporting the arrival of 93 convicts from South Malabar.

(Vide ante No. 53)

Read letter from the Assistant to the Magistrate in the Zillah of South Malabar, to the Court dated 30th November last.

(Vide ante No. 54)

Read letter from the Judge on circuit in the western division, dated 25th Peniltimo with copy of the calendar for the Zillah of Seringapatam for

(Vide ante No. 55)

Read the following letter from the Magistrate in

30th March 1810

Gilca of Aelcaa, Tachinopoly, Vedachelum, Bellary, Ganjam and Combaconum: - with reports of Prisoners confined under sentence in their respective jails.

(for reports in Nos 57, 66, 85, 96, 98, and 99.)

Read letter dated the 8th instant, from the Magistrate of Vedachelum - submitting an amended list of convicts under sentence of imprisonment in his jail.

(for report in No 102)

Read letter from the Magistrate in the Gilca of Rajahmundry, dated the 23d. Ultimo

(Herewith No 46)

The Magistrate reports the death of Totaly Nurrials, Keeper of the Tongdaree records in his Gilca, and nominates for the appointment of Government Colony Rungadauss Moodoo to succeed to the station so vacated.

The Magistrate also reports a vacancy in the office of Sheristadar by the resignation of Brainapilly

2 Ju. 11

Rajah 30th 1810.

Venkiah: and recommends that Rainacauntadas may be appointed to succeed him.

And he represents that the Vadhavoor Pamjiah, assistant to the Tongdaree record-keeper, who was reported by the Acting Magistrate by letter of the 22d December, to have been committed for trial before the Court of Circuit, on a charge of stealing the register book from the register's office, - and thereupon suspended by the Collector, - having been acquitted by the sentence of the court, has been restored to his office.

The Magistrate having reported to the information he may have obtained respecting the past employment, character and qualification of the proposed successor to Totaly Nurrials, deceased, the Court cannot submit his nomination of Colony Rungadauss Moodoo to the consideration of the Right Honorable the Governor General in Council.

The Court are pleased to appoint Nundacauntadas in the room of Jenna Nundacauntadas to the situation of Nazir, Brainapilly

Brahmapilly Venkiah resigned.

And the Court are not aware of any objection to the intended determination to office of Cadroor Paupiah.

Ordered, that extract of these proceedings be sent for the Judge's information; and that an extract be also sent for the information of the Civil Auditor.

Letter following letter (Hereunto B. and C)

Read letter from the junior member of the Special commission in the Northern Division, inquiring for the instruction of the Court, that certain of the writings, attending to be examined before the special Court, who are Native officers on the Honorable Company's establishment, have applied to him for batta according to their respective ranks.

(Hereunto No. 56)

The Court are of opinion that the payment of any other allowance to any descriptions of writers, than that specified in Section XXVI, Regulation VI

of 1802, which, Mr. Blake will observe, is to be paid only in cases where the writers may be actually in need of such assistance.

The batta applied for in the present instance appears to the Court to be in the nature of a military allowance. The Court are wholly uninformed respecting the rules that govern such disbursement, and cannot therefore judge of the right thereof by the parties to claim it. But if they conceive that they have any such right, they are at liberty to address their application to the proper tribunal competent to determine thereupon.

Ordered that extract of these proceedings be sent for the information of the Special commissioners in the Northern Division.

Letter following letter (Hereunto D)

Read letter from the Judge & Circuit in the Northern Division, dated the 31st Ultimo with copy of the Calendar for the Sessions of Zillah Malabar, 24th September 1809.

(Hereunto No. 59)

Read letter from Captain

Fraser to 30th 1810

on his circuit in the Centre Division dated the 4th Ultimo - reporting that the Court would proceed to Tuddapah on the following day.

(Herewith No. 61)

Read letter, dated the 15th Ultimo, from the Principal Collector in the Centre Division, reporting the arrival of the Court at Tuddapah.

(Herewith No. 64)

Read letter from the Magistrate in the Zillah of Chittoor, dated the 22d Ultimo - submitting his petition to reinstate Nullamah of Gooramedapoondee, after expiration of the period of his suspension.

(Herewith No. 75)

The orders of the Court regarding the restoration to office of Nullamah Naick, were communicated to the Magistrate of Chittoor in the extract from their proceedings under date the 16th Ultimo.

Read letter from the Magistrate in the Zillah of Chittoor, dated the 22d Ultimo - recommending that Gooramairazah may be appointed Cutwal of Cencatta-giriy Cotah, in the room of Appajee Broodelly, reported by his letter of 21st August 1809, to have died on the 6th preceding.

(Herewith No. 76)

The Court, in consideration of the favorable report made by the Magistrate respecting the qualifications & past employment of Gooramairazah, are pleased to sanction his appointment to be Cutwal of Cencatta-giriy Cotah, at a monthly pay of five pagodas, in lieu of Appajee Broodelly deceased.

Ordered that extract of these proceedings be sent for the Magistrate's information, and that extract be also communicated to the Civil Auditor for his following letter

(Herewith No. 6 and 7.)

Read letter from the Principal Collector in the Southern Division, dated the 26th Ultimo with a copy of the calendar for the Zillah of Cuddapah.

(Herewith No. 81)

Read letter from the

pointing a member of the Special Commission in the Kadtian Division dated the 22d Ult.o - reporting that the proceedings of the Court had been suspended, the absence of the Masters of the Provincial Court, one of the Law officers attached to the Special Commission - having been removed by indisposition

(Reference No. 82)

The Registrar reports for the information of the Court that Sadhallee, the other of the two Masters attached to the Special Commission left this to join the Circuit

Read letter from the Magistrate in the Zilla of Burdakeen dated the 27th Ult.o - accompanying a blank list of convicts in his Jail under sentence of transportation or banishment.

(Reference No. 84)

Read letter from the Magistrate in the Zilla of Chittagong to the Court, receipt of the 16th Ult.o - acquainting the retardation of Purkarma Naick in his office of Duraga of Gorumdapoordee

(Reference No. 88)

Read letter from the Secretary to the Government in the Judicial department, dated the 24th Ult.o - stating that Messrs. J. B. Hamilton & J. O. Fox have been appointed members of the Special Court in the room of the Hon.ble Sir Robert Barlow Bart.t & Thomas Fortescue Esq.r

(Reference No. 89)

Read letter from the Magistrate in the Zilla of Chittagong transmitting a list of convicts dated the 20th Ult.o - with a receipt for the same from the depôt for transportation

(Reference No. 90)

Read letter from the Superintendant of Police on circuit in the Western Division, dated the 10th Instant - with copy of the calendar for the Zilla of Tuddapah.

(Reference No. 116)

Read letter from the Superintendant of Police on circuit in the Southern Division, dated the 15th Instant with copy of the calendar for the Zilla of Salem

(Reference No. 120)

Read letter from the Superintendant to the Magistrates for the

30th March 1810

19

Re

Town & Island of Tangapatam
report of prisoners for Decem &c

(Percentia No 70)

Read letter from the
magistrate in the gaol of Cuddapa,
dated the 19th instant - soliciting auth
ority to tender a pardon to a
person named Butta Chinnaya,
with a view to the apprehension and
conviction of a deserter gang of
pharoccapars, of whose existence and
robberies he is supposed to possess
information.

(Percentia No 1508)

The Court direct that copy of the
above letter be transmitted to the
Secretary to the Government in the
Judicial Department, for the purpose
of being laid before the Right Honorable
the Governor General in Council, with
the request of the Court that the ma-
gistrate may be authorized to offer
a pardon to the supposed accomplice,
Butta Chinnayah, on condition of
his making a full disclosure of every
circumstance within his knowledge,
relative to the commission of certain
gang robberies, and the several
persons concerned therein.

Ordered that extract of
the proceeding be sent to Mr.
Secretary Cahagan.

(Contfole 9 Letter G.)

Ryl

4 — F. U.

30th March 1810.

Read letter from the
judge on circuit in the Southern
division, dated the 26th Ultimo
with copy of the calendar of prison-
ers committed or held to bail by
the magistrate in the gaol of
Tinnivelly.

(Percentia No 52)

On a review of the copy of
calendar submitted, it appears to
the Court that the trial of case No 5
was postponed until the next session of
the prosecutor Noor Mahomed then
"absent"
"being absent."

The Court, under date the
16th August 1808, directed that the
judge on circuit in the Southern
division should be instructed to
direct the prosecution in each
cause to be conducted in the name,
and on the part, of the Sovereign
the judge at the same time record
ing on his proceedings the reason
assigned, for the non-performance
of the conditions of the recognizance,
by which the prosecutor had been
bound to appear; and, in the
case might be, by precept compel

30th March 1810

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Read letter from the poly
on circuit in the central division,
dated the 6th Ultimo - with copy of the c-
endar of Prisoners committed or
held to bail by the magistrates in the dy
-sion of Bikaner.
(Present No 60) Judges

On a review of the copy of
calendar before them the Court
observe that the trial of case No 6, com
"Ramsinoochang, wer Dasah for the
"murder of the prosecutor's son" was
"postponed because the prosecutor was
"not in attendance to prosecute." of

Ordered that the judge be
instructed to direct the prosecutor in
whose cause, wherein the prosecutor fails
may omit or neglect to appear at the ti
time fixed for the trial of the ac- -cus
-ed - to be conducted in the name
-cused on the part of the Sircar. The
judge will at the same time record
on his proceedings the reasons appearing
-ed for the non performance of the con
condition of the recognizance, by
which the prosecutor had been
bound over to appear; and, as the
case may be, by precept command
the magistrate to levy the amount
thereby forfeited to Government.

Ordered that extract of
there proceedings be sent for the
judge's information.

Last following letter
(Present No 61)

Read letter from the
Third judge in the Western division
dated the 13th Instant - reporting
the death of Kally Chunder Poker, the
prisoner in case No 5, 2d Sept 1809,
file North Malabar, under re-
-ference to this Court -
(Present No 106.)

30th March 1810.

And it further appear to the Court that the trial of case No 2 "Banjee Rao, an, Purbon Nauyan "for perjury" was "postponed from "the non-attendance of the prisoner and that the trial of case No 1 "was postponed for perjury on "postponed - the prisoner not being "in attendance"

Ordered that the judge by precept direct to send up transcripts of any orders issued by the magistrate, or other proceedings held by the Court of Circuit concerning the conditions of the bonds in the above cases not being performed

Sent following precept

(Precept)

Recd letter from the magistrate in the Zillah of Combaconum dated the 5th Pendletons submitting a list of convicts in his jail under sentence of banishment to another district

(Vide entry No 21)

Ordered that the magistrate of Combaconum be by precept directed to send the convict Alagen to Darapooram with a

5 - L. Ll.

30th March 1810.

calendar and other necessary documents of his crime and sentence; and the magistrate in the Zillah of Darapooram will be by precept commanded to enforce the sentence passed on the said convict, and his return to the precept will be made within three days from and after the arrival of the prisoner at Darapooram.

Sent following precept to

(Vide entry Zillah Ct)

Recd letter from the Acting Register of Circuit in the Southern division, dated the 18th Pendletons - requesting the Court to determine the district to which the prisoner Alagen, in case No 17 Jellah of Combaconum, 2d Report, 1809, sentenced by them to banishment should be sent

(Vide entry No 40)

Ordered that the Acting Register be informed that the Court have received from the Magistrate of the Zillah of Combaconum the list of convicts in his jail under sentence of banishment to another

30th March 1810.

And it further appearing to the Court that the trial of case No 2 "Banjee Rao, son Pirtoor Narrapa "for perjury" was postponed for "the non-attendance of the prisoner "and that the trial of case No 3 stood "over Appanaiah for forgery was "postponed the prisoner not being "in attendance"

Ordered that the pdgs be by precept directed to send up transcripts of any proceedings before the magistrate, or other proceedings held by the court of circuit in the above cases not being performed

Sent following precept

(Precepts K)

Read letter from the magistrate in the Talook of Combaconum dated the 10th Instant submitting a list of convicts in his jail under sentence of banishment to another district

(Precepts No 21)

Ordered that the magistrate of Combaconum be by precept directed to send the convict Alagoo to Carrapoorum in lieu of

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30th March 1810.

calendar and other necessary documents of his crime and sentence; and the magistrate in the Talook of Carrapoorum will be by precept commanded to enforce the sentence passed on the said convict; and his return to the precept will be made within three days from and after the arrival of the prisoner at Carrapoorum.

Sent following precepts

(Precepts K 2 L)

Read letter from the Acting Register of circuit in the Southern division, dated the 18th Instant Pendleton - requesting the Court to determine the district to which the prisoner Alagoo, in case No 17. July last year of Combaconum 2d Report 1809, the sentence of which by him to banishment should extend

(Precepts No 40)

Ordered that the Acting Register be informed that the Court have received from the Magistrate of the Talook of Combaconum a list of convicts in his jail under sentence of banishment to another

preceiled in clause fault, section VIII regulation XV of 1803 district, and that on the inform=ation thereby laid before them they have issued the necessary orders to the magistrate for the re=moval of the convict Hagen.

Ordered that extract of these proceedings be sent for the information of the Acting Record=ridge.

Sent for taining letter (Recieved N°)

Read letter from the Secretary to the Government in the political department, dated the 2d instant - acknowledging the receipt of the magistrate's letter of the 16th ultimo, and communicating the desire of the Right Honorable the Governor General in Council to receive the opinion of the Court as to the most eligible situation for a new jail in the pilla of Carbacoan

(Recieved N° 97)

Ordered that the first paragraph of the above letter be transmitted to the magistrate in the pilla of Carbacoan, by pre=cept requiring information on the point therein referred for the opinion

opinion of the Court.

the following precept

(Recieved N°)

Read letter from the magistrate in the pilla of North Malabar, dated the 5th instant - re=porting the circumstances attending his arriving in his jail on the afternoon of the preceding day; enclosing a list of the casualties on that occasion; and stating his intention to commit for the information of the Court copies of the depositions given by certain of the guard and prisoners, who met with the commencement of the affray.

(Recieved N° 101)

Read also letter dated the 7th instant, from the magistrate in the pilla of North Malabar - with the depositions referred to in his letter of the 4th

(Recieved N° 105)

The magistrate therein states his intention of committing for trial before the Court of Circuit pursuant to the provisions of "Section IV Regulation XV A.D. 1803"

each of the convicts now in jail, are charged with actual violence on the occasion reported.

The Court consider that the magistrate acted with perfect propriety in committing for trial, the whole of the convicts, who stand charged with actual violence — not however, under the provisions of section IV, regulation XV of 1803, which have for their object to define the crime and punishment of robbery by open violence — but under clause first, section IX of the regulation XV referred to, which provides for the commitment to trial before the Court of Circuit for any "violent act done in an attempt "to escape" during the period of their detention.

And the magistrate taking a list of persons whom he considers "fit objects of banishment under "this provision of clause third, "section VIII, regulation XV. A.D. "1803."

On perusal of the papers, inserted in the enclosed list, appear, as well from the remarks set opposite to their names, as from the circumstance of single persons

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to have been implicated in the attack on the jail guard on the 6th instant, and as the magistrate has recorded his intention of committing such persons for trial, the reference of their cases to the Court of Circuit seems, it to the judge on circuit to determine, under the regulations, how far they are fit objects of banishment.

With respect to any of the persons named in the enclosed list, who may not have been guilty of any acts of violence in the late riot of the jail, and are not therefore liable to be committed for trial, but where removal to another jail in this district circumstances may render advisable, the Court, in the depositions state of the information before them, and under the arrangements recorded by the magistrate to carry into execution XV of 1803 — cannot judge how far it may be expedient or necessary to avail themselves of the discretion declared to be vested in them by clause first, section VIII, regulation XV of 1803 — to issue orders for their removal.

The trial for murder of the

30th March 1810

Prisoner Poodocady Chajen having been referred to this Court, the Magistrate will not oppose holding further proceedings against him, until he shall receive their final judgment on the case.

Ordered that extract of this proceedings be sent for the Magistrate's information.

Last following letter.

(Vide O.)

Read letter from the Magistrate dated the 9th Instt. reporting the apprehension of Tengal for assaulting and beating some of the servants of the great pagoda at Trivalore, and for other outrages, stating that the miscreant of this name, named Abed al Rubbee, reputed to be "Sirdar of the band Cungee of Madras", and of another named Sheikh Hyder, has induced him to oppose their confinement, and requesting the Court's instructions how to proceed further respecting them.

(Para letter No. 104)

The Court having duly considered

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considered the above letter, and the several enclosures, are not desirous that the case requires any other instructions from them, than that the Magistrate be referred to the regulations passed for his guidance in apprehending persons charged with crimes or offences, and bringing them to trial.

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

Last following letter.

(Vide P.)

(Para letter No. 107)

Read letter from the Magistrate in the Zillah of Chittoor dated the 10th Instt. submitting for the approbation of the Court the sentence passed by him, and by the Assistant, upon Sheik Hyder, convicted of the crime of [illegible] and [illegible] in the preceding day's proceedings, and requesting the Court's determination on the subject of a dispute which existed between the Brahmins and Chittoor Pariahs, which occasioned the [illegible] between them, and [illegible] Pariahs [illegible] to have formerly [illegible] at Sirdi [illegible] taken place at [illegible]

(Para letter No. 107)

Stamped to the Court's [illegible]

the papers submitted by the Magistrate of Chittoor, that the Mahomedans at the place mentioned in his letter, have contested the right of the Hindoos to perform their instruments of music, while going past Mosques with their religious procepions.

And it further appearing that the Magistrate has issued orders to the Dissanayar of Vellore & Chittoor, declaring that the Hindoos shall not be prevented from playing their music on those occasions, but that, adverting to certain decision asserted to have been passed by the Assistant Magistrate at Arcot, he has not extended the order to that town.

The Court not approving the orders issued by the Magistrate to the Dissanayar of Vellore & Chittoor, because the regulations established for the guidance of the Courts of Judicature do not specify the observance or forbearance of any distinction between the Hindoos and Mahomedans. They hold that both should be restrained from exciting any disturbance to the other, and be allowed to enjoy

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alike respect equal liberty.

But not having before them any information respecting the grounds, upon which the decision spoken of as having been passed by the Assistant Magistrate was formed - the Court are unable to ascertain the propriety of the resolution taken by the Magistrate not to extend his order to the town of Arcot.

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

Sent following letter
(Persecutn 2)

Read letter from the Judge of Circuit in the Western division dated the 18th Instant - with extract from the proceedings of the Court in case No 48, wherein Fidalcoyet prisoner Arajee Perumal, accused of the murder of his own child, an infant of 8 months old, is proved to have been insane, both at the period of the child's death and subsequent thereto

(Persecutn No 45) ff

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Appearing to the Court, from the Third Judge's Letter, that the proceedings upon the trial of the prisoner Amajee Peroomal was completed, and that the Provincial Law officer grounded his future in the case:—

Ordered that the Third Judge be by precept commanded to send up for their information a record in Persian and English, of the whole proceedings held thereon.

Sent following precept

(Presente R.)

Read letter from the Judge on Circuit in the Northern division dated the 28th ult.o

(Presente No. 95)

The Judge on Circuit request to be informed whether "the Court of "circuit is competent to pass sentence "on a person, either perjuring himself "before them, or rendering it evident "by the testimony adduced before "them, that he has been guilty of "perjury in his deposition before the "magistrate."

And he represents that "the regulations do not prescribe the mode in which circuit courts are "to proceed in cases of perjury in crim- "inal cases."

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Ordered that the attention of the Judge be directed to clause first, section XL. regulation VII of 1802, wherein it is enacted that persons accused of having given false testimony on oath, in any judicial proceedings, civil or criminal, shall be liable to be tried on such accusation before the courts of circuit.

The Judge on circuit further submits that, if a case should occur he shall in intention to pass sentence immediately, as the regulations "do not forbid it," and as it is consist- ent with natural justice, that a court having power to try & punish a person accused of perjury else- where, should also have power to punish him when the offence is committed in their presence.

The Court deem it proper to observe on this point, that the general rules prescribed for the trial & punishment of offenders apply equally to persons [illegible] if the Judges of circuit, after reference to the clauses, to which attention has been directed, still conceive that the regulations "do not forbid sentence" to be passed and immediately executed

30 March 1810

persons charged with the crime of
~~"perjury" the Court may~~
~~postpone~~ deferring, as to persons charged with
~~any~~ other description of crime,
~~the trial to the next Sessions~~
and that a different mode of
~~the appointment of Jurors~~
proceeding in such cases is ad=
~~mitted~~ ~~in the Court~~
: together and in addi=
~~addition to~~ ~~a person charged~~
=sible. The rule prescribed in
~~the~~ ~~Court~~ ~~shall be heard~~
section XV, regulation VII of 1802
~~applicable to the~~
cannot be departed from,
~~in~~ ~~any~~ ~~case~~
which he may have to offer in his
defence shall have been recorded, and
duly considered, and the Court
have further to remand him, that
~~the~~ ~~application~~ ~~for~~ ~~a~~ ~~pledge~~ ~~on~~ ~~cir=~~
~~cannot~~ ~~under the~~ ~~regulation~~
without having previously received
the further ~~proceedings~~ of his case
given on oath of the
officer, by whose the proceedings of
the Court are to be regulated in all
cases, for which no specific rules
may have been enacted by the
Governor in Council.

~~The Court of Circuit~~

~~shall~~ ~~transmit~~
~~consisting~~
~~record~~ of one of the Judges of
circuit and of the Civil officer
in which the case is to be tried
* delivering the and cannot be completed to take
part in the remaining proceedings of any one case
~~after~~ with a view to its
~~final~~ determination

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30 March 1810.

of the alledged offender, but on a regular
commitment by the Magistrate on
the case now under consideration
must occur pending the repairing of
the Court of Circuit in the place, and
it is probable that
a the whole of the witnesses required
for the proof of the charge, and for the
defence of the accused, will be in at
tendance, ~~the most plain and~~
~~obvious proceeding would be for~~
~~the Court to transmit~~
the judge should send down the
person so charged to the magistrate
in order to his being committed for
immediate trial before the Court
of Circuit. The case will then be
included in a supplementary
calendar, which, together with
the documents referred to in section
XIV. regulation VI of 1802, will be
immediately delivered to the judge
on circuit.

Ordered that extract of these
proceedings be sent for the inform=
ation of the judges on circuit in the
Northern division.

(Signed) W. Petrie

Read letter from Fiscal

30th March 1810

The Court having duly considered the reasons urged by the Judges of the Provincial Court in support of the construction given by them to the Regulations bearing upon the question, have to observe that their arguments tend to prove, not the existence of any authority in them of the nature in dispute, but rather the expediency of provision being made for vesting them with such authority.

And that on the quotations which they have made from Mr. Fleming's analysis, and from which they lay principal stress as being calculated to remove all doubt on the subject – is the substance of †Section XXIII a section in the Regulations of the Regulation IX A.D. 1807. Supreme Government, which has not yet been adopted by the Government of Fort St. George, it can only be regarded as an argument – certainly by removing all doubt on the subject – fatal to the doctrine maintained by the Judges of the Provincial Court, unless it had the right, now contended for by them, been held to vest, and vested by the passing of the said Section, in the Judges of Provincial Courts similar

the

30th March 1810

registe to the Provincial court for the centre division, dated the 13th Instant – with extract from the Court's proceedings under that date, and copies of two precepts issued by them to the magistrate in the Zilla of Chittoor, and of his returns thereto.

(Answer No. 146)

On a review of the papers submitted it appears to the Court that the two Judges of the Centre Provincial court, assembled at the said station, for the performance of the duties of the court of appeal for that division, by precept commanded the magistrate of the Zilla of Chittoor, to certify to them an extract of his proceedings on a certain complaint that had been preferred to him – the magistrate in obeying the order of them and authority in the case, suspended execution of the precept.

But that on receipt of a second precept, conferring their first precept, and requiring him to execute the same without further influence, the diligence thereby required complied with by the magistrate who, however, at the same time represented as reference to the Court

* Q. p. 7

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the Supreme Government, similarly circumstanced, no necessity could have existed for that enactment. The section, it is obvious to remark, could only have been passed for the purpose of giving them an authority, which they had not previously possessed.

The Provincial Court attempts to draw an inference in favor of their position, from the circumstance, alledged to have occurred of this Court making "the Provincial "Court of circuit a channel for "communicating their orders to the "Magistrates."

The Court are not aware of any occasion, upon which the term "Provincial Court of circuit" has been used on their proceedings. Their instructions certainly have been issued to the Court of Circuit, requiring that Court to make known to the Magistrates orders, which it was supposed should have general circulation. But if there instructions have been received by the two judges of the Provincial Court, forming at the time a Court of circuit, for the performance of the duties

G. F. C.

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duties of the Court of appeal, as addressed to them — the error must have arisen from insufficient advertence on their part to section XII, regulation VII, of 1802, which particularly describes the constitution of a Court of circuit.

The Court deem it unnecessary to remark, that the ready obedience, stated to have been paid by all the Magistrates of the Centre "division, except the Magistrate of "Chittoor" to "orders in the criminal "department sent by the Provincial "Court" consisting of the two judges "at the Aurungabad station" furnishes no part of proof whatever that [illegible] were conformable to the existing regulations.

And the Court cannot concur in opinion with the judges of the Provincial Court, either that "there can be no difference to the "Magistrate," whether the orders "proceeded from the Provincial "Court of circuit, consisting of the "two judges at the Aurungabad station "or from the judges detached on "circuit

"circuit"; — or that his resistance
thereto appeared to have arisen,
not "from any view of public
"advantage, but from a disposi-
"tion to dispute the orders of the
"court": — for if they had no author-
-ity under the existing regulations
to issue such order, and he conse-
-quentially thought so, he could
not be wrong — he acted with
entire propriety — in availing
himself of the latitude allowed
by regulation XXII of 1802, which
latitude he does not appear to
have exceeded.

The Court dismissed the
plaint.

⊕ without observing that it thereby
the necessity of caution on the part of the judges in

their proceeding on the reference,

⊕ ing them for their guid-
-ance. The Courts are to be guided
only by the regulations relative
to them pursuant to section XI
regulation I of 1802. The construc-
-tion, consideration and exercise of
powers & authorities, acquired
under certain provisions of the
regulations of the Supreme Go-
-vernment, which have not been

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of the regulations enacted by the Governor in Council of Fort St. George, and it can only be referred to, when it explains — as was the case on the occasion alluded to by the Provincial court, in relation to the proceedings of this Court — the application of sections and clauses, to which there are in the regulations of the Government of Fort St. George sections and clauses bearing the most exact analogy.

Ordered that extract of the proceedings be sent for the information of the Provincial court in the Centre division; and that the Provincial court be by precept commanded to return to the Registrar of the Zillah of the transactable proceedings transmitted by him in conformity to the exigence of their precept dated the 6th instant.

And it is further Ordered that any proceedings held by the Judges of the Provincial court on the papers so proceeded by the order of their acting Judge to take cognizance of the case that following precept.

(Present: J.) Reas

30th March 1810

Read Calendar dated the 17th Ultimo, from the Judge on circuit in the Southern Division — enclosing copy of the Calendar of Prisoners committed or held to bail by the Magistrate of the Zillah of Tonbocomie.

(Herewith No 78)

In case No 3, contained in the copy of Calendar submitted, Sircar versus Coolten, to whom the Honorable the Governor in Council was pleased, under date the 17th May 1809, to sanction the Trial of a Capital Robbery under the provisions of Section XX Regulation VIII of 1802, it appears that the Prisoner was committed for trial upon his own confession, convicted and executed.

The Court attaching to this peculiar circumstance of the case, see the necessity of having before them the fullest information thereupon.

Ordered that the Judge on circuit do transmit commanded, to send up Copies and translates in English, of all proceedings against the Prisoner Coolten since the date of his apprehension, as well those held before the Magistrate as on his trial before the Court of

No 7 Cl

30th March 1810.

Judge on circuit.

Letter forwarding Precept

(Herewith 60)

Read petition presented by the undersigned Native Factor on behalf of Christian Coolah Wallah Das.

(Herewith Petn No 26)

Dated 1809 —

The petitioner complains that he was robbed of property to a considerable amount at a certain village situate within the limits of the jurisdiction of the Zillah of Cuddapa: and sets forth that several persons, amongst whom he particularly mentions Timma Reddy, stated to be the head inhabitant of the said village, and Concarla Naidoo, were apprehended, and committed by the Magistrate to take their trial before the Court of Circuit; that at the next sessions subsequent to their commitment held by that Court the case was postponed, but that at the following sessions Mr Chamier being then on circuit, the said Timma Reddy

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was cleared; and that this release was procured by bribing Jagannaiada Rao, one of the officers of the establishment of the zilla court.

And the petitioner averred that he has sufficient proof of the said Jagannaiada Rao's guilt bribed by the said Ramia Reddy

The Court, on reference to the report of prisoners received from the magistrate in the zilla of Cuddapa, and to the calendar of persons committed or held to bail, received from the judge of circuit, observe that Boucanda Naidoo, good for himself Reddy Veeraj Retirial, was committed to take his trial for burglary in the month of August 1807; that fifteen others were committed for the same offence; that the case was tried before the judge of circuit in the 1st division 8th Oct. 1808, that Boucanda Naidoo was sentenced to fourteen years imprisonment, that all the other prisoners were ordered to be released; and that the records were received in the Sudder Adawlut on the 13th April 1808

30th March 1810

The Court, having duly considered the several documents before them, see no reason to doubt that the case has been fully and fairly investigated.

But if the petitioner have any charge of corruption to exhibit against a ministerial officer of the court in the zilla of Cuddapa, in a matter now depending before, or decided by, this court, he must, in the first instance, prefer the charge to the court, to which the accused is attached, making oath to the facts of it, and giving security to prosecute the charge without delay.

The Court cannot receive the charge in question, until the complainant shall have, moved, to their satisfaction, that he prefer the charge, in the first instance, to the court in the zilla of Cuddapa, and offered to make the required oath and to give the prescribed security; and that that court, not having either declined or required to receive the charge.

The petitioner will pay to the Vakeel Naman Varthy the fee of four annas, to which he

30. C 30. March 1810

Monday
2nd April
1810.

Present

Andrew Leith Esqr. } Puisne Judges.
John Reid Esqr. }
Edward Cripps Greenway Esqr. }

Law Officers

Mowlvee Moostufa Alee Dahaim Bahadoor
Cazee - ool - Cozaat.

Mohammed Shoraad — Mooftee —

The Register begs leave to inform the Court that in the Zilla of North Malabar Circuit in the year A. D. 1809 in Dd Cazeeas A. D. 5810)

(This entry N° 5810)

The Court having duly weighed the proceedings of the Judge on Circuit, the return of the Provincial Cazee, Moofties and Shrishtadar of the Cazeeat Calicut and the return of the Cazee-ool-Cozaat and Mooftee of the Cazeeat Tellicherry and Mahé it is ordered that a record be transmitted to the Cazee-ool-Cozaat and Mooftee of Calicut, as prayed by the petitioner.

Read the letter from the Register to the Court of Sudder Dewanny Adawlut requesting to be informed whether the Court intend to pass any order on the petition of Ramen Nair stated to have been lost

(No 5879)

Ordered that the Register do transmit to the Provincial Court of Circuit for the Northern Division the proceedings of the Court of Circuit in the case of Ramen Nair, and direct the Court to return the same with their opinion whether the petition of Ramen Nair has been lost or not.

F. W.

and had given the same
evidence to what punish-
ment would the Prisoners
be liable under the Moo-
salman Law? —

The Register lays before the
Court the Trial No 8. from the Judge &
Circuit in the Zillah of Rajahmundry, —
in the Sessions A. D. 1809 —

(Vide ante No 511.)

The Court having maturely
considered the Futwa of the Provincial Law
Officer, and the Futwa of the Cazee-ool-
Cozat and Mosftee of the Sudder
Adawlut, are fully agreed to confirm the
said Futwa of the Cazee-ool-Cozat
and Mosftee aforesaid, and do direct the
release of the Prisoners Cocherlacotta
Jeggia, Mourdy Venkata Naickoodoo,
Gurtha Paupadoo, and Poorbatah
Bebe Naickoodoo, on their finding
sufficient security for their future good
behaviour and appearance when required
for the space of two years —

Sent forth by letter

(Vide ante

At a Session of the Court of
Fourteen Judges
Friday
April 6th 1810. Present

The Honble James Penny Casamajor, Esq. Chief Judge
Andrew Scott Esq
John Read, Esq
Edward Croft Greening, Esq

Read letter from the Secretary to the Government in the judicial department, dated the 4th Instant - communicating the desire of the Right Honorable the Governor General in Council to receive the reports of the judges of circuit regarding the administration of the criminal laws of the country.

(Recorded No. 156)

Ordered that extract of this letter be transmitted, with extract of these proceedings for the information respectively of the judges on circuit.

Lahpole? Circular letter

(Recorded A)

Read the following letter

6th April 1810

Letter from the magistrates of the undermentioned zillas, transmitting their reports of prisoners for the month of February, viz. Ganjam, Chittoor, Bellary, Rajahmundry, Trichinopoly, Vizagapatam, Madura, Verdachellum, Salem, Canara, Dindigul, and South Malabar.

(See reports in Nos. 111, 126, 127, 117, 118, 119, 114, 112, 108, 109, 110, 113.)

Read return from the magistrate in the zilla of South Malabar to the Court's precept of 16th February transmitting to them for the purpose of being delivered to the parties, certificates of pardon in the names of Adinaparambil Aypen and Adinaparambil Chakos - case No. 7 on the calendar for his zilla, 2d. Session 1809.

(Persents No. 134)

Read letter dated the 20th Ult. from the magistrate in the zilla of Chingalpet with a list of the convicts in the depôt for transportation.

(Persents No. 135)

Read

6th April 1810

Read the following letters with the reports of prisoners for the month of February last, from the following zillas, viz. Chingalpet, North Malabar, Coimbatoor, Trichinopoly, Masulipatam, Cuddapa, Vizagapatam and Nellore.

(See reports in Nos. 128, 129, 130, 131, 132, 136, 139 and 140.)

Read the following letters from the magistrates in the zillas of Canara and Salem, - transmitting reports of prisoners convicted under sentence of transportation.

(See letters Nos. 141 & 142.)

Read letter dated the 27th Ult. from the judge of circuit in the eastern division, with enclosed warrant for execution in case No. 16, Chittoor calendar, 2d. Session 1809.

(Persents No. 143)

Read letter dated the 26th Ult. from the magistrate in the zilla of Masulipatam - reporting, in conformity with section XXII. regulation VIII.

6th April 1810

of 1802 the application of Poonaa-
pillie Longadan a convict under
sentence of imprisonment for seven
years; and stating that he is now
in custody awaiting the orders of
the Tondaree Tedalut"

(Record No. 145)

Ordered that the attention
of the magistrate in the gillee of
Manaltpatam be by precept di-
rected to clause first, section IX
regulation XV. of 1803 wherein
he will find that the section quoted
by him has been rescinded, and that
a rule is prescribed for his guidance
in proceeding against convicts, who
may escape from jail or otherwise
during their sentence

(Record No. 146) The
last following precept

(Record B)

Read a letter from the
magistrate in the gillee of Chingleput,
dated the 23d Ultimo - intimating
the resignation of Narrainsa Naick
Chandan at Tripassore, at a
monthly salary of 15 rupees;
and recommending that Nind
Naick may be appointed to suc-
ceed to the station so vacated.

April 6th 1810.

The Court accept the resigna-
tion of Narrainsa Naick, and,
in consideration of the, upon the
by the magistrate & respecting the
character, past employment and
qualification of the proposed re-
-pon, are pleased to confirm his
nomination of Nind Naick to
fill the vacant office of Chandar
at Tripassore.

Ordered that extract of
these proceedings be sent to the
magistrate of Chingleput, and that
magistrate of Chingleput be communicated for
extract be also communicated to
the information of the civil auditor
the following letter.

(Record No. 147)

Read letter from the
Secretary to the Government in the
judicial department, dated the 28th
Ultimo - stating that the Right
Honorable the Governor General in
Council has been pleased to sup-
the regulation, whereby particular
sentence with the respective letter of
23d January, and that Sheristadar
in Council confirm Venkatasa
Naick in the office of Dubash

6th April 1810

the Tippatoor district in zilla Salem, vice, Soobah Row, deceased.

(Peon's No. 147)

Ordered that the 3d Para of the above letter, together with extract from these proceedings, be transmitted for the information respectively of the Magistrate in the zilla of Salem, and of the Civil auditor.

Sent following letter (Peon's Ex 7)

Read return from the Third Judge in the Western division to the Court's precept of 17th Ultimo wherein he reports that the undermentioned prisoner, in case No 5 on the calendar of North Arcot, 2d Sessions 1809, Kady Unandee Pokra, was released in the late rising of the jail in that zilla

(Peon's No 150)

Read return from the second Judge in the Northern division to the Court's precept of 17th Ultimo requiring him to instruct the Magistrate in the zilla of Ganjam to report from time to time on the

6th April 1810 the state of mind of the prisoner Jaya-
mingala Sing

(Peon's No 151)

Read letter from the Judge on circuit in the Southern division, dated the 31st Ultimo, with copy of the calendar received from the Magistrate in the zilla of Carapooram

(Peon's No 153)

Read letter from the Judge on circuit in the Northern division, dated the 30th Ultimo, inclosing copy of the calendar of cases for trial at the ensuing Session of Gov. & Circuit Court at Masulipatam

(Peon's No 133)

Ordered that the Judge on circuit be directed to send up copies, attested by the Register, of all proceedings in case No 8. "Bat. Apple Narrainsah Pan" versus Mudrange Venkatagoondy Jemindar, & five others, charged with

6. April 1810

"paulapannah, Shaik Emaun,
and Mahomed Solaim." — are
there held before the magistrate,
as in the trial of the cave before
the court of circuit.

Sent following precept
(Fincenta G.)

F. C.

At a Session of the Court of Fojdaree Adawlut.

Present.

Andrew Scott Esq^r ——
John Reid Esq^r ——
Edward Croft Greenway Esq^r — } Puisne Judges.

Monday
9. April
1810.

Law Officers —

Mahummud Ameer Pillah —
Mahummud Moorad — } Moofteers —

The Register laid before the
Court track No. 2. from the Judge of
Circuit in the Zillah of South Malabar —
in 2^d Sessions A.D. 1809 —
(Fincenta No. 63.)

From the 3. Judge Court of Circuit
Western Division — refers his proceedings in
Case No. 22. of the South Malabar Calendar
2. Session 1809

The Court, having duly weighed
the proceedings of the Judge in Circuit —
the Futwa of the Provincial Law Officer, and
the Futwa of the Cazee-ool-Cozaat and
Moofteys of the Fojdaree Adawlut — are
pleased to confirm the said Futwa of
the Cazee-ool-Cozaat and Moofteys
aforesaid, and do sentence the prisoners
Ameer Cheroo to suffer death by being
hanged by the neck till they
be dead —
Execution —

6

The Register lays before the Court trial No 7 from the Judge on Circuit in the Zilla of Malabar in 2nd Session A. D. 1809.

From the 3 Judge of Circuit in the W. Dn
Refers his proceedings in Case No 7 South Malabar Calendar 2. Sessions 1809. (Vide entry No 100.)

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 wul: Cozzat and Mooftee of the Fouzdaree Adalut, are pleased to confirm the said Futwa of the Cazee wul: Cozzat and Mooftee aforesaid, and do sentence the prisoner Waddacherry Kelos Neddoniaddy to suffer death by being hanged at the usual time and place of execution.

Sent following letters.

To the 3 Judges on Circuit in the W. Dn (Vide entry No)

The Register lays before the Court trial No 1 from the Judge on Circuit in the Zilla of Salem in 1st Session A. D. 1810.

From the Judge on Circuit Southern Dn (Vide entry No 122.)
Refers his proceedings in Case No 1 on the Salem Calendar

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 wul: Cozzat and Mooftee of the Fouzdaree Adalut, and Mooftee of the Cazee wul: Cozzat and Mooftee aforesaid, and under the operation of Section XV. Regulation VIII. A. D. 1802, Sec. Section XV. Regulation Vellatchee to be sentenced the prisoner to suffer death by being hanged at the usual time and place of execution.

The Register lays before the Court trial No 9 from the Judge on Circuit in the Zilla of Salem in 1st Session A. D. 1810.

From the Judge on Circuit Southern Dn (Vide entry No 126.)
Refers his proceedings in Case No 9 on the Salem Calendar

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 wul: Cozzat and Mooftee of the Fouzdaree Adalut, are pleased to confirm the said Futwa of the Cazee wul: Cozzat and Mooftee aforesaid, and under the operation of Section XV. Regulation VIII. A. D. 1802, do sentence the prisoner Ramanachanee to suffer death by being hanged by the neck until dead

1st April 1810

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 term of his
natural life -

sent following letters -

A To the 3d Judge on Circuit on the (then enter B
11 E Do
665

Ct

At a Session of the
Four Days Adalat -
Thursday -
May 1st 1810. Present
James Henry Casamajor, Esq. Chief Judge
Andrew Scott Esq
John Read, Esq. Puisne Judges
Edward Croft Greenway, Esq

Recd petition of Tawng
Chitty and others - stating themselves
the left hand cast people of
Chingulput.

(Pen enter Pet. No 39 of
1809

The petitioners complain of
an order issued by the magistrate in
the zilla of Chingulput, under date
the 4th August last - stated to be
in contravention of an order, on the
same subject, passed on the 17th August
1803, by the late magistrate - whereby
they alleged on the left hand
cast are prohibited from wearing
slippers, and from using chowrees
&c, under Section XVII,
regulation VI of 1802, the superintendence
of all proceedings held by the Magis-
trate in cases cognizable by
him, forms a part of the especial

9th

5th Aug 1810

duty of the judge on circuit, who is required to report all irregularities to the Foujdaree Adalut:-

The Court consider that if the petitioners have been injured by the orders of which they complain, the case will be regularly brought under their notice by the judge now on circuit in the zilla of Chingulput - to whom they recommend the petitioners to submit a representation of the grounds upon which they deem themselves to be aggrieved.

Ordered that extract of these proceedings be furnished to the petitioners

Read letter forwarding reports of prisoners, for the undermentioned zillas, for the month of March last, viz. Salem, Trichinopoly, Tanjore, Bellary, Dharapooram, Verdachellum, Canara, Chingulput, Chittoor, Cuddapa, Rajamundry, Seringapatam, Trinemelly, Madura, North Malabar, Vizagapatam, and Masulipatam.

(See reports in Nos 164, 165,

1st Aug 1810

180, 173, 174, 175, 176, 177, 178, 179, 181, 191, 192, 193, 194, 195, and 196.

Read letters, with reports of prisoners confined under sentence, in the undermentioned zillas, viz. Masulipatam, Cuddapa, Dharapooram, and Rajahmundry.

(See reports in Nos 157, 166, 182, and 197.

Read letter from the Secretary to the Government in the political department, dated the 13th ultimo - stating that the Right Honorable the Governor General in Council has been pleased to authorize the magistrate in the zilla of Cuddapa to tender an offer of conditional pardon to Butta Chennagadoo

(Here enter No 171)

Ordered that copy of the above letter, together with extract from these proceedings, and extract from the Court's proceedings of the 30th Ult. - be transmitted to the magistrate in the zilla of Cuddapa

1st May 1810

Cuddapa.

Sent following letter
(Perusita A)

Read letter, dated the 8th Ultimo, from the acting Magistrate in the zillah of Arcotta, reporting the escape from Punganoor jail of a female prisoner committed for trial as accessary to a murder.

(Perusita No. 161)

Read letter from the Judge and Circuit in the Northern division, dated the 12th Ultimo, with returned warrant of execution in case No. 31 on the calendar for the zillah of Canara, in the 2d Report of 1809.

(Perusita No. 170)

Read letter from the Magistrate in the zillah of Chingleput, dated the 20th Ultimo, enclosing a list of convicts in the depôt for transportation.

(Perusita No. 186)

Read letter from the Judge on Circuit in the Northern division, dated the 6th Ultimo, enclosing copy of the calendar for the zillah of Rajahmundry.

(Perusita No. 150) Read

2 - L. Co
May 1. 1810.

Read letter from the Special Commission in the Northern division, dated the 30th Ultimo, reporting the suspension of certain proceedings, contingent upon the absence of material evidences, the conclusion of trials Nos. 1 and 2 on the Vizagapatam calendar, the death of the prisoner in case No. 3; and the expediency of attention of the acting register Mr. Ellis.

(Perusita No. 159)

Read return from the Court of Circuit for the second Judge in the Northern division - to the Court's precept of the 19th Ultimo, requiring copies in Persian and English of the patwa delivered by his Law officer in case No. 5 on the calendar for the zillah of Masulipatam, in 2d Report A.D. 1809.

(Perusita No. 160)

Ordered that the second Judge be by precept commanded to send up copies, and translation in English, of all proceedings held before the Court of Circuit

1st May 1810

14th May 1810

F. H.

At a Session of the Court of Oyer and Terminer holden

Present.

Andrew Foster Esq^r —
John Reed Esq^r —
Edward Capel Cuppage Esq^r — } Puisne Judges.

Law Officers.

Solicitor General for the Island Barbadoes
Attorney General for the Island Barbadoes
Agent for the Crown

Assistant Assize Clerk — } Assistants.
Assistant Assize Clerk —

The Register being present the Court

proceeded to the Trial of the prisoners in the

several cases

Sent following precept

(Vide after B)

Read return from the

Judge on circuit in the Centre

division to the Court's precept

of 30th December last, with instruct-

ions regarding certain cases on

the calendar for the Gaol of Bridge-

(Vide ante No 200)

Read letter dated 6th ultimo from

the Assize Judge on Circuit in the Centre Division

with proceedings of the Court of Circuit in cases

Nos 10, 14 and 22 of the Gaol Delivery list in the

2d Sessions of 1809

Hereunder No 1571

Ordered that the above letter

do lie on the table

Monday 14th May 1810.

B

At a Session of the Court of Oyer and Terminer holden for the Gaol Delivery of Barbados for the 2d Sessions of 1810.

Present.

Andrew Foster Esq^r —
John Reed Esq^r —
Edward Capel Cuppage Esq^r — } Puisne Judges.

Law Officers.

Solicitor General for the Island Barbadoes
Attorney General for the Island Barbadoes
Agent for the Crown

Assistant Assize Clerk —
Assistant Assize Clerk — } Assistants.

The Register being present the Court proceeded to the Trial No 24. from the Precept on Petitions No 2 of the Gaol of Bridgetown in the Sessions of 1810.

(Vide ante No 184)

The Court, having maturely considered the proceedings of the Supreme Court, the Petition of the Provincial Secretary, and the Petition of the Agent for the Crown, and the Petition of the Solicitor and Assistants of the Crown aforesaid, and the Petition of the Register and Assistants of the Court aforesaid; and upon the matters of fact therein contained, and proved by the testimony of witnesses on oath, do order that the said prisoner Joseph Hall be confined and transported to the Town 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 for following letter.

(Here enter A

The Registrar lays before the Court trial No 16. from the Judge in Circuit in the Zilla of Bellary, in February A.D. 1810. — together with the remarks of the Cazee-ool-Cozaut and Shastry of the Foujdaree Adaulut shewing cause for its revision

(Here enter Remarks).

The Court accordingly direct that the trial be returned to the Judge in Circuit with Right commanding him to procure the further evidence required by the said Officers of the Foujdaree Adaulut.

And in addition to the further evidence required as aforesaid the Court consider it necessary to direct that Chace Boochejah and Boya Lutchyadoo be summoned and confronted with the prisoner for the purpose of ascertaining whether or not he is the person whom they saw with the old man in the wilds, as stated in the depositions of Timmapah the 1st and Chinnah the 3rd Witness. If the persons above-mentioned shall identify the prisoner, it will be material to ascertain the distance between the place

where they saw him with the old man and where they saw him at the spot where the corpse was found lying.

It is further required that Chace Boochejah and Boya Lutchyadoo be examined touching the figure and dress of the old man aforesaid, and that some of the inhabitants of Gooty, where the deceased appears to have resided for some time, be summoned and desired to describe the figure and dress of the said deceased.

The Court having stated the points on which they require further information, and given directions that the same be noted down in the minutes of the proceedings, the Prisoner is put to the bar and the Judge in Circuit, Mr. Henry Thomas, is desired to have no other object than to lead the prisoner into a detail of circumstances which may corroborate the depositions of the Witnesses on the part of the prosecution; they have therefore a direct tendency to draw the prisoner into a confession of himself, and are consequently repugnant to the principles of justice, and contrary to the first part of Clause first Section XV. Regulation VII. A.D. 1802, which directs that the confession of a prisoner shall always be received with caution and discrimination and the Court

Prisoner hear the prisoner pleads guilty the Judge who presides at the trial may pass such sentence on him in exercise of the discretionary power which attached to the criminal Courts

14. May 1810

commission of the court for the purpose of giving him an opportunity of stating facts which may tend to his exculpation but when a prisoner pleads at such a time it is obviously incompatible with the principles of justice to pursue the inquiry, as he may thereby be betrayed into a confession of guilt; a confession which being involuntary ought not to avail to the prejudice of a citizen against whom

The Court therefore directed that the Judge on Circuit be requested to abstain in all future trials, at which he may preside, from putting questions of this objectionable nature to the prisoner at the bar.

Ordered that extract of proceedings be sent for the information and guidance of the Judges.

Present as before.

(Here enters B

The Register lays before the Court trial No 55. from the Judge on Circuit in the Gillam of Louisa Mahabee — in Dec. 1809 — A. D. 1809.

(Here enters No 103.)

The Court having attentively perused the proceedings on the above trial consider it necessary to inquire further of the

* further him by a multitude of questions, similar to those which have called forth these observations from the Court.

(2) F. C.
14th May
1810.

on the following points

1st Whether the throat of the corpse when by the Witness Perry was found to be lacerated marks as if strangled?

2dly What is the distance between the spot where the corpse was found lying and the bank of the river?

3dly At what hour in the morning of the day on which the murder is stated to have been committed?

The Witness Perry is then examined, in his deposition before the Magistrate Pemberton, he stated that Agnes Baker Theodosia Adams & two other persons, and himself went to the river and saw the corpse; it is therefore necessary that the said Witness Perry be further examined and that he should be re-examined and that the depositions of the other three persons should be taken in order to ascertain the first point.

As the second point the three persons above alluded to, as well as the Witness Perry & Pemberton may be able to give satisfactory information.

And the Court direct that the last evidence, which the nature of the case may admit, be taken in order to ascertain the third point.

Ordered that the trial be returned to the Judge with Record

F. H.

Ats Sessions of the Court of Magistrate Calabar

Present

Andrew Leslie Esq^r —
John Read Esq^r — } Assist. Judges.

Two Officers.

Mahomed Ameer Bokhsh — } Interpreters
Mahomed Mooyed —

The Register Log. before the Court Trial N^o 7. from the Judge on Circuit in the Zilla of Cuddapah — in Sessions A. D. 1810.

(Vide enter N^o 285.)

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 Mooftees of the Sudder Dewanny Adawlut, are pleased to confirm the said Futwas of the Cazee-ool-Cozzat and Mooftees aforesaid; and under the limitations specified in Section XV. Regulation VIII. A. D. 1793, do sentence the prisoner Gobinga Reddy

Wednesday 16th May 1810

him to be taken

Sent following Receipt.

(Vide enter C

The Register Log. before the Court Trial N^o 56. from the Judge on Circuit in the Zilla of Cuddapah in Sessions A. D. 1809.

(Vide enter N^o 125.)

The Court, having attentively perused the proceedings on the above trial, consider it necessary to require that the evidence of Witnesses be taken on the following points —

1st When the prisoner was at the report of the murder, and at what hour he returned to his house —

2dly Whether the cloths, which is stated to have been taken out of the prisoner's well, belonged to the deceased or not.

Ordered that the trial be returned to the Judge with Precept commanding him to take from the witness without delay the further evidence required —

Sent following Receipt.

(Vide enter D

16 16. May 1810

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

(See following letter.
Number 5.
Number 6.)

F. C.

At a Sessions of the Peace held at
Vizagapatam

Friday.
May 18. 1810.

Present

James Henry Casamajor, Esq. Chief Judge
Andrew Scott, Esq. } Puisne Judges
John Reid, Esq. }
Edward Croft Greenway, Esq. }

Read reports of prisoners
for the month of March, from the
undermentioned gaols, viz. Nel-
loor and Combaconum.

(See reports in Nos. 201 & 210.)

Read letter from the
judge on circuit in the Ceded dis-
tricts, dated the 28. Ultimo. stating
that the Court would cause Chittoor
Jail Delivery on the 30.

(See ante No. 202.)

Read letter from the
judge on circuit in the Northern
division, dated the 26. Ultimo
enclosing copy of the calendar for
the gaol of Vizagapatam, 1. Sessions
of 1810.

(See ante No. 216.)

Read letter from the judge
late on circuit in the Western division

18th May 1810

dated the 28th Ult.mo - with re=
turned unpaid of execution in
case No. 6 on the South Malabar
calendar, 2d Septr 1806.

(Execution No. 219)

Read letter, dated the
1st Instant, from the judge & circuit
in the Centre division, enclosing
copy of the calendar for the Zilla
of Chittoor

(Execution No. 220)

Read letter, dated the
1st Instant, from the judge & cir=
cuit in the Centre division, re=
porting the arrival of the Court
at Chittoor on that day

(Execution No. 221)

Read letter dated the
1st Instant, from the magistrate in
the Zilla of South Malabar, for=
warding a Proof of prisoners com=
pared under sentence up to that
date

(Execution No. 222)

Read letter, dated the
10th Instant, from the Acting magi=
strate in the Zilla of Nellore

18th May 1810

reporting the reapprehension of the
female prisoner Pauppia, who hav=
escaped from jail, was reported by
his letter of 7th Ultimo.

(Execution No. 224)

Read letter dated the
8th Instant, from the judge & circuit
in the Centre division - enclosing
copy of the calendar for the Zilla
of Madura

(Execution No. 227)

Read letter, with re=
ports of prisoners for last month,
from the undermentioned Zillas
viz. Canara, Chingalpet, Verda=
chelum, South Malabar, Ganjam
Trichinopoly, Salem, Vanapoorum,
Bellary, Chittoor, Cudapah,
Tinnevelly, Madura, Mamulpatam
Vizagapatam, Rajahmundry
and Combaconum

(Execution No. 230, 231,
232, 233, 234, 235, 236, 237,
238, 239, 240, 246,
250, 251, 253,

Read letter, dated the
9th Instant, from the Acting judge &

18th May 1810

in the Western Division forwarding
extended warrant of execution
in case No 237 on the South
Malabar calendar, 21st Septr 1809.

(Perusta No 240)

Read letter, dated the
15th Instant, from the magistrate in
the zilla of Chingleput enclosing
a list of convicts in the depôt
for transportation.

(Perusta No 241)

Read letter, dated the
9th Instant, from the magistrate
in the zilla of North Malabar
referring to the report under date
the 6th Instant of a convict
in his jail.

(Perusta No 223)

Read letter, dated the 25th
Ultimo from the judge on circuit
in the Southern division reporting
that two persons, who had perjured
themselves in the course of their testi-
mony in case No 6 of the zilla of Vizaga-
patam — are in the custody of the
magistrate & felt he required further
instructions respecting them

(Perusta No 217)

* Dated 30th March — The judge has received the orders
of the Court as to the proceedings in these cases

Fort St George

Present

Thomas Oakeley Esqr
Andrew Cobbe Esqr — } Puisne Judges
John Read Esqr

Wednesday
30th May
1810.

Read letter dated the 16th March
last from the Secretary to Government in the
Judicial Department enclosing an application
with the recommendation of the Court under date
the 14th February last for the mitigation of the
sentence of death passed upon the prisoners
Ramen — and Nos 1. of Chingleput, in
Ramen — and No 2 Bellary
(Perusta No 161)

The Court under the authority
vested in them, do remit the sentence of death
the prisoners Ramen, to be imprisoned and
kept to hard labour in irons on the public
works for the first week in every month
during the term of one year.

Ordered that the following letter
be written

(Perusta

Read return of the Judge, dated
in Court on the Northern Division, on the
Circuit, recently under date the 26th March
last — with letters and copies of two Warrants
for the imprisonment of Doodoo Servant
for the murder of Bundoo Servant
prisoner in case No 26 of Chingleput and
in case No 2 of Bellary —

30th May 1810

(Here enter N° 152.)

The Court, having maturely considered the proceedings of the Court of Circuit, the Returns of the Provincial Law Officers, and the Returns of the Cazee-ools Vakeels and Mooftees of the Fouzdaree Adawlut, are pleased to confirm the said Returns of the Cazee-ools Cazeet and Mooftees aforesaid; and under the fanction of Clause first Section IX. Regulation XI. A. D. 1803, do sentence the prisoner Doodoo Deputty 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 —

Sent following letter.

(Here enter

Read return, made by the 1st Judge of Circuit, to the Court's Precept under date the 26th February last, requiring further evidence in case N° 18. of the Zilla of Chinglepet in 2d Sessions A. D. 1809.

(Here enter N° 154.)

The Court, having duly weighed the proceedings of the Judge on Circuit the Returns of the Provincial Law Officers and the Returns of the Cazee-ools Cazeet

30th May 1810

and Mooftees of the Fouzdaree Adawlut are pleased to confirm the said Returns of the Cazee-ools Cazeet and Mooftees aforesaid; and do sentence the prisoner Caupah Reddy to suffer death by being hanged at the usual time and place of execution.

Sent following letter.

(Here enter

Read letter, dated the 30th March last, from the Acting 2d Judge of Circuit in the Southern Division, — in answer to the Court's Precept under date the 19th March, — requiring him to re-transmit the record of the Trial of Chekkaroomah, Case N° 5. of Irregularity, in 2d Sessions A. D. 1809, with certain documents therein mentioned.

(Here enter N° 149.)

On examination of the record transmitted with the foregoing letter the Court observe with regret that the Judge has totally misapprehended the exigence of their Precept bearing date the 19th March last:

By that Precept the Judge was commanded to transmit certain documents therein referred to, in the case of Irregularity N° 5. of Fasly, and to re-transmit the amended record of the trial within four days from the date of his receipt of the Precept —

Instead of re-transmitting the original record of the trial with the additional

30th May 1810

documents inserted therein, the Judge has transmitted a record which ~~misunderstands~~ misunderstands the objections stated in the Exceptions, and states, ~~which~~ that ~~he~~ he has understood ~~in~~ the Exceptions ~~to~~ as ~~not~~ impeaching the correctness of the facts furnished in the first instance by the Magistrate as omitted, and proceedings which have been since held substituted in their place;- for in their Exceptions dated the 4th December last, the Court omitted that in No 5. of the Assistant Magistrates proceedings it was stated that the Police Darogah having sent in the offender no Warrant was issued, and in No 6. of the Police Officer not having apprehended the offender his deposition was not taken. But on ~~running~~ running over Nos 5 & 6. of the Magistrates proceedings in the record now transmitted the Court find No 5. stated to be copy of the Warrant issued for the apprehension of the prisoner, whereas it is in fact copy of a Warrant for the apprehension of another man; and No 6. exhibits the deposition of the Police Officer who apprehended the prisoner.

The Court consider it necessary to remind the Judge that he must in no instance alter the original record of a trial, and that any defects, which may be pointed out by the Court, must be supplied by annexing the additional documents to the proceedings.

The Court have also to notice

F. H.: (2)
30th May
1810.
K.

the irregularity committed by the Judge in ~~answering~~ their Receipt of letters, and in answering them that the proper mode of making a return to a Precept is by endorsement thereon, certifying that it has been obeyed, or assigning reasons why it has not been complied with.—

Ordered that the record transmitted with the foregoing letter be returned to the Judge with the Precept commanding him to re-transmit without delay the original record of the trial with the additional documents inserted in his proceedings immediately after the close of the prisoners defence.

Sent following Precept.

(Here enter

Precept of the Register and Keeper of the Registers of Colgat and Scrafton of the Magistrates Adalut to the objections made by the Court under date the 12th March last to the Proceedings in case No 39. from the Court of Circuit in the Zillah of Burdwan Judge on Circuit in the Zillah of Burdwan in 9th Sessions A. D. 1809.

(Here enter Answer)

The Court, having maturely considered the above Answer, are of opinion that the arguments by which the Law Officers have endeavoured to establish the ejection of the evidence of the Witness Dewchand are wholly inadmissible, that

At a Session of the Court of Fogidaree Adalut.

Present.

Andrew Cotte Esq.r — } Puisne Judges.
John Read Esq.r —

Law Officers.

Mahomed Mooftee — Shaw Khan Bahadoor.
Cazee ool Cozat.

Wednesday 13th June 1810.

K

Mohammed Ameer Bellah — } Mooftees.
Mohammed Moosa? —

The Register laye before the Court trials Nos 9. and 10. from the Judge on Circuit in the Zilla of Canara — in 2d Session A.D. 1809.

(Their entr. No 560. of 1809.)

The Court, having entirely considered the proceedings of the Acting Judge of Circuit, the Futwas of the Law Officers, and the Futwas of the Cazee ool Cozat and Mooftees of the City Cazee Adalut, are pleased to confirm the said Futwas of the Cazee ool Cozat and Mooftees aforesaid; and under the discretion given by the sentence of Bokes last to adjudge the prisoner Mookoo Nairy from Nairk to serve on his own back to the three with a rattan at each of the principal stations on the Zilla of Canara, and to be imprisoned and kept at

30th May 1810

orders to remove all doubt on the subject they direct that the trial be returned to the Judge with instructions to obtain the answers of Devapah aforesaid to the following Questions viz.

1st ——— Are you an heir of the deceased Timapa?

2d ——— Was your person or your property injured by the prisoners?

3d ——— What did you mean by stating that you, the prosecutor, and Timma went to Mangalore and preferred a complaint?

If it should appear from Devapa's answer to the 3d Question that he actually preferred a complaint on his own behalf it will of course be necessary to ascertain from him the nature of that complaint.

Ordered that extract of these proceedings, together with extract of the Court's proceedings under date the 12th March last, be sent for the information and guidance of the 3d Judge of Circuit in the Western Division —

And following Precept.

(Their entr

13th June 1810

to hard labour in irons on the publick roads and other publick works for and during the space of five years.

Sent following letter.
(Translation A

It is ordered that the Judge who presided at the forgoing trials — Nos 9. and 10. of Conference, in 2d Sessions A.D. 1809. — be by Circuit commanded to instruct the Magistrate in the said Zillah to publish by beat of Tom Tom the circumstances of the crimes established against the prisoner Moodoosooaney Naik, and the nature of the sentence passed upon him, and to inflict the punishment of flogging at the place of the greatest resort, in the three principal stations of the Zillah, — to the end that the sentence of the Court in this case may operate as an example to deter others from the commission of the like offence.

Sent following Circuit.
(Translation B

The Register lays before the Court trial No 3 from the Judge on Circuit in the Zillah of Cuddapah — in 1st Sessions A.D. 1810.
(Translation No 204.)

The Court, having duly weighed the proceedings of the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Coozat and Mooftee of the City, dated 13th June 1810

and Mooftee of the Foujdaree Adalat, in part to confirm the said Fatwa in part to confirm the Fatwa of the Cazee-ool-Coozat and Mooftee of the Cazee-ool-Coozat and Mooftee of the City aforesaid, and under the latitude given by the sentence of Bokoobut to adjudge the prisoner Vencatapathy to suffer death by being hanged at the usual time and place of execution.

The Register lays before the Court trial No 16. from the Judge on Circuit in the Zillah of Cuddapah — in 1st Sessions A.D. 1809 —
(Translation No 206.)

The Court, having duly considered the proceedings of the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Coozat and Mooftee of the City dated 13th June 1810 and Mooftee of the Foujdaree Adalat, in part to confirm the said Fatwa in part to confirm the Fatwa of the Cazee-ool-Coozat and Mooftee of the Cazee-ool-Coozat and Mooftee of the City aforesaid, and under the latitude given by the sentence of Bokoobut to adjudge the prisoner Vencatapathy to suffer death by being hanged at the usual time and place of execution.

The Register lays before the Court trial No 37. from the Judge on Circuit in the Zillah of Cuddapah, — in 1st Sessions A.D. 1810. (Translation No 210.)

30.c 19th June 1810

The Court having maturely consid-
ered the proceedings of the Judge on Circuit, the Fetwa
of the Provincial Law Officer, and the Fetwa
of the Cazee-ool-Coozat and Mooftee of
the Foujdaree Adalut, are pleased to con-
firm the said Fetwa of the Cazee-ool-
Coozat and Mooftee aforesaid, and under
the sanction of Section X. Regulation VIII
A. D. 1802, do sentence the prisoner
Bencataramze to suffer death by being
hanged at the usual time and place
of execution—

The Register lays before the
Court trial No 23. from the Judge
on Circuit in the Zillah of Cuddapah—
in 1st Session A. D. 1810.

(Vide entry No. 211.)

The Court having duly weighed
the proceedings of the Judge on Circuit,
the Fetwa of the Provincial Law Officer,
and the Fetwa of the Cazee-ool-Coozat
and Mooftee of the Foujdaree Adalut,
are pleased to confirm the said Fetwa
of the Cazee-ool-Coozat and Mooftee
aforesaid, and do sentence the prisoner
Bencatteepah to suffer death by being
hanged at the usual time and place
of execution

Last following letter.

(Vide entry

F. H. (2)
13th June
1810.

The Register lays before the Court trial No. 9. from the Judge on Circuit in the Zillah of Bellary—in 2d Session A. D. 1809,—together with the Fetwa made by the Judge of the Court in default, under date the 5th March last, acquitting for want of evidence in the case against

(Vide entry Letters No. 198.)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Fetwa of the Provincial Law Officer, and the Fetwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Fetwa of the Cazee-ool-Coozat and Mooftee aforesaid; and under the discretion given by the Regulation of Circuit pronounced against the prisoner Bekoo but pronounced against the prisoner Chitta Roo, do acquit him, the prisoner Chitta Roo aforesaid, to be released, on giving sufficient security for his future good behaviour and appearance when required for the space of one month

And the Court confirm the acquittal and release of the prisoner Ramachary

Last following letter.

(Vide entry D

The Register lays before the Court trial No. 23. from the Judge on Circuit

30.e

13.th June 1810 the Zilla of Bellary.— in 1.st Sessions A. D. 1810.

(Sentence N.o 185.)

The Court having maturely considered the proceedings of the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adaulut, are pleased to confirm the said Fatwa of the Cazee-ool-Coozat and Mooftee aforesaid and do sentence the prisoner Gobee Thimmah to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the space of three years.

The Court, in conformity with the Fatwa delivered by their Law Officers on the above case.— N.o 23. of Bellary, in 1.st Sessions A. D. 1810,— have sentenced the prisoner Gobee Thimmah to imprisonment and hard labour for the space of three years,— the time fixed for the discharge of the Decree awarded against him.

But it does not appear from the proceedings on the trial that the prisoner had formed any previous malice against the deceased; the declaration of the prosecutrix and the depositions of the Witnesses, on the contrary, strongly corroborate the statement given by the prisoner himself of the circumstances which produced the homicide;

13.th June 1810 and that the deceased had a criminal intercourse with the prisoner's wife, and that the prisoner, finding himself during the darkness of night attacked in his own house by a person unknown stabbed him in self-defence.

Under these circumstances the Court cannot but consider the homicide to be justifiable, and accordingly resolve to avail themselves of the authority vested in them by Section XIX. Regulation VIII. A. D. 1802, to suspend execution of their sentence, and to submit all the proceedings in the case to Government with a recommendation that the Hon.ble the Governor in Council may be pleased to pardon the prisoner Gobee Thimmah aforesaid.

Ordered that the record of the trial together with a Extract of these proceedings be sent to the Secretary to Government in the Judicial Department, for the information of the Governor in Council.

The following letter from the Governor in Council

(Vide inter E.

30

F. H.

At a Session of the Court of Sylhet

Present

Andrew Scott Esq^r ——— } Assistant Judges.
John Reid Esq^r ———

Law Officers.

Monday 18th June 1810. Soolwee Moostufa Alee Khan Bahadoor. Cazee-ool-Cozaat.

Mohammed Ameen Bollah } Moofties.
Mohammed Mooraud ——

No

The Register laid before the Court the proceedings of the Judge on Circuit in the Zillah of Sylhet for the month of May A. D. 1810.

(Circuit No. 208.)

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-ool-Cozaat and Moofties of the Sudder Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Cozaat and Moofties aforesaid; and under the latitude given by Regulation 7 of 1808, Command the Judge to adjudge the prisoner Shibchurn to be whipped and transported to Prince of Wales Island there to be kept to hard labour in irons on the public roads or other

18th June 1810.

public works for and during the space
of his natural life —

Sent following letter.

(Here enter A

The Register lays before the
Court trial No. 2. from the Judge on
Circuit in the Zilla of Khadina, — in 1st
Sessions A. D. 1810.

(Here enter No. 225.)

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-
Cozzat and Mooftees of the Sudder Dewanee
Adaulut, are pleased to confirm the said
Futwa of the Cazee-ool-Cozzat and
Mooftees aforesaid, and do sentence
the prisoner Caulagen to suffer death
by being hanged at the usual time
and place of execution.

~~Sent Following Letter.~~

~~(Here enter~~

The Register lays before the Court
trial No. 7. from the Judge on Circuit in
the Zilla of Tulwa — in 1st Sessions A. D.
1810.

(Here enter No. 123.)

The Court, having maturely considered

18th June 1810

the proceedings of the Judge on Circuit, the
Futwa of the Provincial Law Officers, and the
Futwa of the Cazee-ool-Cozzat and
Mooftees of the Sudder Dewanee Adaulut, are
pleased to confirm the said Futwa of the
Cazee-ool-Cozzat and Mooftees aforesaid,
and do sentence the prisoner Munjeeruckaree
to be imprisoned and transported to Penal
Servitude for the term of his natural life
(one hour 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

(Here enter B

The Register lays before the
Court trial No. 20. from the Judge on Circuit
in the Zilla of Chittoor, — in 2nd Sessions
A. D. 1809, — together with the return to the
Court's precept, bearing date the 26th February
last, enquiring further evidence in the
said case. (Here enter Return No. 127)

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-ool-
Cozzat and Mooftees of the Sudder Dewanee
Adaulut, are pleased to confirm the said
Futwa of the Cazee-ool-Cozzat and
Mooftees aforesaid, and order the letter

18th June 1810

F. H.

Fojdaree Abdallah

for a Copy of the Court of

Present

Andrew Scoble Esq^r — } Puisne Judges.
John Reed Esq^r —

Law Officers.

Wednesday. 20th June 1810.

Shahzore Mooftee for Mir Khan Bahadoor

Cazee. Abdallah Cazee.

Mahomed Ameer Abdallah — } Mooftees.
Mahomed Moraid —

The Register laid before the Court Nº 13. from the Judge of Circuit in the Zillah of Bellary, — in 2d Division N. D. 1809. — together with the remarks of the Cazee. Abdallah Cazee and Mooftees of the Fojdaree Adawlut having come for the purpose thereof.

(Here enter Extracts.)

Ordered that the record of the trial be returned to the 1st Judge of Circuit on the 2d Division with the Court's opinion on the evidence and observations of the Mooftees in addition to his own opinion of the defects in evidence pointed out by the Law Officers of the Fojdaree Adawlut and commanding him to obtain the further evidence required.

And the Judge having returned the additional evidence required, and

inion by the sentence of Bokoobut and the operation of Clause first Section XI. Regulation VII. A. D. 1802, do adjudge the prisoner Arsmoogum to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the space of seven years, and to be publickly exposed in the town of Chittoor once every year during the term of his imprisonment.

Sent following letter.
(Here enter C

In order that the punishment awarded under this date against the prisoner Arsmoogum, in case Nº 20. of Chittoor, in 2d Session A. D. 1809. — may more effectually operate as a publick example, the Court direct that the Judge, who presided at the trial, be by Circuit commanded to instruct the Magistrate in the said Zillah to cause, at each annual exposure of the prisoner aforesaid, the circumstances of the crime, of which he has been convicted, to be published by beat of Tom Tom —

Sent following Circuit.
(Here enter D

20 June 1810

the same to his proceedings on the trial, and re-transmit the record, without delay, to the Foujdaree Adalut.

Ordered that extract of the proceedings, together with the Remarks of the Cazee-ool-Coozat and Mooftee, be sent to the Judge for his information and guidance.

Sent following Receipt.

(Vide inter A)

The Register lays before the Court, trial No 4. from the Judge of Circuit in the Zilla of North Sylhet, in 2nd Session A.D. 1809 - together with the second Futwa delivered by the Cazee-ool-Coozat and Mooftee of the Foujdaree Adalut in pursuance to the Court's order under date the 2nd April last.

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-ool-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid; and do accordingly acquit the prisoner Kanian- [illegible]

20 June 1810

Hardy, Tooley and Protokoody Kaplin

to be imprisoned and kept to hard labour in irons on the public roads in the Sylhet district, or other public works for and during the space of one month, then to be released on finding sufficient security for their future good behaviour and abstinence from opium for one year.

Sent following letters.

(Vide inter B)

The Register lays before the Court the Judge on Circuit's Calendar No 48. from the Judge on Circuit in the Zilla of Sylhet, in 2nd Session A.D. 1809 -

(Vide inter No 224)

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-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and do accordingly acquit the prisoner Nranjan Roosnah-

Sent following Letter

(Vide inter C)

The Court, taking into consideration that the prisoner Nranjan Roosnah, against

20th June 1860

by this sentence under this date on the ground of his insanity, is not by reason thereof answerable for his actions, and adverting to the danger to the community of suffering a lunatic to be at large, direct that the Judge, who presided at the trial - No. 48. of the Matabar in 2nd Session A.D. 1860 - be by Precept commanded to instruct the Magistrate to detain the said prisoner in custody, until he shall have completely recovered the use of his reason.

And it is further ordered that the Magistrate be directed to report from time to time to the Court of Circuit on the state of mind of the prisoner Ananjan Peroomal aforesaid, and in no manner to release the said prisoner without the especial permission of the Governor Adabat obtained through the Court of Circuit.

Sent following Precept.

(True entered B

Friday June 22nd 1860

J. H.

Heard Report of the Court of Requests for Dondra Pattu.

Read Petition of Appeal from the Judgment of the Provincial Court of the 6th Instant.

Read Petition from the Fiscal on the Judge's decision, dated the 6th Instant.

Perused

22d. June 1810

aware of any circumstance which should on the present occasion render a deviation necessary.

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

Sent following letter.
(Prisoners No. 7)

Read letter dated the 19th. inst. from the magistrates of Verdacheloor.
(Prisoners No. 261)

Read return from the magistrate in the gilla of Combaconum, to the Court's precept requiring information regarding the situation most eligible for erecting a new jail in his gilla.
(Prisoners No. 262)

The magistrate reports that he has selected a spot well adapted to the purpose in question, and describes in detail the circumstances that have guided his choice.

The Court is not aware of any objection to the arrangement suggested by the magistrate of Combaconum.

Ordered that a copy of the above return be sent to the Secretary to the Government in the judicial department with the request of

22 June 1810

the Court that the same may be submitted to the consideration & determination of the Honorable the Governor in Council.

And the Court directed that extract of these proceedings be sent to the Secretary Gahegan.
Sent following letter.
(Prisoners No. B.)

Read letter dated the 6th. inst. from the judge on circuit in the centre division - announcing the departure of the court from Chingleput.
(Prisoners No. 264)

Read letter dated the 6th. inst. from the judge on circuit in the centre division - with copy of the calendar received from the magistrate of Chingleput.
(Prisoners No. 265)

The Court on a review of the copy of calendar laid before them observe that in case No. 9 - the magistrate of Chingleput, acting as Dia. oneger and others - three of the prisoners not Government peons, have been reported to have been absent at the trial

Ordered that [illegible]

2 2 2d. June 1810

by precept commanded to touch up copies of any orders if needful by the court of circuit conveyed thereupon together with copies of the magistrates returns.

Last following precept
(Presente C.)

Read letter, dated the 29th Ultimo, from the Judge on circuit in the Northern division - enclosing copy of the Calendar for the Zilla of Gaujam.

(Presente No. 267)

Read return from the magistrate in the Zilla of Purneah to the Court's precept of the 30th March - commanding enforcement of the sentence of banishment on the convict Hagen - whose arrival in his Zilla is certified.

(Presente No. 268)

Read letter with reports of prisoners from the undermentioned Zillas, for the last month, viz. Cuttack, Calcutta and Bhadaun.

(Reports dd. No. 270, 271, & 272)

Read letter dated the 2 1 7 ll.
June 22d 1810.
the Superintendt. from acting Magistrate in the Zilla of Bhadaun - with blank returns of convicts in his jail under sentence of transportation or banishment.

(Presente No. 273)

Read letter, dated the 29th Ultimo, from the magistrate in the Zilla of Tipperah - enclosing a return of prisoners confined under sentence in his jail.

(Presente No. 274)

Read letter, dated the 19th Instant, from the magistrate in the Zilla of Chittagong - enclosing a return of convicts in the depot for transportation

(Presente No. 277)

Read letter, dated the 19th Instant, from the magistrate in the Zilla of Chittagong - enclosing a list of prisoners confined under sentence in his jail.

(Presente No. 278)

Read report from the Magistrate in the Zilla of Cuttack

22d June 1810

of prisoners confined under sentence in this jail.

(Here enter No. 279)

Read letter from the magistrate in the zilla of Salem representing that ~~[illegible]~~ the death on the 31st August, 1809, of Nangapah Owaghia of Ropoor, was omitted to be reported; and recommending that Gopaul Rao, who was placed in the vacant office under date the 1st October following, may be confirmed as being qualified to execute its duties.

(Here enter No. 189)

The Court are not aware of any objection to confirming the nomination reported.

Under the rule contained in section X, regulation I of 1809, the Court direct that the appointment of Gopaul Rao to ~~[illegible]~~ fill the vacancy in the duroghaship of Ropoor be submitted for the application of the Honorable the Governor in Council.

Ordered, that extract of these proceedings be sent to the Secretary Gahagan.

Sent following letter

(Here enter D.)

Read

22d June 1810

Read letter, with report of prisoners for the last month, from the undermentioned gillas, talook & pattam, Coddapah, Chittoor, Verdachelum, Nellore, Pondicherry, South Chingleput, Vanapoorum, Nalaben, and Ganjam.

(See report in No. 280, 281, 282, 283, 284, 285, 287, 288, 289, 290, 291, 294, 295)

Read report of prisoners for the month of April, received from the acting magistrate in the gilla of Nellore.

(See report in No. 286)

Read letter, dated the 12th instant, from the magistrate in the gilla of Verdachelum, enclosing a warrant for the apprehension of two persons, charged with robbery, who are reported to have taken refuge within the limits of the jurisdiction of the Supreme Court.

(Here enter No. 291)

Mem. The warrant, enclosed in the above letter, was endorsed by Lieut. Colonel Symond, and two persons for clearance to the two persons named therein

who brought it up, and to whom it was directed.

Read letter, dated the 15th Penultimo, from the magistrate in the zilla of North Malabar - submitting sundry documents connected with case No. 26 on his calendar for the 1st sessions of the current year, together with a representation of circumstances in elucidation of the "grounds on which the prisoners" in the said case were committed for trial before the circuit court.

(Herein No. 169)

The Court considering that the statement laid before them and the documents to which it refers, are matter for the consideration of the Western court of circuit, before whom the case has been brought, and appear to be still pending; or that, if it be requisite that the information therein contained should be reported to this Court, it ought to have been transmitted through the judge on circuit, who is stated by the magistrate to have intimated his intention "to make a reference on the subject."

Ordered that the above letter and its enclosures be returned with extract of these proceedings to the zilla magistrate.

Sent following letter

(Here enter C)

J. U.

At a Session of the Court of Faujdaree Adaulut.

Present

Andrew Scott Esqr ——— } Puisne Judges.
John Read Esqr ———

Law Officers.

Monday 25th June 1810.

Soubhuree Moostufa Alee Khan Bahadoor
Ezzeed-ood-Dowlah

Mohummud Ameer Bollah ——— } Mooftees.
Mohummud Morad ———

The Register laid before the Court trial No. 2. from the Judge on Circuit in the Zilla of Sumeulty, - in 1st Session A.D. 1810.

(Herein No. 154).

The Court having duly weighed the proceedings of the Judge on Circuit, the Futwa of the Provincial law Officer, and Futwa of the Ezzeed-ood-Dowlah and Mooftees of the Faujdaree Adaulut, are pleased to confirm the said Futwa of the Ezzeed-ood-Dowlah and Mooftees aforesaid, and do sentence the prisoner Summun to suffer death by being hanged at the usual time and place of execution.

Sent following letter

(Here enter

30th June 1810

The Register lays before the Court trial No. 15. from the Judge on Circuit in the Zillah of Madura, — in 1st Sessions A. D. 1810.

(Then enter No. 226)

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-ool-Coozat and Mosftees of the Foujdaree Adaulut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mosftees aforesaid; and under the discretion given by the sentence of Bykoolah and the operation of Clause first, Section IV. Regulation XV. A. D. 1803. do adjudge the prisoners Nautchan, son of Nautchan, and Nautchan, son of Patten, to suffer death by being hanged at the usual time and place of execution.

Sent following letter.

(Then enter

The Register lays before the Court trial No. 7. from the Judge on Circuit in the Zillah of Rajahmundry, — in 1st Sessions A. D. 1809.

(Then enter No. 216. of 1809.)

The Court, having duly considered the proceedings of the Judge of Circuit the Futwa of the Provincial

25th June 1810

Law Officers, and the Futwa of the Cazee-ool-Coozat and Mosftees of the Foujdaree Adaulut are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mosftees aforesaid; and thereby acquitting the prisoner Chavacoola Lingapah do direct his release accordingly.

Sent following letter.

(Then enter

The Register lays before the Court trial No. 10. from the Judge on Circuit in the Zillah of Tinnevelly, — in 1st Sessions A. D. 1810.

(Then enter No. 255.)

It appears from the proceedings on the forgoing trial that the prisoner was apprehended on Tuesday morning last on suspicion of having murdered his comrade Cumma Reddy; that on his examination before the Assistant Magistrate he confessed himself guilty of the crime charged against him; that when arraigned before the Court of Circuit he pleaded not guilty, and that the Judge on Circuit confined himself merely to hearing the evidence of the Witnesses who attended the prisoner's confession before the Assistant Magistrate.

From the foregoing abstract it appears that the proceedings on the trial do not appear to me to be essential to

25th June 1810.

The Court observe that the confession of a prisoner, unaccompanied by any corroborating circumstance, is a doubtful proof of guilt, inasmuch as such confession may have been the effect of despair or made under the influence of fear; and the Regulations prescribe that it shall always be received with circumspection and tenderness. In addition therefore to the fact of Cannatchy having confessed a violent death, it would be satisfactory to have some evidence of a circumstantial nature tending to confirm the prisoner's confession.

The Court remark that the Order, addressed by the Principal Sheristadar of Adoor to the Assistant Sheristadar in the Zilla of Tinnevelly, contains the names of several Witnesses whose evidence would have gone to prove the material facts above alluded to; it was the duty of the latter to summon and examine those Witnesses and to bind them over to attend before the Court of Circuit; and the Prisoners Vakeels are censured for the neglect of this second instance of his inattention to the provisions of Sections V. and VI.

25th June 1810

as evidence to prove that the crime charged against him has actually been committed, for there is as evidence to prove the previous existence and subsequent violent death of Cannatchy, and it is obvious that the establishment of these facts is indispensably necessary to give effect to the prisoner's confession, and make it the ground of a capital sentence against him.—

15th Jan
5th June 1810

Regulation VI A. D. 1802.

The Court regret that the Judge on Circuit did not observe the material defects in the proceedings of the Assistant Magistrate; and that he did not exercise the authority vested in him by Section XI. Regulation VII. A. D. 1802, to postpone the trial until a future Session.

The Court, having shewn the points wherein the proceedings on the forgoing trial are defective, direct that the record be returned to the Judge on Circuit with Precept commanding him to obtain without delay the evidence required; and having annexed the same to his proceedings to re-transmit the record to the Foujdaree Adalut.

The Court further direct that the Judge on Circuit be instructed to communicate to Mr. Shuddleton his observations on the defects exhibited in his proceedings as Assistant Magistrate.

The Court take this opportunity of remarking for the information and future guidance of the Judge on Circuit that the letters accompanying the several trials referred by him during the Circuit have not in general been

25th June 1810

written with sufficient attention to Section XXVI. Regulation VII. A. D. 1802, since in most instances they have been confined to observations on the Petitions delivered by his Law Officer without containing any statement of his own opinion on the merits of the respective cases.

Ordered that extract of these proceedings be sent for the information and guidance of the 3rd Judge of Circuit in the Southern Division.

Sent following Precept.

(Three entries

F. R.

At a Session of the Court of Inquiry Gibraltar.

Present.

Andrew Foote Esq^r —
John Read Esq^r —
Edward Croft Greenway Esq^r — } Civil Judges.

Monday 9th July 1810.

Naval Officers.

Nahoum Mosseri Abee Khan Bahadoor.
Cazee-ul-Cozzat.

Mohammed Amin Collah — } Mooftees
Mohammed Moorad — }

Read return of the 1st Judge of Circuit in the Northern Districts to the Court's Precept bearing date the 23rd May 1809. together with his proceedings in case No 7. on the Calendar of Nellore in the Tryconey. A. D. 1809.

(The entire Return No 35 of 1809)

The Court having duly weighed the proceedings of the Judge of Circuit, the Return of the Provincial and Officers, and the Return of the Cazee-ul-Cozzat and Mooftees of the Gingharee Adalut, are pleased to confirm the said Return of the Cazee-ul-Cozzat and Mooftees aforesaid, and taking into consideration the danger to the community of suffering a Murderer to be at large do direct that the Prisoner

2d July 1810

Cottoory Chinnoo Kanniah be confined in prison until he shall have recovered the complete use of his reason —

Sent following letter.

(Vide entry A

It is ordered that the Judge who presided at the forgoing trial :- No 7. of Yellow in 1st Sessions 1809 - be by Perwanah commanded to instruct the Magistrate in the Zillas aforesaid to report from time to time to the Court of Circuit on the state of mind of the prisoner Cottoory Chinnoo Kanniah, entered under this date to be confined in prison until he shall have recovered the use of his reason; and that the Magistrate aforesaid be charged on no account to release the said prisoner without the especial permission of the Foujdaree Adawlut obtained through the Court of Circuit.

Sent following Perwanah.

(Vide entry B

Read trial No 35. from the Judge on Circuit in the Zillah of Tanjore Malabar, in 2d Sessions A. D. 1809.

(Vide entry No 137.)

The Court having maturely considered the proceedings of the Judge

2d July 1810

in Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and under the directions given by the sentence of Adawlut to adjudge the prisoner Karoottedathil Kooyamooty and Karoottedathil Moye to suffer death by being hanged at the usual time and place of execution.

Sent following letter.

(Vide entry C

Read trial No 20. from the Judge on Circuit in the Zillah of Cuddapah in 1st Sessions A. D. 1810.

(Vide entry No 207.)

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-Coozat and Mooftee of the Foujdaree Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and under the directions given by the sentence of Adawlut and the operation of Clause Second, Section IV. Regulation XV. A. D. 1803 do adjudge the prisoners Subbapoo

F. K.

At a Session of the Court of Fouzdaree Adaulut &c.

Present.

Andrew Ticke Esq^r —
John Reid Esq^r —
Edward Croft Greenway Esq^r — } Circuit Judges.

Law Officers.

Moulvies Moostufa Ally Khan Bahadoor.
Cazee-ool-Coozat.

Wednesday
4th July
1810.

Mohummud Ameer Bebah — } Mooftees.
Mohummud Mooraud —

Read trial No. 1 from the Special Commission in the Northern Division A. D. 1810.

(Vide entry No. 275.)

The Court, having duly weighed the proceedings of the Special Commission, the Futwa of the Law Officers attached thereto, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Fouzdaree Adaulut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and thereby acquitting the prisoner Ferooputty Baruckoorkeen, do adjudge him to

1/2 2d July 1810

1/ Nagadoo, Gardegadoo alias Erroo- 2/
gadoo, Tonnadoo, Curra 1/ Naugadoo, 3/
Tonnala 5/ Abbeegaindoo, and Era- 4/
goontla 6/ Nagadoo to be imprisoned and transported to Fort St. George or 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 their natural lives respectively.

Vide following letter.

(True extract)
D

From the letter accompanying the foregoing trial — No. 20. of Cuddapah in 1st Sessions A. D. 1810, — it appears that the Judge on Circuit sentenced the prisoners to transportation for life; and such sentence ought obviously to have been extended on his proceedings.

Ordered therefore that the same be returned to the Judge with Precept commanding him to enter the sentence aforesaid on his proceedings, and to re-transmit the record so amended to the Fouzdaree Adaulut.

Vide following Precept.

(True extract)
E

6th J

4th July 1810

be released accordingly. —

Read trial No 2. from the Special Commission in the Northern Division A. D. 1810.

The Court, having maturely considered the proceedings of the Special Commission, the Futwa of the Law Officers attached thereto, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adalut, on Appeal to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and thereby acquitting the prisoner Godaba Venkanah, do adjudge him to be released accordingly. —

Ordered that in conformity with Section V. Regulation XX. A. D. 1802, the sentences of the Court in the foregoing trials Nos 1. and 2. from the Special Commission in the Northern Division, - together with all the proceedings thereon, - be transmitted to the Secretary to Government in the Judicial Department for the purpose of being

4th July 1816

laid before the Hon^ble the Governor in Council.

Sent following letter.

(Vide entry A

Read trial No 15. from the Judge in Canara - in 2nd Session A. D. 1816, - together with the Remarks of the Law Officers of the Foujdaree Adalut, shewing cause for the revision thereof.

(Vide entry Remarks)

Ordered that the record of the trial be returned to the Judge with the Court directing his attention to the defects in evidence pointed out by the Law Officers of the Foujdaree Adalut and commanding him to procure with delay, the further evidence required.

And the Judge, having obtained the further evidence required, will answer the same to his proceedings and return with the record of the trial to the Foujdaree Adalut.

Sent following Precept.

(Vide entry B.

No. 1.

D.C.J.

E. H.

Wednesday
11th July
1810.

Assizes of the Court of Forjharee Adalut.

Present.

Andrew Leith Esq.r — } Puisne Judges.
John Reid Esq.r — }

Law Officers.

Moulvee Mooftuffa Meerthan Bahadoor
Cozy-ool-Cozaat.

Mahummud Ameer Bullah — } Mooftees.
Mahummud Mooreed — }

Read that part of the Return of the Judge on Circuit in the Zillah of Tumeea, — in 1st Sessions A. D. 1810.

(Prisoner No. 203)

The Court, having maturely considered the proceedings of the Judge of Circuit, the Return of the Provincial Law Officers, and the Return of the Cazy-ool-Coozat and Mooftees of the Forjharee Adalut, are pleased to confirm the said Return of the Cazy-ool-Coozat and Mooftees aforesaid, and under the discretion given by the sentence of Nizamut Adawlut, do adjudge the prisoner Christna Bhuk to suffer death by being hanged.

Do Vincent

11th July 1810

the Magistrate, and before the Court of Circuit; and it is wholly uncorroborated by any collateral evidence.

The Court, therefore, having maturely considered all the proceedings on the trial, were of opinion that the prisoner was not duly convicted of the charge, and under the discretion vested in them by the sentence of Robert Scott directed his release.

Ordered that extract of these proceedings be sent for the information of the 3d Judge of Circuit in the Northern Division.

And the following letter

(Here enter)

F. C.

Extract of the Proceedings of the Court of Criminal Judicature.

Friday July 13th 1810. Present

James Kenny Esquire Major, Esq. Chief Judge
Andrew Ross Esq
John Read Esq
Edward Crofts Greenway Esq

} Assistant Judges

Read letter from the Secretary to the Government in the Judicial department communicating the desire of the Honorable the Governor in Council to receive the opinion of the Court on an application from the Magistrate in the Zillah of Coimbatoor for authority to augment the pay of the naigs and peons attached to his Jail guard, and to reduce the Batta at present allowed to the prisoners.

(Here enter No 214)

The Court having taken measures to ascertain the amount of the pay received by the same description of officers under the Magistrates, have the honor to state for the information of the Honorable the Governor in Council that with exception to the Zillah of Ocanapoorum and Ganjam the

the allowance to such officers is in no case so small as in the Zilla of Combaconum; and that in some Zillas it exceeds the amount now proposed to be granted by Mr Hodsoek

Adverting to the fact, and as the Court are not aware of any circumstance that has effect to lower the wages of labour in the Zilla of Combaconum below the rate established in other Zillas, they beg respectfully to submit that it may be reasonable to comply with the Magistrate's request.

Concerning the other point of reference, the Court further beg leave to submit, that as the regulations are not specific in fixing what shall be the amount of the subsistence money, but declare generally that "the magistrates Section XXIV, Regulation VI of 1802 "are to pay the customary daily "subsistence money to all persons "sent from the time of their appre"hension to the date of their dis"charge" — the Court consider that a discretion rests in the magistrate

to regulate the allowance by what may be found to suffice for the prisoner's support. A sufficiency for his maintenance the Court conceive, should never be exceeded, inasmuch as the exemption must afford the means of procuring indulgences wholly incompatible with the idea of punishment, and might even operate as an inducement to the natives to commit offences, simply for the sake of the subsistence, while his idle habits detained him from acquiring by honest industry.

The Court are supported in this opinion by the practice in Bengal, where they learn "two "and a half pence of coarser, or "cheap price, per diem, are the "usual allowance. But it may "be reduced to two pice or pence, or "raised to three pice or pence (about "three quarters of an anna) "the magistrate may judge it "proper, on consideration of the "cheapness or dearness of provisions

Should that criterion of
there

13th July 1810

these proceedings be sent to the Secretary to the Government in the judicial department, with the request of the Court that the same may be submitted to the consideration of the Honourable the Governor in Council.

Last following letter
(Pereinter A)

Read letter, with reports of prisoners for the months, from the undermentioned zillas, viz. Nagapatam, Tinnevelly, Coimbatore, South Malabar, and Madura.

(See reports in Nos. 296, 297, 298, 302, 305, 308)

Read letter, dated the 12th ultimo, with a report of prisoners confined under sentence in the gaol of the zilla of Guntoor to the 29th Penultimo.

(Pereinter No. 299)

Read letter, dated the 16th ultimo from the judge of the circuit in the central division, enclosing

2 F. Cl.

July 13th 1810

G.B.S

enclosing the sentence delivered by his Law officer in case No. 29 on the calendar for the zilla of Chittoor, wherein the prisoner Rama Gounden, accused of the murder of Appaje Archary is stated to have been subject to mental derangement, both at the period of his committing the act, and for five or six years previously to the murder

(Pereinter No. 300)

It appearing to the Court that the trial of the prisoner Rama Gounden was completed —

Ordered that the second judge be by precept commanded to send up for their information a record, in Persian and English, of the whole proceedings held therein.

Last following precept
(Pereinter B.)

Read letter, dated the 22d ultimo, from the judge of the circuit in the southern division enclosing returned warrant of execution in case No. 1, on the Vellore calendar

calendar.

(Perusal No. 303)

Read letter from the magistrate of the zilla of Cuddapa dated the 25th Ultimo nominating for the approbation of the Honorable the Governor in Council Lutchmee Narasinapah, as qualified to succeed to the station of Tongdaree record-keeper vacated by the dismission of Jaganandha Rao.

(Perusal No. 304)

The Court see no cause of any objections to the proposed appointment of Lutchmee Narasinapah, who is reported to have been attached to the court since its first establishment.

Ordered that copy of the magistrate's nomination be submitted, with extract of these proceedings, to the consideration of the Honorable the Governor in Council.

Last following letter.

(Perusal (G).

Read return from the

first judge of the court of circuit in the centre division, to the Court's precept of the 18th Ultimo - covering due publication of the circumstances of the crime of which accused prisoner in case No. 20 of the zilla of Chittoor, in the 2d. Jeyam of 1809 - had been convicted.

(Perusal No. 307)

Read letter, dated the 25th Ultimo from the judge late on circuit in the Western division - enclosing copy of the calendar for the zilla of South Malabar.

(Perusal No. 312)

Read letter, dated the 1st Instant, from the first judge of the court of circuit in the centre division - enclosing returned warrant of execution in case No. 18 of the zilla of Chingulput 2d. Jeyam of 1809.

(Perusal No. 313)

Read letter dated the 12th Instant, from the judge late on circuit in the centre division - enclosing returned warrants of

13th July 1810

charge in case No. 28, anything to
pitiify the description thereon
given of them. Those writings ap
=pear to the Court to have for their
exclusive object to diminish the
reputation of the persons, whom
they name, and cannot be con=
=strued as intending to bring into
dispute the prevailing system of
internal administration.

The Court therefore hold that
the Government cannot be con=
=sidered a party in the case, and that the parties, deeming themselves aggrieved, must be left to seek their redress either by a criminal or civil process, according as they may be disposed to give the prefer=
=ence to either mode.

Ordered that extract of these proceedings be sent to the Judge on circuit in the Western division.

Sent following letter

(Reference D)

Read letter, dated the 9th

13th July 1810 Permitting, from the Judge on circuit in the Southern division — with copy of the calendar of prisoners committed or held to bail by the magistrate of the zilla of Trincomalee.

(Reference No. 256)

Read the following letter, with reports of prisoners, for the month of April, from the undermentioned gaols, viz. North Malabar, South Malabar and Seringapatam.

(Reports in Nos. 257, 258 & 259)

Read letter from the magistrate of the zilla of Tanjore to the Court, precept of 30th March — commanding him to send the convict Alagen to Darapooram, pursuant to the sentence passed on him of banishment to another district.

(Reference No. 260)

The magistrate certifies that Alagen has been sent to Darapooram.

Read letter, dated the 17th April, from the magistrate in the zilla of Cuddapa.

(Reference No. 160)

The magistrate reports that on the 25th of January, a Sircheesmal receiving Pag. 6 per rendeer, and stating that a re=

13th July 1810

=duction in this instance having been authorized by Government he does not propose to submit a nomination to supply the vacancy.

The magistrate further reports the suspension in November last, of Imam Saib, a Cuthumut, receiving 8 Pags. 10 per mensem, and his subsequent commitment for trial at the sessions; and adds that the charge was proved against him before the court of circuit, and that the convict was sentenced to a confinement of fifteen months.

The Court are pleased to confirm the suspension of Imam Saib, and direct that the situation of Cuthumut held by him be considered as reduced from the 1st of November 1809, since which date, it is stated, he has not received pay.

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

Sent following letter
(Vide enter 6)

Ordered that extract of these proceedings be transmitted to the Civil Auditor

Sent following letter
(Vide enter 7)

K

F. C.

At a Session of the Foujdaree Adalut

Friday
July 20. 1810.

Present.

Hon.ble Henry Lushington, Esq.r Chief Judge.
Andrew Scott, Esq.r
John Read, Esq.r
Edward Hay Greenway Esq.r

} Puisne Judges.

A
All

Read letter, dated the 16th Instant, from the magistrate in the Zilla of Salem — enclosing a list of convicts in his charge, under sentence of transportation beyond sea.

(Vide enter No. 325)

The enclosed list contains the names of two persons, viz.t Ramanandavanee & Nunjundhanee

From a return of the convicts in the depôt for transportation, received this day from the magistrate of the Zilla of Chingulpet, it appears to the Court that the former arrived at that station on the 19th June last.

But the name of the latter is not inserted in the said return.

Ordered that the magistrate of Salem be by precept commanded forthwith, and with the least practicable delay to send the convict Nunjundhanee to Chingulpet.

(Sent for the precept A) ordered

Ordered that extracts of the proceedings be sent for the information of the magistrate of Chinsurah

Sent following letter

(Here enter B)

The Court directed that a report of the convicts in the depôt for transportation be immediately prepared, for the purpose of being submitted for their information by order of the Hon'ble the Governor in Council.

Read letter, dated the 1st instant, from the magistrate in the zilla of Dacca containing blank lists of convicts under sentence of transportation or banishment

(Remains No 321)

Read return from the first pidge in the Northern division to the Court's precept of the 2d instant requiring instructions to the magistrate of Meloor, respecting the insane prisoner Cobbon a China Panjiah.

(Remains No 322)

Read draft of a regulation for facilitating the progress of detachments of troops through the Company's territories

"affording any requisite assistance to persons travelling through the territories, and for the guidance of the civil officers in applying for military guards" — prepared after regulation XI of 1806 passed by the Governor General in Council, on the 7th of July 1806, for the whole of the provinces subject to the immediate government of the presidency of Fort William.

(Remains Apt I)

The Court having duly considered the draft before them —

Resolved that it be transmitted to the Secretary to the Government in the judicial department, for the purpose of being laid before the Honorable the Governor in Council; and that the request of the Court be at the same time respectfully submitted that the Honorable the Governor in Council may be pleased to take into consideration the expediency of adopting a regulation, which has for its object to provide rules of conduct for the guidance of Commanding officers of detachments or corps, magistrates, collectors, officers of police, and others, on occasions of frequent occurrence, the nature of which appears to the Court to require that the

20th July 1810

the powers and duties of their Officers should be carefully defined.

Ordered that an extract of these proceedings be sent to His Secretary Gahagan.

Sent following letter (Annexure C)

Read letter, dated the 15th Pennultimo, from the Magistrate in the Zillah of Dindigul - soliciting instructions regarding the disposal of a subject of the government of Mysoor, who is stated to have committed a theft within the territory of that government, to have brought the stolen property into the district of Colleagal; and to have been apprehended and sent in by the police thereof in consequence of a complaint preferred to him by the owners of the property, who are also represented to be subjects of the Mysoor Government.

(Annexure No 238)

Ordered that the Magistrate be directed to deliver up the offender to the Mysoor government, accompanied by every document in his possession connected with the case.

Ordered that an extract of these proceedings be sent to the Magistrate

Sent following letter (Annexure D)

F 41

At a Session of the Court of Foujdaree Adawlut.

Present

Andrew Scott Esqr } Puisne Judges.
John Read Esqr }
Edward Cuthbert Esqr }

Two Officers.

Monday 23rd July 1810.

Moulavee Moostufa Ally Khan Bahadoor
Cazee-ool-Cozat.

Mr Hammond Mr Moore — Interpreters

Read trial No 14. from the Judge of Circuit in the Zillah of North Arcot, — on Circuit in the Zillah of North Arcot — 5th Sessions A. D. 1810.

(Annexure No 314.)

From the 2d Judge on the 1st Circuit to the proceedings in Case No 16 — North Arcot 5th Sessions 1810 —

The Court, having duly considered the proceedings of the Judge of Circuit, the Petition of the Provincial Law Officer, and the Petition of the Cazee-ool-Cozat and Moofties of the Foujdaree Adawlut, confirm the said Petition of the Cazee-ool-Cozat and Moofties aforesaid, and order the sentence passed by the sentence of Dokeshut to be carried into execution by the infliction of Corporal punishment on the prisoner Amboo Nambady, to be released on finding sufficient security for his future good behaviour and otherwise of good behaviour for one year. —

Read trial No 15 from the Judge on Circuit in the Zillah of North Arcot, — on 5th Sessions A. D. 1810.

25th July 1810

From the 2d Judge on the Wn Side
Reports his proceedings in Case No. 15
North Malabar Calendar 5th Sessions
1810 —

(Vide entry No. 315.)

The Court, having maturely considered the proceedings of the Judge of Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid; and do sentence the prisoner Kanaan Chatty to suffer death by being hanged at the nearest time and place of execution. —

And trial No. 20. from the Judge on Circuit in the Zilla of North Malabar, — in 1st Sessions A. D. 1810.

(Vide entry No. 311.)

From the 2d Judge Wn Side
Reports his proceedings in Case No. 20.
North Malabar Calendar
1st Sessions 1810 —

The Court, having duly weighed the proceedings of the Judge of Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid; and hereby acquitting the prisoner Coomootamal Coonguen Nilroday do direct his release accordingly.

And trial No. 22 from the Judge on Circuit in the Zilla of North Malabar, — in 1st Sessions A. D. 1810.

From the 2d Judge Wn Side
Reports his proceedings in Case No. 22
on the North Malabar Calendar

(Vide entry No. 309.)

The Court, having maturely considered the proceedings of the Judge of Circuit, the Futwa

23d July 1810

of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid; and under the latitude given by the sentence of Sokoshut do adjudge the prisoner Collian-Poorratoo Peanakan to suffer death by being hanged at the nearest time and place of execution. —

And the following letter

Sd. 2d Judge of Circuit on the Wn Side.

(Vide entry A

And trials No. 1. and 4 & 5. from the Judge on Circuit in the Zilla of Canara, — in the Sessions A. D. 1810.

(Vide entry No. 243.)

From the Judge on Circuit Wn Side
Reports his proceedings in Case No. 1 & 5 Canara
Calendar & on No. 4 Supplemental Calendar.
of that Zilla —

The Court, having maturely considered the proceedings of the Judge of Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid; and under the sentence and Mooftees aforesaid; and under the sentence of Clause 2d, Section IV. Regulation XV. A. D. 1803 do sentence the prisoner Singoo Ramanna to 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. —

And trial No. 3. from the Judge on Circuit in the Zilla of Canara, — in 1st Sessions A. D. 1810.

From the Judge on Circuit Wn Side
Reports his proceedings in Case No. 3. on the Canara Calendar

(Vide entry No. 263.)

23d July 1810

The Court, having duly weighed the proceedings of the Judge of Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Sudder Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and do adjudge the prisoner Bokoo to be released on finding sufficient security for his future good behaviour and observance when required for three years.

And the Court confirm the release by the Judge of Circuit, of the prisoners Cooba and Sheeva.

Sent following letter.

To the 2d Judge of Circuit on the Western Division (Vide entries B)

The Judge, who presided at the foregoing trial, having omitted to record the acquittal and release of the prisoners Cooba and Sheeva at the bottom of the Futwa delivered by his Law Officers, the Court direct that the proceedings be returned to him and that the acquittal and release of the prisoners aforesaid may be duly entered therein.

Ordered that a extract of these proceedings be sent to the Judge, with a Precept commanding him to return such the record without delay to the Sudder Adalut.

Sent following Precept.

To the 2d Judge of Circuit on the Western Division (Vide entries C)

(2) F. H.
23d July
1810

2nd trial No 5. from the Judge on Circuit in the Zillah of Rajahmundry, in the Session A. D. 1810. (Vide entries No 194)

From the Judge on Circuit on the Northern Division
Refers his proceedings in Case No 5. on the Rajamundry Calendar

The Court, having maturely considered the proceedings of the Judge of Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Sudder Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and under the direction given by the sentence of Bokoo but do adjudge the prisoner Mandeereddy Boyanedoo to suffer death by being hanged at the usual time and place of execution. Sent following letter.

To the 3d Judge of Circuit on the Northern Division (Vide entries D)

2nd trial No 36. from the Judge on Circuit in the Zillah of Cuddapah, in the Sessions A. D. 1810 (Vide entries No 204)

From the Judge on Circuit on the Northern Division
Refers his Proceedings in Case No 36 on the Cuddapah Calendar

The Court, having duly weighed the proceedings of the Judge of Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Sudder Adalut are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and under the direction given by the sentence of Bokoo but pronounced against the prisoners Pongadoo and Ellapadoo and the direction of Regulation IV. and the direction of Regulation XV. A. D. 1803 do adjudge the

23d July 1810

prisoners Chengadoo[1] and Ebloojaudoo[2] 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 their natural lives respectively.

The Court, under the direction of Clause Second, Section IV. Regulation XV. A.D. 1803, do sentence the prisoner Goroowadoo[2] likewise 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.

Under the direction given by the sentence of Beksheet pronounced against the prisoners Pedda Narsimmaraze and Narsimmaraze, the Court do adjudge them the prisoners Pedda Narsimmaraze[5] and Narsimmaraze[6] aforesaid to receive on the bare back thirty nine stripes with a rattan, and then to be released on finding sufficient security for their future good behaviour and otherwise then aforesaid for one year.

And the Court, requiring the prisoner Pumeakoo[4] to be dealt with accordingly.

Sent following letter
To the Second Judge of Circuit &c.
(Vide letter F)

The Judge, who presided at the foregoing trial, having returned the prisoners

23d July 1810

Chengadoo, Goroowadoo, and Ebloojaudoo to transportation, as appears from a memorandum indicatively after the sentences aforesaid of the different prisoners, the Court direct that the proceedings be returned to him with such command as to record formally in terms of the sentences as before delivered by his Law Officer on the case.

And the Judge will accordingly return the proceedings without delay to the Registrar

Ordered.

Sent following Packet.
Vide letter F

To the Judge of Circuit &c.

Read letter of the 2nd Judge of Circuit in the Centre Division to the Court's Address bearing date the 20th Instant requiring him to enter on his proceedings the sentence passed by him on the prisoners in case No 28. of Cuddapah, — on the 18th Instant A.D. 1810.

(Vide letter No 319)

From the Judge late on Circuit &c. &c. transmitting Return to precept requiring insertion of his Sentence on Case No 28 Cuddapah on the Records of the trial —

The Papers referred to by the Judge contain nothing more than a memorandum of the sentence passed by the Court of Circuit.

The Court therefore direct that the proceedings be returned to the Judge with the Court's commands that he do formally record the sentence passed by him in the case above mentioned at the time when delivered by his Letter of the

23d July 1810

Law Officers.

Ordered that extract of these proceedings be sent to the Judge, and that he be required to re-transmit the amended record of the trial without delay to the Governor Adelaide.

Sent following Packet.

To the 2d Judge of Circuit on the 6th Inst. (Vide entries C.

Read letter, dated the 27th Ultimo from the Secretary of Government in the Judicial Department, communicating the Sentence passed by the Governor in Council to the punishment Gobar Dunmah, in case No 23. of Bellary - 1st Sessions A. D. 1810. (Vide entries No. 306).

From the Judicial Sect.t to Govt. forwarding the Connect Gobar Dunmah in Case No. 23. of Bellary 1st Sess.s 1810 The Court are accordingly pleased to direct that the prisoner Gobar Dunmah aforesaid be released.

Sent following letter

To the 2d Judge of Circuit on the 6th Inst. (Vide entries H

H

J. M.

At a Session of the Four Pence Criminal Court held on Friday July 27th 1810.

Present

James Young Grammar Esq.r Presiding Judge
Archibald Colquhoun Esq.r
Edward Peacock Esq.r
Edward Greenway Esq.r

Read letter, dated the 19th Instant, from the Magistrate in the Zillah of Chingleput - enclosing a list of convicts under his charge for transportation beyond sea.

(Vide entries No. 326)

Read a letter, dated the 21st Instant, from the Magistrate in the Zillah of Chingleput, enclosing a further list of convicts for transportation

(Vide entries No. 337)

The Register laid before the Court a report of the convicts in the Depôt at Chingleput, under Judgment of transportation to Prince of Wales' Island - prepared pursuant to the Court's orders, under date the 20th Instant.

(Vide entries report A

O. Revd

27th July 1810

Ordered that the report be transmitted to the Secretary to the Government in the Judicial department, for the purpose of being laid before the Honorable the Governor in Council; and that the request of this Court be at the same time respectfully submitted, that the Honorable the Governor in Council may be pleased to direct that measures be taken for carrying into execution the sentence of transportation passed on the several convicts therein named.

Ordered that extract of these proceedings be sent to the Secretary Gahagan

A Read following letter.

(Presented No. 1.)

Read letter, dated the 19th Instant, from the Judge Cutcherry circuit in the Western division - transmitting copy of the calendar, and of a supplemental calendar, received from the magistrate in South Malabar, 1st September 1810

(Presented No. 338)

Read letter, dated the

27th July 1810

20th Instant, from the third judge in the Southern division - with returned warrant of execution in case No. 2, on the Madura calendar, 1st September 1810.

(Presented No. 344)

Read letter, dated the 20th Instant, from the third judge in the Southern division - with returned warrant of execution in case No. 15 on the Madura calendar, 1st September 1810.

(Presented No. 345)

Read letter, dated the 26th Instant, from the magistrate in the Jillah of Chingalpat

(Presented No. 354)

The magistrate encloses copy of a letter from the Surgeon of his Jillah complaining of the conduct of the native doctor, together with copy and translation of the answer given by this latter to the charges therein contained

And the magistrate concludes his letter by reporting that the native doctor has always been considered by him "remarkably attentive to his duty", and that

27th July 1810

the numbers actually sick does not bear an unusual proportion to the number of prisoners in the jail.

By Section XVI, regulation I of 1809 it is enacted that if a magistrate shall "see cause for the removal of any of the native officers" referred to in the preceding section, he is to communicate to such officer the grounds upon which he considers him undeserving of continuation in his "station," and if his answers appear "unsatisfactory," and he shall cause "greatly be of opinion that he ought to be removed," he is to report the circumstances of the case to this Court

The magistrate has omitted to state whether he considered the native doctor undeserving of continuance in office. He has not shewn that his answers have appeared to him unsatisfactory. Nor has he submitted his opinion that he ought to be removed. But on the contrary the magistrate's report favors the native doctor's continuance in office.

Under these circumstances the present reference does not appear to this Court to be necessary under the existing regulations.

Ordered that extract of this proceeding be sent to the magistrate

(Sent for letter B.)

2/
27th July 1810.

Read letter dated 10th Instant from the Judge late on Circuit in the Southern Division opposing that the Prisoner Sankhan in case No 15. Madura, adjudged by this Court to suffer death, having been acquitted by his Law Officer, was released.

Vide Encounter No 31 of

Ordered that the above letter do lie on the table.

F. M.

At a Court of Vice Admiralty held

Present

Andrew Forte Esq^r — } Puisne Judges
John Reid Esq^r —
Edward Croft Gurney Esq^r —

Monday
30th July
1810

Two Officers

Solomon Monsuppa — Free Black Burgher
Lazee-ool-Lazar

Mohammed Sheen Bolick — } Assessors
Mohammed Moosa —

Mark Fiscal No 36 from the Judge
Register in the Office of Vice Admiralty — No 567 of 1809

From the Judge in Circuit to the Centre &c
Rogers Lee proceedings on Seal No 36 on the
Calendars of Batticaloa & Jaffna 1809

The Court having maturely considered
the proceedings of the Judge in Circuit the Letters
of the Provincial Law Officers and the Letters of
the Lazee ool Lazar and Assessors for the
Puisne Judges and are pleased to confirm
the said Letters of the Lazee ool Lazar and
Assessors aforesaid and do adjudge the Prisoners
Berger, Bromagee, Lorenzo and Philippe
to be hanged in pursuance of the Sentence
for their further and Exemplary punishment
when ordered for execution

And forthwith Letters

To the Judge of Circuit &c &c — Form in Test A

Read amended record transmitted
by the acting Judge of Circuit in the Southern Division
of his proceedings in case No 5 on the Summerly
Calendar - in 2d Sessions A.D. 1810 -

From the Acting Second judge A. Dm
With an Amended Record of his proceedings
in Case No 5 on the Summerly Calendar

(Vide inter Letters No 38)

The Court have maturely considered
the proceedings of the Judge of Demerara the Fiscal
of the Provincial Law Officer and the Fatwa of
the Cazee-vol-Cozzat and Mooftees of the
Mayoreen Adalut, and Resolved to confirm
the said Fatwa of the Cazee vol Cozzat and
Mooftees aforesaid, and order the Sentence
given by the sentence of Orokoo that the convicted
the prisoner Chellapermal to be executed.

To the acting Second Judge of Circuit
A. Dm

(Vide letter B.

First following letters

The Court on their proceedings of the
4th December last, found the corpus delicti
of the proof which the record of the foregoing
trial exhibited against the prisoner Chella-
permal - his confession on the 28th July and a
confession alleged to have been made before
the Police Darogah - and they returned the case
to the Judge of Circuit with directions
him to take further evidence -

The additional evidence obtained
by the Judge is as follows viz

On the 1st Chittery or 14th April
the Witness Condammah saw the prisoner driving
Cows into the spot where the corpse of Vedagen
was afterwards discovered - at the evening place
without the usual enclosure of Tumaramaichens

house.

On the 10th Chittery or 21st April,
the Witness Wydian Pallah saw the prisoner on
the road to Tarencolum with a cow and a
calf, the property of the deceased. The prisoner
told the Witness that the deceased was
in jail, told him that the deceased was
in jail, told him that he had therefore
gone to the southward, and that he had
taken his possession of his cattle.

The Witness Yettoo saw a day after
the flesh of a corpse at the south side of an
ant hill in the front of Tumaramaichens house
He immediately informed the people of the village,
who having accompanied him to the spot and
reported the circumstance to the Shytan Tumaichen
they then returned with a Peon, and having taken
out and examined the body they found that
he had of Vedagen - the ears, nose, and eyes
had rotted in the ground, but the rest of the person
and the threads he wore were easily discernible,
and the Peon was ordered by the Tumaichen to
The Witness was ordered by the Tumaichen to
bring before them the owner of the house. The
Witness found him at Tumaichen, and brought
him to the Shytan Tumaichen. The Tumaichen showed
Tumaramaichen the corpse and the place
where it had been buried. The Witness and
others then took Tumaramaichen to the Durgah,
to whom on being questioned, he stated that
he knew nothing of the matter, that Chellapermal
was in the habits of frequenting his house,
and that they must send for and examine
him. The Witness and others a Pallah were
sent by the Durgah to Karoor to bring Chellapermal
Chellapermal; and meeting him at Gada
at Pillicoloum, a place West of Tellimoottah, they seized
and bound him and carried him to the Durgah
at Pillicoloum, to whom the prisoner made
confession of his guilt.

30th July 1810.

Sutherlanden the Police Darogah,

states that the foregoing Witness Gettoo reported to him on the 5th June the circumstance of his seeing the day acting the corpse mentioned in this Gettoo's evidence, and this specifies the date on which the body was discovered, because it appears from Gettoo's deposition that he received the information of the circumstance immediately afterwards.

Now before the evidence of Gettoo can be admitted to bear it all on the case, it is necessary to suppose that the murder was committed on or before the 11th April, and it is highly improbable that the body should have been in a state sufficiently perfect to be recognized after it had lain in the ground for nearly two months, since it is well known that poison produces almost immediate corruption. Besides it is natural to inquire how it happened that the body was not found before. It is natural to inquire how it happened that the sudden disappearance and long absence of Seebaroyen did not excite suspicions in the breasts of Sumaranaiken and Woodien Pallah who, it must be remarked, were joint cultivators with the deceased; it is natural to inquire whether the plain when the body was buried bore the appearance of thorns having been planted upon it, and where Sumaranaiken was from the 11th April to the 5th June, the day on which it appears he was carried before the Police Darogah. To this and several other inquiries which must occur to the minds of every man who peruses the trial, the proceedings before the Court scarcely afford an answer. It appears indeed that Woodien Pallah was told by the prisoner on the 21st April that the deceased was gone to the Southward, but as this

(2) F. C.
30th July
1810.

was a very insufficient reason for his taking possession of the cattle, it is highly reasonable that Woodien should have received satisfaction on that point. It is further to be observed that Woodien appears to be the only person who saw the prisoner with the property of the deceased, and no endeavours were made to ascertain in what manner he came by it, or whether he had disposed of it or not. This material fact therefore rests only on the testimony of one witness, and there are no collateral circumstances to support it.

In the case of Sumaranaiken the owner of the house near which the body seems to have been buried would considerably tend to the probability of the case; neighbours would naturally attend to the circumstance of a stranger's digging in the ground, and it would have been satisfactory to learn from himself among other circumstances whether the deceased had disappeared at that time. Gettoo also states that the deceased told him that he was going to Travancore, which is not stated in the declaration of the Daroga.

The Court are also unable to determine whether the description given by the witness Gettoo of the spot where the body was discovered agrees with that given by the Witness Sankanarain; and it is obvious that in point of this nature much information should have been satisfactorily ascertained.

Upon the whole the Court are of opinion that the additional evidence obtained by the Judge is vague and unsatisfactory in every respect, it completely fails to establish any inference against the prisoner sufficiently strong to warrant the conviction which must follow a verdict of guilty on a capital charge. The Court are always disposed to attach to confessions made before a

30th July 1810

Police Darogah, — a confession which might have been given under circumstances of intimidation although no actual violence was used to extort it.

~~[illegible]~~

The Court, therefore, exercising the circumspection and tenderness prescribed by the Regulations in cases of confession, and combining the rules of the latitude allowed by the Islamic Law, [illegible] the release of the prisoner Chillaramoodoo, thereby annulling the sentence passed by the Acting Judge of Circuit, which, at the said session formerly to remark, he was incompetent under the Regulations to pronounce.

Ordered that a copy of this proceeding be sent for the information of the Acting Judge of Circuit in the Southern Division.

Sent following Receipt

(Signed) W. Thackeray
Actg Judge of Circuit

30th July 1810

which does not appear to have been noticed by the Acting Judge of Circuit; but it is indubitable that persons accused of crimes should be defended from a mode of examination, which has for its object to obtain a confession, or a retraction of a confession previously made of the nature of the examination of the persons Chillaramoodoo, by the Agent Sudr Magistrate, and although it fail of its object, it is obviously improper and inconsistent with the spirit and letter of the Regulations that the Court should consider it their duty to direct that the Acting Judge of Circuit be [illegible] the Magistrate concerned to admonish him against the impropriety of his conduct, and to admonish him against a repetition of it.

Ordered that a copy of these proceedings be sent for the information and guidance of the Acting Judge of Circuit in the Southern Division.

Sent following Receipt

(Signed) W. Thackeray
Acting Judge of Circuit

F. C.

At a Session of the Court of Oyer & Terminer held

Friday
August 4th 1809.

Present

James Henry Lawrence, Esq Chief Judge
Andrew Scott, Esq
John Read, Esq
Edward Croft Galloway, Esq
} Assistant Judges

Read letter, dated the 27
Ultimo from the magistrate in the
Gaol of Chittagong
865

From the magistrate of Chittagong stating the circumstances of his having suspended Doctor Consequent upon a complaint from the Director

No. 363

The magistrate reports upon the information and orders of the Court, the suspension of his native doctor, the circumstances of a complaint made by the surgeon of the Gaol, that he had neglected to report to him an officer had neglected to report to him the state of the sick, and that the death of a prisoner had been occasioned thereby.

The magistrate submits copy of the surgeon's letter, conveying the complaint in question, together with copy of his answer thereto - dated 27th Ultimo.

But the magistrate has omitted to transmit - according to the rule contained in section XVI, regulation I of 1809 - "a copy of the "commitment or bail made to the

"officer, and his answer."

And this omission of the
Zilla magistrate precludes the
Court from proceeding to take
into consideration the reported
suspension of this native doctor.

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

Read also letter, dated the
30th Ultimo, from the magistrate in
the Zilla of Chingleput — enclosing
an original letter from the Surgeon
of his Zilla, which appears to have
been addressed to him in reply
to his answer to the Surgeon's
letter, dated 7th Ultimo, complain-
ing of the native doctor.

(Here enter p. 365)

The magistrate, in forwarding
the enclosed letter, has deemed
"it necessary to communicate thereon,
"for the better information of the
"Court;" and, in the course of his
comments, he instances charges
against the Surgeon — of neglect
of duty, and of misappropriating
a certain monthly allowance to
which he is represented as being
without receipt, "for medicines &
"servants."

The Court do not consider
the Zilla Surgeon to be in any shape
subject to their control. They can-
not, therefore, enter into the merits
of the points contested between
that officer and the Zilla magistrate,
so far at least as it might lead
them into a discussion of the Surgeon's
conduct.

But as the prisoners confined in the jails are ne-
cessarily under the superintend-
ance of this Court, and as the
charges contained in the magis-
trate's letter are of a serious nature,
and would, if substantiated, prove
that due attention had not been
paid to the care and treatment of
the prisoners under his charge, the
incumbent upon them
Court consider it
to record their opinion that the said charges
should be submitted
to the authority
competent to take cognizance of
them. And the Court have to observe

* that as Mr. Greenhalgh a military commission, he would appear liable to be tried for any alledged misconduct by a court martial, and that the proper mode of pursuing the investigation of the charges against him would appear to be to lay them before the Government.

Ordered that the Sur-
geon's original letter be return-
ed to the magistrate — with
a extract of these proceedings.

Sent following letter

(Here enter p.)

Read letter, dated the

3d. August 1810.

28th Ultimo from D. H. D. Greeven
Surgeon of the Zilla of Chittagong
enclosing copy of a letter under
date the preceding day addressed
by him to the Zilla Magistrate.

(Here enter No 366)

The Court observe that the
enclosure in the above letter is a
copy of the original letter received
from the Magistrate of Chittagong
by this letter of the 29th Ultimo read
this day.

Ordered that the receipt of
the above letter be acknowledged,
and that Mr. Surgeon Greeven be
informed that the Court have
instructed the Magistrate that they
do not consider the Surgeon of the
Zilla to be, in any shape subject to
their control, and cannot therefore
enter into the merits of any question
involving a discussion of this con-
nexion, but that they have felt
called upon to record an opinion
that the charges contained in the
Magistrate's letter ought to be sub-
mitted to the authority competent
to take cognizance of them.

Ordered that extract of
these proceedings be sent to Mr.
Surgeon Greeven.

Sent for Records
(Here enter B)

F. H.

At a Session of the Court of Foujdaree Adalut.

Present

Andrew Scoble Esqr. —
John Read Esqr. —
Edward Croft Gowan Esqr. —
} Puisne Judges

Law Officers

Monday
6th August
1810

Moulvee Moostufa Alee Khan Bahadur
Cazee-ool-Cozaat.

Mohummud Ameer Bullah —
Mohummud Mooad —
} Moofties

Read Track No. 12. from the
Judge on Circuit in the Zilla of Tumna
in 1st Sessions A. D. 1810.

(Here enter No 242)

The Court, having duly considered
the proceedings of the Judge of Circuit the Futwa
of the Provincial Law Officers, and the Futwa of
the Cazee-ool-Cozaat and Moofties of the
Foujdaree Adalut, are pleased to confirm
the said Futwa of the Cazee-ool-Cozaat
and Moofties expressed and under the tenth
of Section X. Regulation VIII. A. D. 1802,
do sentence the prisoner Sheik Ahmood
and Dabeer to suffer death by being
hanged at the usual time and place
of execution

officer

6th August 1810

The Court, under the discretion allowed by the sentence of Lazeer pronounced against the prisoner Bapoo Sahib, do adjudge him, the prisoner Bapoo Sahib aforesaid, to suffer death by being hanged at the same time and place with the prisoners Shaik Ahmud and Delawar aforesaid.

And the Court are pleased to confirm the release by the Judge of Canara of the prisoner Tolwar

Sent following letter.

(Translation A

It appears from the letter accompanying the foregoing Fatwa that the Judge of Canara has granted the release of the prisoner Tolwar.

Ordered therefore that the trial be returned to the Judge with Persian compliments and that he be requested to insert in his warrant to the Magistrate for the discharge of the prisoner Tolwar aforesaid at the bottom of the Fatwa delivered by his Law Officer, on the same, and to retransmit the record without delay to the Foujdaree Adalut

Sent following Receipt

(Translation B

Read trial No 35 from the Judge of Canara in the Zilla of Sunda Shahdee, in Sessions A D 1810

(Numbers No 339)

6th August 1810

The Court, having maturely considered the proceedings of the Judge of Canara, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Cozzat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Fatwa of the Cazee-ool-Cozzat and Mooftee aforesaid; and do sentence the prisoner Tiem Chettygatta Jamien to suffer death by being hanged at the usual time and place of execution.

Sent following letter.

(Translation C

Read trial No 8 from the Judge on Circuit in the Zilla of Tschinapoly, in 2nd Session A D 1810.

(Numbers No 326)

The Court, having maturely considered the proceedings of the Judge of Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Cozzat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Fatwa of the Cazee-ool-Cozzat and Mooftee aforesaid; and do sentence the prisoner Mootoo Carenpon to suffer death by being hanged at the usual time and place of execution.

The Court, under the discretion given by the sentence of Sokoolut pronounced against the prisoner Rayapermaul,

officer

6th August 1810

do adjudge him, the prisoner Thangapen Mark aforesaid, to suffer death by being hanged at the same time and place with the prisoner Thomas Carrithon aforesaid.

And the Court do direct the discharge of the prisoner Tersphaly Thistron on his finding sufficient security for his future good behaviour and appearance when required for three years.

Sent following letter.

(Memorandum D

Fort

Assize Session of the Peace & Gaol Delivery

Tuesday August 7th 1810.

PRESENT

James Penny Cavanagh, Esq. Chief Judge
Andrew Scott, Esq.
John Read, Esq.
Edward Crofts Greenway, Esq.
} Puisne Judges.

Read letter dated the 28th ultimo, from the Secretary to the Government in the Judicial department, enclosing copy of a petition, addressed to Colonel D. Wilkinson, commanding the Southern division of the Army &c. &c. &c. by Manoel Ena Correa, Roman Catholic priest of Trichinopoly; and communicating the desire of the Honorable the Governor in Council, that the allegations may be enquired into, and reported upon for the information of Government with as little delay as practicable.

(Prec. entry Sept. 3rd 372)

The Court, on a perusal of the enclosed petition, observe that it contains an accusation of misconduct on the part of the magistrate of the Zilla of Trichinopoly, amounting to an illegal seizing and otherwise ill-treating the petitioner, and that it further exhibits a charge against that officer

7th August 1810

7th August 1810 officer of a neglect of duty.

And the Court are pursuaded that had the petitioner regularly preferred his complaint to the proper quarter, it would have been duly received and proceeded upon by the judge on circuit to whose cognizance of the subject thereof exclusively belongs, and who, had anything therein alledged against the magistrate, becomedly substantiated on investigation, would have felt it his duty, under the rule contained in section VII Regulation VII of 1802, to report the same for the information of the Court.

The Court, however, have not yet received information that the judge on circuit has quitted Jilla. And it appearing of importance that the necessary enquiry should be held on the spot — which should the judge be still at Nelloor, may, they conceive, be effected, without incurring a delay prejudicial to the future progress of the Southern circuit. —

The Court resolve to transmit copy of the enclosed petition to Mr Strange — by the next conveyance

7th August 1810. enquiring as to the matter therein set forth, and to make his return thereto within five days from the date of receipt and after the date of receipt

Ordered that a precept be issued accordingly.

Said following precept

(Here enters A)

The Court direct that the above letter from the Secretary to the Government in the judicial department be acknowledged, and that the aforegoing resolution of the Court be at the same time communicated to the Secretary Gabagan for the information of the Honorable the Governor in Council

And the Court beg leave respectfully to submit, that should the judge on circuit have proceeded to the Jilla next in the established order of succession to that of Nellore previously to the receipt of the above precept, his return to that place for the purpose of conforming to its exigence, might be productive of so much delay, as to preclude the possibility of his completing the jail deliveries in the Southern division within the present season

The Court [illegible]

7 August 1810

take the liberty of submitting to the consideration of the Honorable the Governor in Council, that in such case it may be expedient to appoint Messrs. R. Andrews, and F. A. Grant at present forming a court at the Sudr Station for the performance of the duties of the court of appeal, and who, as such, have not, under the existing regulations, any power of superintendance or control over the magistrate; or any act done by him in that capacity — to constitute a committee for the purpose of enquiring into the allegations contained in Manoel Ennisto Fernandes petition.

The Court in the course of their discussion concerning the procedure in this case, have seen occasion to regret that the provision contained in regulation III of 1806 for receiving and enquiring into charges or information, against the European public officers employed in the different commercial departments, have not yet been declared applicable to similar charges or informations against officers in stations of trust and authority in the judicial department. On reference to the Bengal code they find that

August 7. 1810.

regulations which are contained in the repealed by which are extended by regulation VIII of 1806, were extended to the judicial department by regulation X of that year.

The Court have therefore resolved that the draft of a regulation, substantially the same as regulation X of 1806, prepared by the Governor General in Council, be prepared and submitted, with the draft of these proceedings, to the consideration of the Honorable the Governor in Council.

(the following letter
Reverse 83.)

8.8.9 Read letter, with reports of prisoners, for the months of June from the undermentioned gillas, viz. Nagahamundy, Canara, Tadinigotty, Verdachelum, Chingleput, Salem, Ganjam, Bellary, Cuddapa, Chittoor, Canaparam, Madura, North Malabar, Masulipatam, Vizagapatam, Tinnevelly, Combaconum and South Malabar.

(see reports Nos 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 342, 343, 348, 350, 351, 359, 370 and 377.

Read

7th August 1810

Read letter, dated the 3d. Instant, from the magistrate of the zilla of Chingulpat — enclosing copies of two letters, dated the 1st & 2d. Instant, from Mr. Surgeon Greaves, together with copy of an enclosure in the former from Mr. G. E. Respli

(Reference No 373)

The enclosures in the above letter have relation to the subject of the letters from the zilla magistrate and from the zilla surgeon — read on the 3d. Instant.

So far as they are connected with the conduct of the latter officer, reported to be under suspension, the Court have intimated to the magistrate, that they are prevented from proceeding to take the case into consideration by the omission to lay before them a copy of the communication made to that officer, and his answer.

And so far as they concern the [illegible] of the zilla surgeon, the Court have instructed the magistrate that they do not consider that officer to be in any shape subject to their control, and cannot therefore, enter into the merits of any question involving a discussion of his conduct.

7th August 1810

The Court have only further to observe, with respect to [illegible] additional proof to the present reference, that had the magistrate duly attended to the whole of the exigence of section XX regulation VI of 1802, there could have been no ground for the complaints now alledged against the surgeon of his station.

Ordered that extract of these proceedings be sent to the magistrate in the zilla of Chingulpat.

Sent following letter

(Reference C.)

Read letter from the magistrate in the zilla of Salem to the Court's precept of 20th ultimo.

(Reference No. 352)

The magistrate reports that the convict Nanjanchanna was sent to Chingulpet on the 6th ultimo

Read letter, dated the 26th ultimo, from the judge of circuit in the centre division — reporting his arrival at Poleary.

(Reference No. 360)

Read letter, dated the 29th ultimo, from the 3d. Judge in the Northern division — with extract of

7th August 1810

warrant of execution in case No 36 of the Zilla of Jessore dated 21st Sept. 1809.

(Hereunto No. 361)

Read letter, dated the 27th ultimo, from the Magistrate of the Zilla of Chingulput reporting the arrival of the convict Mullapah at the depôt for transportation.

(Hereunto No. 362)

Read letter, dated the 31st ultimo, from the Secretary to the Government in the Medical department — stating that the Board have been directed to provide passage for the transportation of convicts to Prince of Wales's Island

(Hereunto No. 360)

Read letter, dated the 1st instant, from the Magistrate of the Zilla of Chingulput — enclosing a list of convicts sent down to the charge of the Superintendant of Police, in consequence of orders received from the Secretary to the Government in the Judicial department.

(Hereunto No. 369)

F. H.

Held upon the Coast of Coromandel Adalut &c.

Present

Andrew Cotton Esq. } Puisne Judges.
John Reid Esq. }
Edward Crisp Gowan Esq.

Monday 20th August 1810.

Two Officers

Mohummud Ameer Vokeel — Mooftee.

Sheikh

Mohummud Ameer Vokeel — Mooftee.

In the Case presented by Section VII Regulation VIII A. D. 1802 to administer to Moulvee Hoosaut Vokeel [redacted] Junior Mooftee of the Coromandel Adalut in the room of Moulvee Mohummud Aboud, who is appointed Cazee of the Provincial Court in the Northern Division. —

Read trial No 10. from the Judge on Circuit in the Zilla of Canara — in April June A. D. 1809.

(Hereunto No. 545 of 1809.)

The Court, having maturely considered the proceedings of the Judge of Circuit, the Futwa of the Mooftee

4th Annexure

28th August 1810

Officer and the Futwa of the Cazee-ool-Coozat and Mooftee of the Sudder Adaulut are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid and do adjudge the prisoners Lutchmya and Rangapaha to be placed on such sufficient security for their future good behaviour and appearance when required for five years

(Sent following letter
(Number A)

Sudder Dt. No 15. from the Judge in Circuit in the Zillah of Canara Malabar dated 1st October A. D. 810

(Number 3249)

The Court having maturely considered the proceedings of the Judge in Circuit, the Futwa of the Hindoo Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Sudder Adaulut are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid and do adjudge the prisoners Bhota Thimmen Nair, Thoriote Poodie Thimmen Nair, Vaichil Thimmen and Nellooty Pattoo to be imprisoned and kept to hard labour

(2.) J. C.
20th August 1810.

in irons on the publick roads or other publick works for and during the space of three years.

The Court, under the operation of Clause Second, Section XV. Regulation VII A. D. 1802, have sentenced the prisoners to imprisonment and hard labour for the space of three years, the term therein prescribed for the discharge of the Decrees awarded by the Futwa of the Law Officers.

It must be observed that the [illegible] formed part of a hundred and two smugglers and the [illegible] record in their own testimony of smuggling [illegible] at the time when the illegal practice was committed. The Judge in Circuit was convinced of the innocence of the prisoners and therefore he considered to defend on the want of troops for the sort or its necessity.

The prisoners were [illegible] for Cholkars sanctioned with savage cruelty for the subscription form of preventing smuggling, and it was of course intended that in case of resistance they should use the arms in their hands. It is [illegible] of the utmost consequence in all cases of this nature that the warrants [illegible] should be established by the most incontrovertible testimony in order to convict of the capital conviction, or the warrant or capital punishment will be inflicted on servants of the publick will be [illegible]

deterred from doing their duty.

The evidence in this particular case is not of that unimpeachable nature. The Witnesses were all engaged in an illegal traffic which the prisoners were employed to prevent. It must therefore be the object of the former to convict the latter. The Witnesses cannot safely assert that no opposition was made, and but that the Rokhars fired upon them.

It must be remarked however that the disagreement, noticed in the letter of the Judge of Circuit, between the declarations of the prosecutor Victor and the deposition of the Witnesses Pallamy Velen and Chamey, — the former asserting that he heard a voice calling out — "Look you Dogs before the Rokhars fired, and the two latter stating that they did not hear any voice to — operate to diminish considerably the weight of the testimony against the prisoners; for if the Rokhars fired upon the peaceably disposed persons in all countries of profligate habits and desperate character

circumstances in which the Witnesses stand, the Court are in opinion with the Judge, who presided at the trial, that the prisoners are entitled to as much credit at least as the opposite party; it is however notwithstanding probable that the Rokhars should have fired upon them. Under these circumstances the Court wish to avail themselves of the authority granted by Section XIX. Regulation VIII. A. D. 1802, to suspend execution of their sentence, and to submit the whole of the proceedings on the case to Government, with a recommendation that the Hon. the Governor in Council may be pleased to pardon the prisoners Chota Ramen Naik, Shadasiv Ramen Nair, Shivrao Koiti Ramen, Sadasiv Vaitil Krishnen, and Netooly Pachoo.

Ordered

(3) F. C.

20th August 1870

Ordered that extract of the proceedings together with the Record of the trial be sent to the Secretary of Government in the Judicial Department for the purpose of being laid before the Hon'ble the Governor in Council.

Sent following letter.

(Vide entry B)

Read trial No 12. from the Judge on Circuit in the Zilla of Chittoor in 1st Session A. D. 1870.

(Vide entry No 510)

The Court having duly weighed the proceedings of the Judge of Circuit the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozaat and Mooftee of the Zillah Adalat, are pleased to confirm the said Futwa of the Cazee-ool-Cozaat and Mooftee aforesaid; and do sentence the prisoner Tashadoo to suffer death by being hanged at the usual time and place of execution:—

The Court in conformity with the Futwa of their Law Officers, which left no discretion in the adjudication of punishment, have sentenced the prisoner Tashadoo to suffer death:—

20th August 1810

The Judge who presided at the trial, has noticed in his letter that the murder charged against the prisoner is stated by the prosecutor to have been committed on the 27th July 1809. – that the Zemeendar of Calastry sent the prisoner to the Magistrate on the 2d November following – without an Arzee and without any proofs of the prisoner's guilt. – that the prosecutor did not prefer his charge until the 16th January 1810. when only one Witness Emam Naik appeared to depose against the prisoner, on whose evidence it would seem he was committed for trial, – and that on the 5th April 1810. only fourteen days before the prisoner's trial commenced [illegible] mostly dependants of Emam Naik [illegible] came forward against him.

In addition to these circumstances mentioned by the Judge it must be remarked that the Witness Emam Naik did not attend at the prisoner's trial, and that on the 2d April, the day after the trial had commenced, the Magistrate received a letter from the Zemeendar of Calastry, dated the 29th October 1809 the delay in the delivery of this letter is unaccounted for.

The foregoing circumstances and presumptions established on the declarations of

20th August 1810

the prosecutor and the depositions of the Witnesses before the Court of Circuit, deprive their testimony of all title to credit, and combined with the extraordinary nature of the preliminary proceedings detailed above, are obviously calculated to excite a strong suspicion that the charge has originated in a malicious conspiracy against the prisoner, and has been authorized by perjury.

Under these circumstances the Court † not choosing to avail themselves of the authority vested in them by Section XIX. Regulation VIII. A.D. 1802 to suspend execution of their sentence, and to submit the whole of the proceedings on the case to Government with a recommendation that the mercy of the Governor in Council may be shewn to the prisoner Kashaw, feel bound to declare the prisoner Kashaw,

† cannot concur in the conviction of the prisoner, and accordingly

In forwarding this recommendation the Court beg leave to state that in the event of a pardon being granted to the prisoner Kashaw, it is their intention to direct that the Magistrate in the Zillah of Chittagong be instructed to institute an inquiry for the purpose of detecting and bringing to punishment the authors and abettors of the conspiracy which there is too much reason to believe exists against the prisoner

Ordered that in front of these proceedings together with the record of

20th August 1810

the Circuit Warrant to the Secretary for Government in the Judicial Department for the purpose of being laid before the Hon.ble the Governor in Council.

Ellis

Sent following letters

(Vide enclosure C)

Read extract of the Proceedings of Circuit in the Northern Division of the Zillah of Rajahmundry - and of Exhibit D 6th -

(Vide enclosure Letter No. 7.)

the Court having read and duly considering the Proceedings of the Trial of the Prisoners and the Opinion of the Magistrate thereupon are pleased to confirm the Sentence and Sentence of the Magistrate thereupon and order the said Prisoners to be delivered over to the Magistrate to be dealt with according to the Sentence of the Court of Circuit passed upon them -

Ordered that Cantaboy Chetty be allowed on finding sufficient security for his future good behaviour and appearance when required for one year -

The Court further order the Prisoner Adabanka Chetty to be released on finding sufficient security for his future good behaviour and appearance when required for one year -

(4.) F. R.
20th August 1810

Sent the Circuit for confirmation of the Sentence of the Court of Circuit of the Prisoners Adabanka Cantaboy and Yeardoory Boyaster -

Sent following letters

(Vide enclosure D)

In this case the Judges on Circuit ~~[illegible]~~ appear entirely to have overlooked the important ~~[illegible]~~ evidence on the Prisoners, for the offence charged against them, of the Head Peon of the Tax Officer deputed by the Superintendant of the Land Customs immediately responsible for the Revenue to the Land Customs immediately responsible for the Revenue to the Land Customs immediately responsible for the Revenue to

was not conducted without circumstances of intimidation and even of actual violence, and it would be inconsistent with the principles of justice to admit any inference against the prisoners which may be drawn from declarations made under such circumstances.

The prisoner Caetan Chetty, in her declaration to the Magistrate, which was read before the Court of Circuit by the Interpreter Dingenalie Tottiah, states that Madeka Brockaah gave her a pinched lump, which she did not know to be poison, and some kinds of Curry stuff-wood, desiring her to mix and deliver it to Danny Chetty, whom he wished to kill his friend; and she accordingly did so. This declaration before the Court of Circuit cannot be reconciled with the foregoing, but it must be remarked that she contradicts herself only on her cross-examination by the Prisoner's Counsel, and he obviously employed

20th August 1810

the knife to the throat. It would seem from her declaration to the Magistrate that she had mixed in the Gruel that she considered to be a love-potion, and her expression when informed of the illness of Dawsy Chelly by the Messrs Boles & Pearmark being "on account that Dawsy Chelly's sickness was occasioned by the Curry. But Dawsy Chelly herself exonerates the prisoner of all blame; and in the absence of all proof, direct or circumstantial, that she was actuated by any malicious intention or that she could derive any benefit whatever from the death of Dawsy Chelly, nothing appears to discredit her assertion that she did not know the poisonous ingredient to be present. She must therefore be acquitted of a design to destroy the life of Dawsy Chelly.

(5) F. K.

20th August 1810

but allowing to the full benefit of her assertion that she was ignorant of the deleterious nature of the mixture, it cannot be carried to the extent of absolving her entirely from all blame on account of the fatal consequences which befel Gurney who partook of the Curry. No person ~~injuring~~ mixing victuals for another can be absolved from the responsibility for their being wholesome; and although the prevalence of the custom of administering love-potions, however absurd and unnatural, may be admitted to weaken the culpability of Carla Chelly's conduct in this case, yet it cannot be suffered to skip altogether without notice. The Court however in receiving the commutation allowed them by the Letter of the 21st of August has resorted to the least severe punishment which Carla Chelly has rendered herself liable to, and after mature consideration of all the circumstances of the case have directed the sentence in further suspension

20th August 1810

security for his future good behaviour and
appearance when required for one year.

The Law Officers of the Empire
think that having acquitted the prisoner Mahadeo
Boorbanch, it seems useless to enter further
into the facts which appear in evidence against
him. It is sufficiently clear, that he purchased
the arsenic, and there is so much reason to
believe that he purchased it for the purpose
stated in the charge, under these circumstances
the Court is considered it necessary to direct
that he should find a security for his future
good behaviour and appearance when
required for four years.

The Court feel it their duty to refer
to Regulation for their guidance in the
prosecution of any matters of this sort. The
proceedings appear to prove sufficiently to believe
that he could have any motive or the purpose
for which the drugs were intended, and he
seems indeed to have been fully aware of
what he was doing.

And the Court further direct
that the extract from the proceedings of the
Provincial Court of Circuit of the
A. D. 1808 transmitted in case of the Prisoner
made to them by the Secretary be returned
attested.

Ordered that an extract of these
proceedings be transmitted to the Register
of Circuit for the information of the Judges
of Circuit.

20th August 1810

Sent following Letter.

(Number F.)

Ordered also that extract of
these proceedings be transmitted for the
information of the late Magistrate in
the Zillah of Rajahmundry.

Sent following letter.

(Number F.)

(No 6)

At a Session of the Court of Exchequer holden

Present

Andrew Lord Ivory } Puisne Judges.
John Read Esq.
Edward Wolfe Greenway Esq.

Wednesday
23rd August
1809.

Lord Officers

Lord Advocate Sir Alexr Boswell Bart.
Solicitor Hoostoun Sir John Dalrymple
Bart. Solr. Gen.

Solicitors.

Solicitors
Messrs Tytler
Messrs Bolton

Lord Ivory dated the 18th Instant
from the Court to Government for the
Judicial Department - referring the enclosed
of the Court's sentences on Nos 1 to 4 from
the Special Commission in the Northern
Division.

(Five entries No 483)

The Court on considering
Lord Ivory's letter
pleased to direct that the sentences on
Nos 1 and 2 from the Special Com-
mission in the Northern Division be
transmitted for execution
to the following Letter.

(Five entries No 484)

Lord Provost &c &c &c Forbes
Judges in the Court of Session
in the Kingdom of Scotland &c &c &c

(3)

Officers, and the Fatwa of the Cazee-ool-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Fatwa of the Cazee-ool-Coozat and Mooftee aforesaid, but it being satisfactorily proved by the additional examinations taken in this case, that the murder of Changa was committed previously to the promulgation of the Amnesty bearing date the 8th day of February A.D. 1793, and the prisoner Shekur-ood-Deen being therefore entitled to the benefit of the said Amnesty, the Court do direct that the prisoner Shekur-ood-Deen aforesaid, be released.

But following letter.
(Secretary)

22d Augt (2)
1810

his letter dated the 18th Ultimo, reporting the death of the prisoner Ramapa.

(Vide entries Nos 266 & 347.)

The Court having maturely considered the proceedings of the Judge of Circuit, the Fiscal of the Provincial Court Officer, and the Fiscal of the Legislative Court, and Assessors of the Supreme Court, are pleased to confirm the said Sentence of the Cafferies of the Court and Assessors aforesaid, and to direct the execution of the prisoner Baba on his finding sufficient security for his future good behaviour and appearance when required for one year.

Sent following letters

(Vide entries Bj

Read return made by the 1st Judge of Circuit in the Western Division to the Courts Precept, bearing date the 27th September 1809, requiring further evidence in case No 49 on the calendar of Courts Sketches — in 1st Session A. D. 1809.

(Vide entries Return No 540 of 1809)

The Court having maturely considered the proceedings of the Judge of Circuit, the Sentence of the Provincial Court

E. C

At a Court of the Supreme Court of Judicature holden at the Court House in Colombo on Friday August 31st 1810.

Present

The Honble Henry Cavendish, Esqr Chief Judge
Andrew Scott, Esqr
John Read, Esqr
Edward Creiff Greenway, Esqr

Puisne Judges

Read letter, dated the 16th 1809 instant, from the Judge on Circuit in the Southern Division — submitting the Sentence of the Court as passed in the case of the King against Ramasinga and Cadiravelu for the orders of the Court as to the course which he should pursue with the prisoners, who he states to be "notorious characters" and "with the magistrate of the Galle District highly".

(Vide entries No. 323)

From the 1st Judge on the Southern Circuit submits a report concerning the prosecution in a Case of Robbery

The point for submitted appears to arise out of the proceedings of the Court in case No 9 on the calendar of the Galle Ramasinga, accused, charged with having 8 others, for stealing from the "Ecclesiastical Mandelly's chattels the "property of Venkatachella Moodelly "value Star Pard 423/2"

And it appears that the Court of Circuit considering Ramasinga to be "an artful person to have been the "prosecutor in this trial" called upon the magistrate by letter, to explain why Venkatachella Moodelly had not appeared as the prosecutor — on reply to which letter the magistrate states "that the reason why Venkatachella

* who is stated to be a peon of Ecclesiastical Moodeley,—

22 31st August 1810

"Broadelly was not the prosecutor, was
"because Ramsay appeared before
"the Cutwal instead of Venkatachelu
"Broadelly."

And this reason, the judge
on circuit states his opinion, "that
"as will not justify his rejection of
"Ramsay the peon."

The Court, having duly con-
sidered the reference before them,
cannot discern on the part of the
magistrate any appearance of oppo-
sition, or mark of slur, reference, to
the orders of the court of circuit, be-
-ing called upon to explain the cause
of the non-appearance of Venkatachelu
Broadelly as prosecutor in the case.
The Court readily complies with the desire of
the court, communicated to him in
a letter from the judge on circuit,
and gives the desired information
-without offering any opinion of
his own as to the propriety of that
proceeding, or attempting to call in
question the resolution of the court,
that Ramsay was an unfit person.
If the judge deemed him so by reason
of his having, [illegible] complied with the precept
to command the magistrate to amend
the record of his proceeding. The Court
do not doubt that the magistrate
would have thereon immediate
conformed to it's [illegible]

31st August 1810

if otherwise, the judge would have found
full provision for the case in Regu-
lation XXII of 1802.

Ordered that extract of these
proceedings be sent for the information
of the judge on circuit in the
Southern division.

The following letter,

To the Judge on Circuit in the S. Dn (Per entry A)

Read a letter from the second
judge in the Centre division to the Sudr
precept of 22d Pennattoor - requiring
copies of orders issued to the magistrate
of Trinipulpet, consequent upon the
absence, at the time of the trial, of three
of the pundits in case No. 9.

From the 2. Judge in the Centre Dn (Per entry No. 356)
Returning Copies of orders
Return to precept requiring Copies of orders
issued by the Court of Circuit in a Case, where
certain of the pundits were absent at the
trial

Read letter, dated the 23d
ulting from the judge on circuit in
the Southern division - with copy of
the calendar for the zilla of Trichinopoly.

From the Judge on Circuit Southern Dn (Per entry No. 353)
With Copy of the Trichinopoly Calendar

Read letter dated the 26th
ulting, from the judge on circuit in
the Northern division - with copy of
the calendar for the zilla of Nellore.

From the Judge on Circuit N. Dn (Per entry No. 350)
With Copy of the Calendar of Nellore

Read letter, dated the 8th
Inst, from the Magistrate in

22 31 31st August 1810 Zilla of Chingulput — enclosing a list of convicts in the depôt for transportation. (Received No. 380)

From the Magistrate of Chingulput With list of Convicts for transportation —

Read letter, dated the Instant, from the judge on circuit in the Western division — enclosing copy of the calendar for the town & island of Seringapatam, which appears to have been received from the magistrate under date the 16th Ultimo. (Received No. 381)

From the Judge on Circuit 1st Div. With Copy of the Calendar for the town & island of Seringapatam —

The Court observe that the judge on circuit has misconceived the tenor of the instructions, conveyed to him in extract from their proceedings under date the 22d Ult. referring him to section IX regulation XIII of 1808, and purporting that the Court were not aware of any circumstance, that should render necessary a deviation from the order of reception for the jail delivery by the said section; — as follows, viz. 1st Canara, 2d North Malabar, 3d South Malabar, 4th Coimbatore, and 5th Seringapatam

Ordered that extract of the proceedings relative to the judge on circuit.

Sent following letter

To the Judge on Circuit 1st Div. (Received No. B)

2 — F. 11.

August 31st 1810.

Read reports of prisoners tried for the month of June, received from the acting magistrate in the zilla of Nellore. (Received No. 383)

Returns of Prisoners from the Acting Magistrate of Nellore for the month of June —

Read letter, dated the 8th Instant, from the judge on circuit in the Centre division — with copy of the calendar for the zilla of Bellary (Received No. 391)

From the judge on Circuit 2d Div. With Copy of the Bellary calendar —

Read letter, dated the 31st Ultimo, from the secretary to the Government in the judicial department. (Received No. 392)

From the Judicial Secretary to Govt. Confirms the Nominations of Gopaul Rao to be Durogha of Nellore, and approves the Site chosen for the new jail at Combaconum —

Ordered that the 2d paragraph of the above letter, signifying the pleasure of the Honorable the Governor in Council, that Gopaul Rao, nominated by the magistrate of Salem to be Durogha of Nellore, be considered to have held that appointment from 1st October 1809 — be transmitted, on the return of these proceedings for the magistrate's information.

Sent following letter (Received No. C)

To the Magistrate in the zilla of Salem

On the Court's [illegible] the letter

31st August 1810

Read return from the judge on circuit in the Southern division to the Court's precept of 7th instant commanding him to institute an enquiry, on the spot, into the allegations of a petition against the magistrate of Trichinopoly.

From the Judges on Circuit Southern Divn
Report of Proceedings having left Trichinopoly

(Vide entry No. 609)

The puisne on circuit certifies that he has quitted the Zillah of Trichinopoly, and will in the course of a few days proceed to Salem.

Read letter, dated the 20th Instant, from the Magistrate of the Zillah of Trichinopoly that he had been reprimanded by the judge on circuit "for bringing certain "prisoners to his tent unpelled"; and requesting the Court to determine "whether he had been "negligent of his duty"; or "whether Mr. Strange was "warranted in his mode of manner of "expressing the reprimand".

From the Magistrate of Trichinopoly
requests the Court's opinion respecting orders
received from the judge on Circuit for bringing
prisoners to Bed before him on their letters

(Vide entry No. 631)

The magistrate having in the above reference called in question a proceeding of the Court of Circuit, which has appeared to him to be liable to objection, the Court consider that his letter should be laid before the judge on circuit

3 Folio
August 31st 1810

The Court on the foregoing proceedings directed from taking the subject thereof into consideration; and direct that it be returned, with extract of their proceedings, to the magistrate.

Ley. to following letter

To the Magistrate of the Zillah of Trichinopoly (Vide entry J.)

Read letter, dated the 26th Instant, from the acting second judge of circuit in the Southern division, stating that "agreeable to the regulation "he has transmitted the warrant issued "for the release of Chellapermaul."

From the Judge Southern Divn
to Mr Strange on the release of the
prisoners in Case No. 5. Simonelly Calendar
2 Sefsions 1809

(Vide entry No. 633)

Under the rule contained in section XIII, regulation VIII of 1802, all warrants for the execution of final sentences of this Court, returned by the magistrates, are to remain with the "court of circuit, excepting warrants for "the infliction of capital punishment"

The returned warrant, attached to the above letter, not being for the infliction of capital punishment,

Ordered that it be returned to the acting second judge, in order that, agreeably to the regulation, it may be lodged in the records of the Southern court of circuit

To the acting 2d judge of the S. Dn

(Vide entry J.)

No 884

31st August 1810

Read letter, dated the 27th instant, from the magistrate in the Zillah of Shahjehanpoor – representing that "the Talliars of villages do not "receive the dues they are entitled to "for performing the duties entrusted "to them as Police officers"; and submitting the propriety of his enforcing payment thereof from the Zumeendars in his capacity of magistrate.

Resolved that the above letter do be referred to the Police Committee.

Ordered that the Secretary do write to the Magistrate of Shahjehanpoor, informing him that the Police Committee have been referred his letter of the 27th instant, and that they will report their opinion thereon to the Board.

Ordered that the Secretary do write to the Magistrate of Shahjehanpoor, informing him that the Police Committee have been referred his letter of the 27th instant, and that they will report their opinion thereon to the Board.

L. 11

At a Court of the Four Pargana Adalat

Friday
September 7. 1810.

Present

James Henry Casamajor, Esq. Chief Judge
Archibald Scott, Esq
John Read, Esq
Edward Croft Greenway, Esq
} Puisne Judges

Read the following letters, with reports of prisoners for the month of July, from the undermentioned Zillahs, viz. Canara, Tellicherry, Cuddapah, Bellary, Trichinopoly, Madura, Chingleput, Salem, Oamapoor, Vizagapatam, Chittoor, Rajahmundry, Cuddapa, Masulipatam, Ganjam, North Malabar, Combaconum, South Malabar, and Nellore.

(See reports in Nos 396, 405, 406, 407, 410, 411, 412, 413, 414, 417, 418, 419, 420, 421, 424, 425, 426, 427, 448.)

Read letter, dated the 18th ultimo from the Secretary to the Government in the judicial department, acquainting him that the Honorable the Governor in Council has been pleased to concur in the Court's recommendation for appointing Messrs Anderson & Greed committee for investigating the complaint exhibited against the magistrate of Trichinopoly by Pound

22

7th September 1810

Examination of Roman Catholic priest.

(Prisoner No. 415)

Read letter, dated the 30th ultimo, from the 2d Judge in the Northern division - with returned warrant of execution in case No. 316 the file of Canara, 1st September 1810.

(Prisoner No. 620)

Read letter, dated the 29th ultimo, from the Judge on circuit in the Southern division - with copy of the calendar for the file of Verdachelum.

(Prisoner No. 630)

Read letter, dated the 30th ultimo, from the 2d Judge in the Northern division - with returned warrant of execution in case No. 15 of 22 of the file of North Malabar, 1st September 1810.

(Prisoner No. 632)

Read letter, dated the 29th ultimo, from the Judge on circuit in the Southern division - reporting the arrival of the court at Cuddapa.

(Prisoner No. 634)

Read return from the

7th September 1810

acting 2d Judge of Circuit in the Southern division, to the Court of Circuit - reporting the absence of the prisoner in case No. 5 of the file of Tinnevelly, 2d September 1809, and requesting him to advise the assistant magistrate of the error of his proceedings therein.

(Prisoner No. 636)

Read the following letter, with reports of prisoners confined under sentence, in the undermentioned files, viz. Verdachelum, Coimbatore, and Belleary.

(Prisoners No. 458, 461 & 456)

Read letter, dated the 29th ultimo, from the magistrate in the file of Verdachelum - enclosing a blank report of commitments for banishment.

(Prisoner No. 639)

Read letter, dated the 27th ultimo, from the 2d Judge in the Southern division - with returned warrant of execution in case No. 2 of the file of Tinnevelly, 1st September 1810.

(Prisoner No. 640)

Read letter, dated the 27th ultimo, from the 2d Judge in the Northern

7th September 1810 — ern division — with returned warrant of execution in case No. 35 of the gilla of South Malabar, 1st instant 1810.

(Here enter No. 645)

Read letter, dated the 27th ultimo, from the Judge on circuit in the Western division — with copy of report, received from the magistrate in the zilla of Canara, of the death of Tippoo, a prisoner in case No. 39, 2d sessions of 1806, referred to the Court under date the 27th October last.

(Here enter No. 646)

Read letter, dated the 30th ultimo, from the Judge on circuit in the Southern division — enclosing copy of the Masulipatam calendar.

(Here enter No. 654)

Read letter, dated the 1st instant, from the 2d Judge of circuit in the Western division — with returned warrant of execution in case No. 12 of the zilla of Canara.

(Here enter No. 657)

Read letter, dated the 13th ultimo, from the Judge on circuit in the Southern division — reporting the indisposition of his colleague

(Here

At a Court of the Fouzdaree Adawlut

Friday September 7th 1810.

Present

James Henry Casamajor, Esq. Chief Judge.
Andrew Scott Esqr
John Read, Esqr
Edward Croft Greenway, Esqr

} Puisne Judges

Read letter, dated the 6th instant, with enclosure from the Secretary to the Board of Revenue.

(Here enter No. 500)

From the Secretary to the Board of Revenue — Withdrawal of a Regulation for transferring the superintendance of the police of the Tripatty District to the Collector of zilla Chittoor.

N.

It appearing to the Court that apprehensions are entertained that, during the ensuing festival at Tripatty, the peaceable and property of pilgrims resorting to the pagoda will be exposed to danger, the performance of the ceremonies ritual on that occasion to interruption, and the public revenue there arising to loss — from the want of a competent officer on the spot, to superintend and direct the exertions of the police of the Tripatty district, and promptly to apprehend such offenders in cases cognizable by the magistrates; and generally to preserve the peace: —

Resolved that the magistrate of the zilla of Chittoor be by precept commanded forthwith to depute to that place his assistant, Mr. Septimus Money, vested, under section XVII

21st September 1810

and XVIII, regulation XII of 1802, with the full powers of a magistrate, and charged with the instruction to use his utmost endeavours, in cooperation with the collector of the zilla, to protect the pilgrims, to preserve order, tranquility and regularity in the town of Tripetty & its environs; and to assist in the arrangements necessary to the full completion of the ceremonies.

In cases not cognizable by the magistrate, under the provisions of regulation VI of 1802, the assistant magistrate will commit the offender for trial before a Special court, who (Court have it in contemplation to propose to Government should be instituted at Chittoor. — Empowered over the complainants to appear and prosecute, and the witnesses to attend and give evidence: — and the assistant magistrate will send up to this Court through the magistrate of Chittoor, a weekly report of such cases, drawn out according to the last form specified in section XXIX, regulation VI of 1802.

Ordered that the magistrate of Chittoor be required to return the Court's precept duly executed within forty eight hours from and after the date of receipt.

21st September 1810

Read petition of Rajah Sooba Row.

Rajah Sooba Row. (Here enter pet. No. 17 of 1810)

The petitioner represents that under date the 3d November 1809, he was dismissed by the magistrate of Tschauopoly from the situation of Police Duroga for the division of Lalgoody — in proof of which fact he produces an order of dismissal under that date from the zilla magistrate to his address.

He states a variety of matter connected with the subject of the complaint alleged against him; and prays that he may be reinstated in office.

The Court cannot at present enquire into the circumstances of the case, which appears to have induced the magistrate to consider the petitioner undeserving of continuance in his station: — but his dismissal on the 3d November 1809, being contrary to the provisions of section X, regulation I of 1809: —

It is Ordered that the magistrate be by precept commanded forthwith to reinstate the petitioner in office, from which he was discharged — when the magistrate will be at liberty, if he deem it necessary to proceed against him on the charges

7 2. 21st September 1810 of the rule contained in section VI. Regulation I of 1809.

ORDERED that a return to the precept, shewing full execution thereof, be required within twenty days from and after the date of each subsequent following precept.

To the Magistrate in the Zilla of Trichinopoly (Precedent B.)

ORDERED that a certified extract of these proceedings be furnished to the petitioner.

A

Fl.

At a Session of the Court of Foujdaree Adawlut held

Present.

Andrew Cole Esq^r
John Read Esq^r
Edward Croft Gurney Esq^r

} Three Judges.

Monday 24th September 1810.

Law Officers.

Mondaree Moortuja Khan Bahadoor.
Cazee Nizamut Cazee.

Nizamut Ameer Collah
Koodoos Collah

} Assessors.

Read trial No 7. from the Zilla of Trichinopoly — Judge on Circuit in 2nd Session A. D. 1810.

(Vide extract No 355.)

Having attentively heard the Pleas of both the Counsel on either side, and fully considering the records of proceedings held on the trial of Moottoo Veeran, charged with the murder of Thambee Naick, and also the confession made by the prisoner to the Commander of Settlement.

It appears that Summagal, Moottoo, Respondent, and Sangamaly, Counsel for the prosecutor, who were searching after the body, that they had seen him in connection with the prisoner Moottoo

24th September 1810

that the prosecutor was afterwards informed by Crospee, Kabbaldeen, and Feren Tautz, that Somagum and his companions were seen at Pranisa aboard with some jewels, the description of which led him the prosecutor to suspect that they were his; that the prosecutor then proceeded to Narsingapalloo, and was there informed on inquiry that Somagum had sold half of his jewels to Thundaw Sidumbrum Sirdar, and Sumnagalow, but upon hearing that the corpse of a woman had been found in a well at Canjanoottoo in the Zilla of Salem, the prosecutor went thither, and having heard a description of the corpse from Arapilly Cowden, Nautchmaganum, and Nulliganum, and having observed that the deceased was his wife.

In instituting a charge of murder, where as in the present case, there is no direct proof of the fact, it is always open to ascertain the grounds which existed the suspicions against the person charged. The prosecutor in his declarations to the Cutcherry of Tottycum and to the Magistrate, of which the foregoing are the abstract, details very minutely the circumstances which led him to suspect the prisoners Somagum; but it is necessary, that his statement should be corroborated by the witnesses from whom he derived his information, and that the facts of the case as now related by them

24th September 1810

should be particularly specified.

By Section VI. Regulation XI. A.D. 1802 it is provided that notwithstanding the confession of a prisoner Magistrates shall invariably summon and bind over to attend at the next Sessions the Witnesses to the commission of the crime, and it was therefore obviously the duty of the Magistrate to secure upon the Cutcherry Record the attendance of the persons mentioned by the prosecutor as possessing knowledge of facts tending to the conviction of the prisoners.

The proceedings in this present state exhibit no proof of the actual death of the prosecutors wife Canjanoottoo in consequence of her having been absconded from the Cutcherry before the prisoners were finally committed for trial and which in this case appears by no means difficult of proof.

if credit is due to the prosecutors assertion regarding the nature of their communications to him

but the evidence of Arapilly Cowden, Nautchmaganum, and Nulliganum should go near to establish whether or not the corpse said to be found in a well at Canjanoottoo was the corpse of the prosecutors wife.

The Court suggest that the Zillah Court should not rest satisfied with the Magistrates proceedings, but should examine the witnesses themselves, and that the evidence should be recorded in the manner prescribed by Section VII. Regulation XI. A.D. 1802 to

y^d 24th September 1870

The Court consider it necessary in the ends of justice that the evidence of the twelve persons mentioned by the prosecutor should be taken, and they accordingly direct that the record of the trial be returned to the Judge on Circuit for that purpose who will issue a precept to the Magistrate of the Zilla of Trichinopoly commanding him to procure the attendance of the twelve persons above mentioned to the end that they may be examined by the Judge immediately on his return from the Circuit.

The Court consider it necessary further to direct that the persons above mentioned be questioned particularly in respect to the circumstances within their knowledge on which they found their information which they are stated to have given to the prosecutor, that the examination be conducted in the presence of the prosecutor and the prisoners, and that the record of the trial, with the additional evidence aforesaid thereto, be re-transmitted to the Foujdaree Adalut.

Ordered that extract of these proceedings be sent for the information and guidance of the Judge who presided at the foregoing trial.

(Sent following Packet.
(True extn A)

Road trial No 9. from the Circuit in the Zilla of Bellary—

2d. F. R.
24th Sept.
1870

in 2nd Sessions A. D. 1870.

(True extn No 37.)

The Court, having minutely considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and the recommendation of the Judge who presided at the trial to remit the prisoner Timma Nack to suffer death by being hanged, at the usual time of execution at the village of Kachkal.

Road trial No 33. from the Judge on Circuit in the Zilla of Bellary—

in 2nd Sessions A. D. 1870.

(True extn No 38.)

The Court, having duly weighed the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwas of the Cazee-ool-Cozat and Mooftee of the Foujdaree Adalut are pleased to confirm the said Futwa of the Cazee-ool-Cozat and Mooftee aforesaid, and do sentence the prisoners

24th September 1810

Corbet Ramsoo to suffer death by being hanged at the usual time & place of execution.

Post following letter.

(Translation.)

Read letter dated 1st Instant, from the Judge in Circuit in the Northern Division - Reports 2 cases, in which he considers the parties to have been pleaded by the Acting Magistrate of Matchlepatam upon insufficient grounds.

(Annexure No 462)

Ordered that the above letter do lie on the table.

F. C.

At a Court of the Foujdarce Adalat

Tuesday, September 25th 1810. Present

James Henry Casamajor, Esq (Chief Judge.
Gideon Scott Esq
John Read, Esq
Edward Cop Greenway, Esq } Puisne Judges

The Court proceed to the further consideration of the subject which was the subject under date the 21st Instant, on which day information had been received out of information laid before them in a letter of the 6th from the Secretary to the Board of Revenue, with a standing enclosure - one of which purports to be the draft of a regulation for transferring the superintendance of the police of the Tuppaty district to the collector of the Salem District.

On a review of the correspondence enclosed in the above letter, the Court observed that the measure which the proposed regulation has for its object to effect, is intended to obviate the various inconveniences, & prevent the evil being likely to occur, during the annual festival at Tuppaty, from the want of some officer on the spot vested with the efficient powers of a magistrate; and that it was apprehended that the necessity of obtaining the complainants and witnesses, in cases not cognizable by a magistrate, until the general police Collectors on the Salem

operated to deter many inquisitive pere-
-pilgrims from remote parts of India
-from prosecuting offenders to con-
-viction.

The Court considering that the
provisions of the draft before them
demanded deliberation, and more
especially the additional clauses,
which the Board of Revenue have left
it to them to prepare, wherein the
Board suggest that a more extensive
power of punishment ~~than~~ may be under-
-ing regulations ~~for the~~ than that descriptive
of office, should be confided to the
magistrate of the district of Tripatty;
and it appearing to be scarcely prac-
-ticable to publish and promulgate
the proposed regulations previously
to the approaching festival, which
commences on the 29th. current. — the
Court came to a resolution to issue
orders to the magistrate of the zilla
of Chittoor to send his assistant, Mr.
Septimus Money, to Tripatty, with
injunctions to take the necessary
measures, in cooperation with the
Collector, for the due preservation
of the peace, for the protection of the
pilgrims, and for the effectuation
of the arrangements indispensable
to the successful performance of the
annual ceremonies.

The Register

precept, conveying the Court's orders to
the above effect, was despatched to
the magistrate of Chittoor, on the even-
-ing of the 22d. —

The Court have now the honor
to report the above proceedings for the
information of the Honorable the
Governor in Council: — and, it having
been informed part of their orders to the ma-
-gistrate to instruct the assistant
magistrate to commit the prisoners,
in case excluded from his cognizance,
for immediate trial before a Special
Court, which, the Court intimated, they
had it in intention to propose, should
be formed at the Sudder Station, the Court
respectfully beg leave to submit to the
consideration of the Honorable the
Governor in Council the expediency of
directing Mr. Charles Harris — Mr. George
Read having recently returned from circuit
to hold — at Chittoor a Special
Court — for the investigation of the cases
of the prisoners that may be brought before him on com-
-mitment by the assistant magistrate from Tripatty —
to sit de die in diem, Sundays ex-
-cepted, until the 18th. Provincial inclu-
-sive, and thereafter, as the appeal court
while there open, for the days whereon the court of appeal
may not be held; — and to proceed,
in the trial of the prisoners, in the same manner in all
respects as they would have been

tried before the ordinary courts.

The Court, in suggesting this arrangement have in view to provide against that part of the inconvenience, to which the established course of procedure is alledged to be attended, resulting from the unwillingness of the pilgrims to submit to a protracted detention, for the purpose of appearing against parties who have plundered them, at the regular half yearly gaol delivery for the zilla.

Ordered that extract of these proceedings, and transcript of the Court's orders dated the 21st instant, be transmitted to the Secretary to the Government in the Judicial department, with the request of the Court that the same may be laid before the Honorable the Governor in Council.

Sent following letter
(Para ente A)

At a Court of the Foujdarce Adalut.

Friday 28th September 1810. Present

James Perry Cavanagh, Esqr. Chief Judge
Andrew Scott, Esqr
John Neat, Esqr
Edward Croft Greenway, Esqr
} Puisne Judges

Read letter, dated the 20th instant from the magistrate in the zilla of Chingelput - enclosing a list of convicts in his charge, under sentence of transportation beyond sea.

(Para ente No. 487).

Read also letter, dated the 22d instant, from the magistrate of Chingelput enclosing a further list of convicts addressed to be transported.

(Para ente No. 488)

The Court direct that a report of the convicts in the depôt, for transportation be immediately prepared, for the purpose of being submitted for the information and order of the Honorable the Governor in Council.

Read the following letter with reports of prisoners for the last month, from the undermentioned zilleas, viz. Canara, Vardachelum, Tinnivopoly, Salem, Coimbatore, Bellary, Chingelput, Ganjam, Trichinopoly

28th September 1810

...elly, North Arcot, Chittoor,
Masulipatam, Rajahmundry, Vi-
zagapatam and Cuddapa.

(See reports in Nos. 466, 472, 473,
474, 476, 477, 478, 479, 480, 481,
482, 484, 489, 490, 493.

Read a letter and enclosure from the Register of Rajahmundry, dated 18th instant, forwarded by the third judge in the Northern division.

(Annexed No. 475)

Read again the letter dated the 25th April, from the judge late on circuit in the Northern division, reporting that two persons, witnesses in case No. 6 on the calendar for that gilla, who had persisted themselves, in the course of their testimony before the court of circuit, and requesting the Court's instructions on the subject of his reference, dated the 28th February, concerning the competency of the court of circuit "to pass sentence on a person, either perjured wilfully before them, or rendering it evident by the testimony delivered before them, that he had been guilty of perjury in his deposition before the magistrate."

(Annexed No. 217)

The Court, having fully

* he had directed the magistrate of Vizagapatam to keep in his custody, until the receipt of further orders,

28th September 1810 recorded, on their proceedings of the 30th March, their sentiments & orders on the point submitted in the judge's letter of 28th February — extract of which proceedings was despatched to the judge on circuit a few days previously to the 25th April — did not doubt that the judge would, in conformity thereto, upon the requisite orders to the magistrate of Vizagapatam for the disposal of Shanampulty Yerrakapah and Tirry Doraisah, the two witnesses mentioned in his letter of the 28th date to be in case No. 6, who stand charged with perjury.

But it appearing to the Court from the magistrate's reports of prisoners for the last month, that the said two persons are "to be detained until the resolution of the Pondicherry Court is communicated:"

Ordered that the third judge in the Northern division be by precept commanded forthwith to instruct the magistrate of Vizagapatam to take the necessary measures for bringing them regularly to trial before the court of circuit at the ensuing jail delivery in his gilla.

(Annexed the following precept A)

Read letter dated the 21st ultimo

28th September 1840. Ultimo from the Pidje on circuit to the Centre division - reporting leave of absence to visit Chittoor, from the 1st to the 9th Instant.

(Herewith No. 482)

Read letter dated the 29th Instant, from the Pidje on circuit to the Centre division - enclosing copy of the calendar of prisoners committed or held to bail by the magistrates of Cuddapah, and requesting permission to withdraw his application of the 21st Ultimo for leave of absence.

(Herewith No. 485)

Read letter dated the 29th Instant, from the Pidje on circuit to the Centre division - reporting the departure of the Court of circuit for Chittoor.

(Herewith No. 486)

Read letter dated the 29th Instant, from the magistrate of Salem, transmitting a report of prisoners confined under sentence of the Zillah, made up to the 10th Instant.

(Herewith No. 492)

Read letter dated the 30th Instant, from the Pidje on circuit to the Southern division - with copy of the calendar for the Zillah of Salem.

(Herewith No. 467)

F. C.

At a Session of the Court of Foujdaree Adawlut

Present.

Andrew Cole Esqr. — Puisne Judges.
John Reid Esqr. —
Edward Capt Greenway Esqr. —

Law Officers:

Moulavee Mooftee Mir Ithan Bahadoor.
Esqr. at the Coozet.

Mohammed Ameer Collah — Mooftees.
Khan Collah —

Read trial No. 1. from the Judge on Circuit in the Zillah of Bellary - in Session A. D. 1840.

(Herewith No. 340)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Moosleem Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftees of the Foujdaree Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid, and do sentence the prisoner Chinnapooty to suffer death by being hanged at the usual time and

Monday 1st October 1840.

1st October 1810

Sham Execution

Read trial No 12. from the Judge on Circuit in the Zillah of Bellary — in 2nd Session A. D. 1810.

(Vide enter No 379)

The Court, having duly weighed the proceedings of the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Cozaat and Mooftee of the Foujdaree Adaulut, are pleased to confirm the said Fatwa of the Cazee-ool-Cozaat and Mooftee aforesaid; and under the discretion allowed by the sentence of Cazee, do adjudge the prisoner Sheikh Jamaul to 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 term of his natural life.

Sent following Letter.

(Vide enter)

Read return, made by the 3rd Judge of Circuit in the Western Division, to the Court's Precept under date the 14th May last, signifying further evidence in the case No 56. on the Calendar of Sentences for October, in 2nd Session A. D. 1809.

(Vide enter Return No 385)

The Court, having duly considered the proceedings of the Judge of Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Cozaat and Mooftee of the Foujdaree Adaulut, are pleased to confirm the said Fatwa of the Cazee-ool-Cozaat and Mooftee aforesaid; and do sentence the prisoner Koyaskerry Chaney to suffer death by being hanged at the usual time and place of execution.

Read return, made by the 3rd Judge of Circuit in the Western Division, to the Court's Precept under date the 14th May last, signifying further evidence in case No 19. on the Calendar of Sentences for October, in 2nd Session A. D. 1809.

(Vide enter Return No 386)

The Court, having maturely considered the proceedings of the Judge

1st October 1810

of Circuit, the Returns of the Provincial Law Officers, and the Returns of the Cazeeahs and Mootsuddies of the Zillahs Adalut, are pleased to confirm the said Returns of the Cazeeahs and Mootsuddies aforesaid, and in the discretion allowed by the return of Bokobunt, do adjudge the prisoner Bhoyara Cheroonian to suffer death by being hanged at the usual time and place of execution.

Let following Letter.

(Here enter B

Read return, made by the 2d Judge of Circuit in the Western Division to the Court's Precept under date the 23d July last, enquiring amendment of the record in case No 43. in the Calendar of Causes, - in 1st Session A. D. 1810.

(Here enter Return No 423.)

Read return, made by the 2d Judge of Circuit in the Western Division to the Court's Precept under date the 6th August last, enquiring amendment of the record in case No 12. in the Calendar of Causes, in 1st Session A. D. 1810.

(Here enter Return No 442.)

Ent[illegible]

(2) J. C.

1st October 1810.

Read return, made by the 2d Judge of Circuit in the Northern Division to the Court's Precept under date the 1st May last, enquiring whether translations in English of the proceedings in case No 5. on the Calendar of Mussulmahn, - in 2d Session A. D. 1809.

(Here enter Return No 376.)

The extraordinary terms, in which the Return of the Provincial Law Officers was couched in this case, induced the Court to enquire the translation of all the proceedings held on the trial.

The Return states, that the crime charged against the prisoner is not proved by the evidence, but that as stated by the evidence, and the prisoner's confession, it is liable to Bokobunt; and the Judge is doubtful whether the prisoner should upon this be punished with imprisonment and hard labour for the term of seven years, or with death.

By the Provincial Law Officers it is declared that the charge was not sufficiently proved to entitle the Judge to enter Judgment against the prisoner for the crime charged, or to award any punishment; and the Court remark that if the Judge have only

1. 1st October 1810

disposed of the prisoners respectively
by his Law Officer, he should have referred
the case to the Four Judges of the Court in con-
formity with Section XXII. Regulation VII
A. D. 1802.

The term of imprisonment
awarded by the Judge of Circuit having
expired, and the prisoner Devaree Pandy
being in course discharged, it is unnecessary
for the Court to confirm in the usual form
the Fatwa delivered by their Law Officer
on the case.

Ordered that extract of the
proceedings be sent for the information
of the 2d Judge of Circuit in the North
Division.

Sent following letter.
(Vide entry O)

Friday
October 2d 1810

2d October 1810

At a Court of the Four Judges

Present

James Henry Cavanagh, Esq
Andrew Scoble, Esq
John Neave, Esq
Edward Geoffrey Greenway, Esq

(Persons Judges under the Regulations)

The Registrar lays before the Court a report, prepared pursuant to their order of the 28th ultimo — of all convicts in the depôt at Chittagong, for embarkation to Penang, under judgment of transportation to Prince of Wales' Island.

(Vide entry report)

The Court direct that the report be transmitted to the Secretary to the Government in the judicial department with their request that it may be submitted for the information and orders of the Honorable the Governor in Council.

Ordered that extract of these proceedings be sent to Mr. Secretary Gahagan.

Sent following letter
(Vide entry A)

Read report, stated the allotment, of prisoners confined under sentence in the Zillah of Mymensingh
(Vide entry No. 504)

28 1st October 1810

Read return from the magistrate in the zilla of Chittoo to the Court's precept of 21st [illegible] directing him to depute a fit & proper person, to be invested with the powers of a magistrate for the purpose of cooperating with the Collector, in protecting the peasants, and preserving the peace of that place during the feast.

(Reference No. 665)

Read letter, dated the 6th Ultimo, from the judge on circuit in the Centre division, reporting the arrival of the court at Chittoo

(Reference No. 502)

Read letter, dated the 8th Ultimo, from the judge on circuit in the Southern division.

(Reference No. 658)

The judge on circuit forwarded returned warrant of execution in case No. 8 on the calendar for the zilla of Tinnevelly, together with copy of a letter from the magistrate of [illegible] and submitting for the orders of the Court certain suggestions therein contained regarding the disposal of corpses after execution, which the magistrate represented, should either be buried at the foot of the gallows, or delivered over to the [illegible]

2nd October 1810.

surgeons for dissection.

The Court direct that the judge be instructed that, unless their orders for the execution of a malefactor specifically state that the body shall be delivered for the purpose of being dissected, or that it be otherwise disposed of, the judgment of the law is completed by his hanging by the neck until he be dead, and they relation [illegible] afterwards be at liberty to demand and receive the corpse.

Ordered that extract of these proceedings be sent to the judge on circuit in the Southern division.

Sent following letter

(Reference No.)

F. C.

At a Court of the Fourth Circuit.

Friday October 5th 1810. Present James Henry Cavanaugh Esq. Chief Judge.
Andrew Scott Esq
John Read, Esq
Edward Croft Greenway, Esq
} Puisne Judges

Appearing to the Court that the reports of prisoners for the Coorg and district of Seringapatam, during the months of June, July & August last, have not yet been received —

Ordered that the magistrate be by precept commanded to send them up without further delay; and to explain the circumstances that may have occasioned to prevent their having been despatched so as to arrive at Madras by the date, specified in sections XXVII and XXIX, regulation VI of 1802.

Ordered that the following precept (Number A)

F. Ct.

At a Court of the Foujdaree Adalut

Friday
October 19. 1810

Present

James Henry Cavanagh Esq. Chief Judge
Archibald Scott Esq
John Read Esq
Edward Fitzgerald Esq
} Puisne Judges

Read the draft of a regulation for providing a speedier trial of debtors in the Zillah of Malabar, Captain Chittoor, Superintendant of Police in North Malabar.

(Herewith Appx I)

The Court, in laying the above draft of regulation before the Honble the Governor in Council, have the honor to submit, that it appears to them more effectually to ensure the completion of the half yearly circuits within the prescribed period, by relieving the judge, proceeding on circuit, from the duty of holding a session at the sudder stations of the several divisions, where, it is considered, the jails might more conveniently be delivered by one of the two judges remaining on the spot, for the performance of the duties of the court of appeal; that it further has for its object to obviate the necessity of detaining strangers, resorting either to the

ports of Masulipatam and Tellicherry merchants, or to the Hindoo temples in the vicinity of Pichinopoly and Chittoor respectively, whom the magistrates may have occasion to bind over to appear as prosecutors or witnesses in cases committed for trial at the respective and that the measure is conformable to the practice in Bengal, and will not be considered to be induced to believe, interrupt the proceedings of the courts of appeal.

Should the proposed regulation be sanctioned by the approbation of the Honorable the Governor in Council, the Court respectfully beg leave to suggest that it would appear desirable that it should be printed and distributed so as to be acted upon at the commencement of the ensuing year.

The Court direct that the draft and extract of these proceedings be transmitted to the Secretary to the Government in the judicial department, with their request that the same may be submitted to the consideration of the Honorable the Governor in Council.

Sent following letter.

(Per entry A)

Read letter of this date from the Secretary to the Government in the judicial department enclosing a copy of a letter from the Acting Judge Advocate General, and communicating the desire of the Honorable the Governor in Council to receive an early report from the Commander in Chief of the Court proceedings of the circuit in a case on the calendar for the Zilla of Rajahmundry, wherein for the Zilla of Rajahmundry, wherein a native officer and three sepahees of the 1st battalion 1st regiment N.I. were charged with the crime of robbery.

(Per entry No. 531)

The Court direct that the Judge of the Northern division of the Northern circuit be by precept commanded to send up the record of his proceedings with English translation, in case of No. 2 of the calendar for the Zilla of Rajahmundry, between Bapoo Reddy Venkatapeddy Venkatadoo versus Nawab Ullah Beg Mahamood Sahib Shaik Mahamood and Madoo Gopaldoo for robbery.

Ordered that the Head Judge be required to make return to the precept within ten days from and after the date of receipt

(Sent following precept)

19th October 1810

Ordered that the receipt of the above letter be acknowledged, and that the orders agreed to by the third judge in the Pootheen division be communicated to the Secretary Gahagan, for the information of the Honorable the Governor in Council

Sent for the following letter
(Vide entry C.)

Read the draft of a regulation for occasionally dispensing with the attendance and functions of the law officers of the courts of circuit

(Vide entry H)

The Court having resolved to submit the above draft of regulation to the consideration of Government, beg leave to state that it has been prepared after regulation I of 1810 passed by the Vice Presidency in Council on the 12th January last, for all the provinces immediately subject to the Presidency of Fort William and that the circumstances, which have led to the recommendation, which the Court have now the honor to lay before the Honorable the Governor in Council for its adoption, have recently been brought under their notice in the record of the proceedings held before

October 19th 1810

the judge on circuit in the Pleitee of Ringulgut, in the year of 1810 in the zillah of Chingulput, in a case, wherein the prisoners, able a Mussulmans, are charged with a violent assault and breach of the peace, committed on the prosecutors servants and others of the Hindoo temple at Tiruvellore, in an attempt to obstruct the procession of the idol at that place.

The law officer attached to the court of circuit has, in his futwa on the case, found certain of the prisoners guilty of the breach of the peace in impeding the procession; but declared that, inasmuch as in the case to be cleared, inasmuch as in the case of the Mussulman law such trivial offences do not ordinarily permit

The partial views upon which his futwa is founded, and the inconveniences to which such doctrine is calculated to lead, have appeared to require the interference of the Court to prevent the recurrence of such decisions in future, by explaining the law to be made for the guidance of the law officers of circuit to proceed with the trial of cases of this description, whenever the Governor in Council may be pleased to direct it, notwithstanding their attendance and futwa

19th October 1810

should be dispensed with.!!

ORDERED that the above draft and extract of these proceedings be transmitted to the Secretary to the Government in the Judicial department, with the request of the Court that the same may be laid before the Honorable the Governor in Council.

Sent following letter
(Reference D)

Read the following letter with reports of prisoners for the month of August, from the undermentioned gaols, viz. [illegible]
Nellore and Cuddapah.
(Reports in Nos. 512 & 513)

Read letter, dated the 8th Instant, from the magistrate in the gaol of Canara — enclosing a report of prisoners confined under sentence
(Reference No. 525)

Read letter, dated the 7th Instant, from the acting magistrate in the gaol of Chingleput — enclosing a list of convicts for transportation, whom he reports having forwarded to the Presidency for the purpose of being embarked on the H. C. ship Orwell for sale.
(Reference No. 516)

19th October 1810

Read letter, dated the 5th Instant, from the Secretary to the Government in the Judicial department — stating that the Marine Board will be instructed to provide for the transportation to Prince of Wales' Island, of the convicts in the depôt at Chingleput.
(Reference No. 517)

Read letter, dated the 15th Instant, from the magistrate in the gaol of South Malabar — enclosing his report of prisoners for the month of August.
(Reference No. 507)

The Court, on a review of the papers laid before them, observe that in four cases, described, in the "report of prisoners under charge of the "magistrate to be tried", to be suspicion of murder," the prisoners — numbered 8, 9, 14, 15, 16, 17, 18, 28 & 31 — are stated to be at large on bail.

It being declared by section VII regulation VI of 1802, that persons "accused of murder, provided there "shall appear sufficient grounds for "committing them for trial, shall not "be admitted to bail:"—

ORDERED that the magistrate be by precept called upon to explain the grounds upon which he has

19th October 1810 proceeded in passing the parties
above referred to remain at large

Ordered that the magistrate
returns to the precept be required
within five days after the date
of receipt.

Sent following precept
(Records E)

Read letter, dated 4th 27
Ultimo, from the pidge on circuit to
the Southern division - transmitting
copy of the calendar of prisoners com-
mitted or held to bail by the ma-
gistrate of the zilla of Ramnaad
(Records No 506)

The Court on a review of the
entered calendar, observe that
in cases numbered 11, 12, 13, 14, &
15, the prisoners are (each) stated to
have been "committed for trial from their
"own confession", and opposite to
the cases in question not any mark
of writings on the part of the prose-
cution are inserted in the column
set apart for that purpose.

By section VI regulation VI
of 1802, the magistrates are required,
notwithstanding confessions of guilt,
"invariably to summon and bind
"over to attend at the next sessions
"the witnesses to the commission of

3 - 7 | 16
October 19th 1810.

against the prisoner.

Ordered that the pidge on
circuit be by precept instructed to
direct the attention of the magistrate
of Ramnaad to the section referred
to - to the intent that on future occasions
of a similar description the exigence
of the above rule contained therein, may
be duly conformed to.

And it is further ordered that the
the pidge on circuit be required to
send up a copy and English translation
of the future delivered by the Cazee
of Pice in case No 7 on the Ramnaad
calendar - Moogumpat Cazee, Meer,
Ramnaad Cazee 7 others, Meer
Moottaroon 7 15 others, for "tumult-
"uously assembling, committing a riot,
"and in the prosecution thereof murder-
"ing Alagen, husband of the prose-
"cutrix Caroopay, mutilating, wound-
"ing and plundering the other pro-
"secutors."

Sent following precept
(Records F.)

Read letter, dated 4th 27th
Ultimo, from the pidge on circuit in
the Northern division - transmitting
copy of the calendar of prisoners com-
mitted or held to bail by the ma-
gistrate of the zilla of Rajahmundry
(Records No 510)

19th October 1810

It appearing to the Court that in nearly the whole of the cases contained in the above calendar, a considerable period, in some instances of six, in one of seven, and in another of the days elapsed between the conclusion of the trials and the delivery of the prisoner's sentences:—

Resolved that the judge on circuit be called upon for an explanation of the grounds upon which he proceeded in allowing his own officer so long a time for delivering his opinion as to the guilt or innocence of the prisoners in the cases in question.

Ordered that extracts of proceedings be sent to the judge on circuit in the Northern division, by precept bearing date the day from and after the date of receipt

(Precept G.)

Read letter dated 19th

19th October 1810. Extract from the judge on circuit in the Northern division — requesting explanation made by the judge last on circuit, in case No. 26 on the calendar for the gaol of North Wales.

(Precepts No. 526)

The order of the Court has been communicated to the commissioners of circuit See their proceedings of the 17th July in letter No. 180.

Read the following letters with reports of prisoners for the last month, from the undermentioned gaols, viz.t Carnarvon and Caernarvon

(Precepts No. 520 & 529)

F. U.

Mr. Superintendent of the Court of Foujdaree Adawlut.

Present.

Andrew Ludlow Esq.
John Reid Esq.
Edward Wolfe Guerrier Esq.
} Puisne Judges.

Law Officers.

Monday 22nd October 1810.

Mouluvie Moortuza Khan Bahadoor
Cazee-ool-Cozaat.

Robert Oliver ——— Sheristadar.

Read trial No. 13. from the Calendar of the Sessions of Zillah Chittagong for the Session A. D. 1810.

Judge on Circuit in the Zillah of Tipperah. (Vide ante No. 388)

From the 2d Judge's Mr. 3rd Report of proceedings on Case No. 13. South Malabar Calendar 2d Session 1810—

The Court, having maturely considered the proceedings of the Judge of Circuit, the Futwa of the Sunneat Law Officer, and the Futwa of the Cazee-ool-Cozaat and Sheristadar of the Foujdaree Adawlut now present, do confirm the said Futwa of the Cazee-ool-Cozaat and Sheristadar aforesaid; and do sentence the prisoner Chetty Veeramal to suffer death by being hanged by the neck till he be dead in execution.

Vide following letter.

See the next page.

To the 2d Judge of Circuit Mr. 2nd

(Vide ante A

14

22d. October 1810

Read return made by the 1st Judge of Circuit in the Central Division to the Court's Packet bearing date the 20th June last, enquiring for the case No 13. of Bellary — 2nd Sessions A. D. 1809.

(Vide entry Page No 435.)

The Court having maturely considered the proceedings of the Judge of Circuit the Futwa of the Provincial Law Officers and the Futwas of the Cazy Mohl = Coozat and Mooftee of Foujdaree Adaulut, on Review & confirm the said Futwa of the Cazy Mohl = Coozat and Mooftee aforesaid and do adjudge the said Yadagaree Shetty, Comatty Ramapaiah, Ramasawmy, Canakamauny Narsoo Wostoo, and Comatty Eyapah to be released —

(Vide entry Page No 436.)

Ordered that the Provincial Judge of Circuit in the Zillah of Bellary be informed that the Court have passed the above sentence in the case No 13. of Bellary — 2nd Sessions A. D. 1809.

22d October 1810.

And the Judge having received the further examinations in his proceedings in the cause will retransmit the record without delay to the Foujdaree Adaulut.

Sette 2d Judge of Circuit W. Dr

Sent following Precept E

(Hereunto

The Court have returned the prisoner Chetty Peroomal to suffer death because were it to have been by the sword he would still be liable to substantial punishment under the operation of Section XV. Regulation VIII. A. D. 1802.

But for the purpose of enabling the Law Officers of the Foujdaree Adaulut to subsequently to their several duties or the specific Futwas, the Court consider it their duty to direct that the Judge who presided at the foregoing Trial be instructed to be carefull in all cases to ascertain such facts as may any wise affect the construction of the Mussulman Law.

Ordered that an Extract of these proceedings be sent for the information and future guidance of the Judge &c.

Sent following letter.

To the 2d Judge of W. Dr

Hereunto B

Foujdaree Adaulut

At a Session of the Court of Foujdaree Adaulut.

Present

Andrew Ker Esqr — } Puisne Judges.
John Reid Esqr —

Law Officers

Wednesday 26th October 1810.

Moonshee Moostufa Ahmed Khan Bahadoor.
Cazee ool Cozaat.

Moonshee Ameer Ballah — } Mooftees.
Hoosseen Ballah —

Read further evidence in case No. 15. of Calendar — in 2d Session, A. D. 1809, transmitted by the 3d Judge of Circuit in the Western Division, in compliance with the Court's Precept bearing date the 4th July last.

(Hereunto Return No 397.)

From the 3d Judge Mr. Dr. Returning Precept requiring further evidence in Case No. 15. Calendar 2. Sessions 1809

The Court having returned by consent the proceedings of the Judge of Circuit, ordered the Moonshee and the Law Officers, and the Futwa of the Cazee ool Cozaat and the Futwa of the Foujdaree Adaulut now before the Court to be returned to the Judge of Circuit, to be laid before the Mooftees appointed to expound the Mussulman Law in the Court of Circuit, in the division above mentioned, by the customary order, that they may adjudge the case, after having duly considered the evidence, and the Futwas of the Cazee ool Cozaat and Foujdaree Adaulut, and Syud Ahmed Sahib, and Hoosseen Ally Sahib, and the other Mooftees for the time being in the city of Mangalore, to whom the case is

24th October 1810

each on the bare back Thirty-nine stripes with a rattan, and to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the space of seven years. —

To the 3d Judge of Circuit in the W. Dn.

First following letter.
(Vide entry A

First letter. No. 2. from the Judge on Circuit in the Zilla of Malabar in 2d Session A.D. 1810

(Vide entry No. 350.)

From the Judge on Circuit No. Dn. refers his proceedings in Case No. 2 of the Zilla of Malabar —

The Court, having attentively considered the proceedings of the Judge on Circuit, the Future of the Government Law Officer, and the Future of the Cazee and Mooftee of the Foujdaree Adaulut, are pleased to confirm the said Future of the Cazee and Mooftee of the said Adaulut, and do adjudge the prisoner Yacoobee Kunjadee to be released on finding security for his future good behaviour and attendance when required for one year.

And the Court do direct the unconditional discharge of the prisoners Tadda Thuzee, Tadda Pumpee, Tadda Narrapandee, and Tadda Adelegandee. —

First following letter.

To the Judge on Circuit in the N. Dn.

(Vide entry B.

24th October 1810

last letter, dated the 25th July last from the 3d Judge of Circuit in the Western Division, — transmitting a report, made by the Magistrate in the Zilla of South Malabar, respecting the state of mind of the prisoner Anaye Peroomal, No. 4 of the list on the said Zilla, in 2d Session A.D. 1809, & S. of the said Zilla, in 2d Session A.D. 1809, who was tried for murder, and acquitted on the ground of his having perpetrated the act at a time when he laboured under a total derangement.

From the 3 Judge Wn Dn With Copy of a report from the magistrate in South Malabar — respecting the insane prisoner Anaye Peroomal

(Vide entry No. 366.)

To the Judge on Circuit in the N. Dn.

Ordered that the 4th Judge on Circuit in the Western Division be directed to cause the said prisoner to be released on his entering into engagements with two sufficient sureties in the sum of Star Pagodas 100 each, for his future good behaviour and attendance when required for one year.

First following Precept.

(Vide entry C

First letter, dated the 3d July last from the 3d Judge of Circuit in the Northern Division, — transmitting a report made by the Magistrate in the Zilla of Ganjam, relating to the state of mind of the prisoner Jaganaudeo, — No. 7. of the said Zilla in 2d Session A.D. 1809. —

(Vide entry No. 316.)

From the 3d Judge on the N. Dn. With return from the Magistrate of Ganjam Concerning the insane prisoner Jaganaudeo

To the Judge on Circuit in the N. Dn.

Ordered that the Judge on

24th October 1810

Circuit in the Northern Division for the Court
commanded to instruct the Magistrate of
the Zillah of Gangiam to release the Europe
Jayman Pakasy provided any of the relatives
or friends of the said prisoner enter into
security for his future good behaviour

Sent following Circular

To the Judges on Circuit in the N. Div.

(Vide Letter D

And Letter dated the 26th
Ultimo from the Secretary to Government
in the Judicial Department stating that
the Hon. the Governor in Council in con-
sultation with the recommendation of the
Court has been pleased to pardon the
prisoners in case No 15 of Tenth Calendar
Sessions A. D. 1810, as also
the prisoner in case No 12 of Chittoor
Sessions A. D. 1810

From the Secretary to Govt. in Judicial Dept.
pardoning the prisoners in Cases No 15. South
Malabar & No 12. Chittoor 8th Sept. 1810

(Vide Letter No 503.)

Under the authority of the
foregoing Letter the Court are pleased to
direct the discharge of the prisoners
Elotta Kannaren Naik, Madathil
Kannen Nair, Kooroota Koothy
Kannen, Naddool Veetil Koosan
and Nellooly Packoo in case No
15 of Tenth Malabar Sessions
A. D. 1810.

Sent following Letter

To the 2d Judge W. Dr.

(Vide Letter I

F. C. (2)
24th October
1810

To the 2 Judges

24th October 1810

Court of the Fourjdaree Adawlut

Present

Casamajor, Esq. Chief Judge.
Reid — Puisne Judge.
— Esq

Dated the 5th Dec.
rules of

The Court are considered to direct
that the Judge who presided at
the trial, be by Precept commanded to instruct
the Magistrate in the Zillah of Chittoor immediately
to institute an inquiry for the purpose of
detecting and bringing to punishment the
authors and abettors of the conspiracy

It appears that the Magistrate
omitted to summon Pooratarawadoo a Witness
named by the prisoner, on the ground that it
seemed unnecessary to summon him, and
the Court therefore will direct that
his attention be called to the former
Section XII Regulation VI. A. D. 1802.
& Section XII

Rescinded by Section XVI
Regulation VI A. D. 1802 that all examina-
and depositions shall be taken and written

24th October 1810

Circuit in the Northern Division for the Purpose
commanded to instruct the Magistrate in
the Zillah of Ganjam to release the Europe
Jaymen pahasery provided any of the relatives
or friends of the said persons will give
security for their future good behaviour.

* will take charge of him.

Sent following Packet.
(Number D

To the Judges on Circuit in the N. Div.

Said letter, dated the 26th
Ultimo, from the Secretary of Government
in the Judicial Department, stating that
the Hon. the Governor in Council is com-
municated with the recommendation of the
Court, has been pleased to pardon the
prisoners in case No. 15. of Tanks Malabar
1st Sessions A. D. 1810, - as also
the prisoner in case No. 12. of Chittoor,
- 1st Sessions A. D. 1810

From the Secretary to Govt. Jr. Depart.
pardons the prisoners in Cases No. 15. South
Malabar & No. 12. Chittoor - 8th Sept. 1810.

(Number 503.)

Under the authority of the
foregoing Letter the Court are pleased to
direct the discharge of the prisoners
Elota Kanaren Naik, Madakat
Kanaren Naik, Koorta Roodey
Kanen, Naddoot Peatil Koistna
and Nellot Pachoo, - in case No.
15. of Tanks Malabar - 1st Sessions
A. D. 1810.

Sent following Letters
(Number E

To the 2 Judges N. Div.

F. C. (2)
24th October
1810.

Under the authority of the
foregoing Letter the Court are pleased
to direct the release of the prisoner
in case No. 12. of Chittoor,
Jackadoo, - A. D. 1810.
1st Sessions.

Sent following Letter.

To the 2 Judges on the Circuit.

(Number F

The Court in their proceedings under
date the 20th August last have stated generally
the grounds of their conviction that the charge
against the prisoner Jackadoo - in case No. 12.
of Chittoor, in 1st Sessions A. D. 1810, - originated
in a malicious conspiracy and was substantiated
by perjury.

The Court now consider it their
duty to direct that the Judge who presided at
the trial, be by Circuit commanded to instruct
the Magistrate in the Zillah of Chittoor immediately
to institute an inquiry for the purpose of
detecting and bringing to punishment the
authors and abettors of the conspiracy

It appears that the Magistrate
omitted to summon seven witnesses, a Writing
named by the prisoner, on the ground that it
would unnecessarily to summon them, and
the Court therefore recommend direct that
his attention be called to the provisions
of Section XII. Regulation VI. A. D. 1802.
& Section XVI.

As pursuant to Section XVI.
Regulation VI A. D. 1802 that all examina-
and depositions shall be taken and written

24th Oct. October 1810

in the language in which the deposition is drawn to have the same regard to the letter of this rule and the circumstances standing a deviation from it as respectfully shewn and as it would seem from the deposition of Senatungy that the examination of the Witnesses in this case was conducted in a language which they did not understand the Court consider themselves to be called to the consideration of the question above quoted —

Ordered that extract of the proceedings be sent by Runkit to the Judge of Circuit in the Centre Division

To the 2 Judges on Circuit
for the 6 mo

last following Runkit
(Number 6.

f. 6.

At a Court of the Fouydance Adalet

Friday. October. 26th 1810.

Present

James Henry Casamajor, Esq (Chief Judge.
Andrew Scott, Esq
John Read, Esq (Puisne Judges.
Edward Prof. Greenway, Esq

Read Letter, dated the 5th Oct
from the magistrate in the Jaleah of
Rajahmundry.

(Records No. 470)

The magistrate, with reference
to the Court's proceedings of the 30th March,
applying from that they could not subscribe
assent to Government his nomination of
Coloory Venkatrow as to succeed to the
Rungadurnadar as Fouydance record keeper in
Station of Fouydance record keeper in
his Jaleah, vacated by the death of Colaty
Narrah, he having omitted to furnish
the requisite information respecting the
character past employment and qualifications of the proposed incumbent
rather is that he is the eldest son of
"Coloory Venkatrow a most respectable
"native, who held such a debt to heredy
"and distinction to himself as a high
"situation in the ceremonial department
"in the 3d division of Masulipatam;
that he has "himself served as Peishcar
"in the custom department," and that
"in the discharge of the
duties of the office he has acted as ceremonial record keeper,
has acquired a perfect knowledge
of the duties of that office, and recommends
himself by his attentions and

24.ᵗʰ 26.ᵗʰ October 1810 regularity.

The Court not aware of any objection to the proposed appointment of Colony Rungadoo Moodoo to be Keeper of the Foujdaree records in the Zilla of Rajahmundry

Ordered that extract of this letter, and extract of the proceedings be sent to the Secretary to the Government in the judicial department, with the request of the Court that they may be laid before the Honorable the Governor in Council.

Sent following letter

(Here enter A)

And the pledge nominated Moorad Sahib to be Kotwal of Polaveram, in the room of Rungadoo Moodoo deceased – reporting the proposed mode for the Police corps, and to have conducted himself with propriety whilst officiating in the office of Kotwal.

The Court, on the recommendation of the magistrate, are pleased to sanction the appointment of Moorad Sahib to be Kotwal of Polaveram.

Ordered that extract of this proceeding be sent for the information of the magistrate

(Sent following letter B)

Read letter, dated the 11.ᵗʰ 26.ᵗʰ October 1810. letting from the magistrate in the Zilla of Rungulpore – reporting the death on the 8.ᵗʰ preceding, of Tolerinjah Pillay, who was Gomasta under the Nawab: and nominating Chelda=: =ramiah provisionally, who is stated to have been employed in the court for the last twelve months, and to have conducted himself with great propriety to succeed to the vacant office.

(Here enter No. 465)

The Court are pleased, on the magistrate's recommendation, to sanction the appointment of Chendra=: =sekara Moodily to be Gomasta under the Nawabs in the Zilla of Rungulpore, at a monthly allowance of 20 rupees 17 a. 6 a. 3 d. from the 1.ˢᵗ Proximo.

Ordered that extract of these proceedings be sent for the information respectively of the Civil Auditor and of the magistrate.

Sent following letters

(Here enter D and E)

Read letter dated 30.ᵗʰ June last, from the 2.ᵈ Judge of Circuit in the Southern Division with the proceedings held by the Magistrate of Ramnad on appeal, wherein the propriety of his having released the accused is questioned.

(Here enter No. 515)

Ordered

26th October 1810

Ordered that the above Letter
do lie on the table -

F. R.

Extract from the Court of Vice Admiralty
at Tobago

Present.

Andrew Lester Esqr
John Reed Esqr
Edward Corbett Gurney Esqr
} Three Judges.

Law Officers.

Monday
29th October
1810.

Montham Mostyn Mc Ilham Barbadoes.
Agent. Coast.

Mostyns.
Mohammed Ameer Bollah
Khoorut Bollah
}

Criminal No 5. from the
Register in the Office of Examination.

Judge on Circuit in the Island of Grenada
in 2nd Session A. D. 1810.
(Vide entry No 44.)

From the Judge on Circuit No 5
refers the Proceedings in Circuit No 5 on the Malefic
Side Calendar

The Court, having duly considered
the proceedings of the Judge on Circuit, the
Letters of the Provincial Law Officers and
the Letters of the Agent-at-Coast and
Mostyns of the Employers Admiralty,
are pleased to confirm the said Letters
of the Agent-at-Coast and Mostyns
aforesaid, and do sentence the prisoner
Catamanny Sackrigan to suffer
death by being hanged at the usual
time and place of execution —
but following letter
(Vide entry A

To the Judge on Circuit No 5

29th October 1810

Read trial No. 31 from the Judge on Circuit in the Zillah of Bellary — in 2nd Sessions A. D. 1810.

From the Judge on Circuit 6th Div. Reporting the proceedings in Case No. 31 of the Bellary Calendar —

(Then enter No. 386.)

The Court having duly weighed the proceedings of the Judge in circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Cozzat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid, and under the discretion allowed by the sentence of Bekoobut do adjudge the prisoner Macassa Nayaken of Chirna Ramdroog to suffer death by being hanged at the usual time and place of execution.

Sent following letter.

To the Judge on Circuit 6th Div.

(Then enter B

Read trial No. 57 from the Judge on Circuit in the Zillah of Cuddapah — in 2nd Sessions A. D. 1810.

(Then enter No. 452.)

From the Judge on Circuit 6th Div. reporting the proceedings in Case No. 57 of the Cuddapah Calendar —

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-ool-Coozat and Mooftees of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid,

29th October 1810

and do sentence the prisoner Mullooga Veeroo to suffer death by being hanged at the usual time and place of execution.

Sent following letter.

To the Judge on Circuit 6th Div.

(Then enter C

Read trial No. 8. from the Judge on Circuit in the Zillah of Nortlh Malabar, — in 1st Sessions A. D. 1810. ‡

(Then enter No. 387.)

(Then enter No. 523.

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-ool-Coozat and Mooftees of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftees aforesaid; and do sentence the prisoner Mepatta Kotowal Immo to suffer death by being hanged at the usual time and place of execution.

Under the discretion allowed by the sentence of Bekoobut pronounced against the prisoner Wanathan Nairaken, the Court do adjudge the prisoner Wanathan Nairaken to suffer death by being hanged at the same time and place with the prisoner Mepatta Kotowal Immo aforesaid.

And the Court, under the discretion given by the sentence of Bekoobut

‡ together with letter dated the 8th instant from the Judge reporting the death of Chetty Appoo one of the prisoners convicted on the said trial.

No 387. From the 2d Judge Wm Dr reporting the proceedings in Case No 8. North Malabar Calendar 1st Sessn 1810 —

No 523. From the 2d Judge Wm Dr reports the death of Chitty Appoo, a prisoner in Case No 8. on the North Malabar Calendar 1st Session 1810 —

29th October 1810

pronounced against the prisoner Collins
Token to adjudge him the prisoner Collins
Token aforesaid to be imprisoned and
transported to Prince of Wales Island
there to be kept to hard labour in iron
on the public roads or other public
works for and during the space of
his natural life —

Ent

Just following letter
(Type written D

To the 2d Judge of Circuit
Mr Lon

Fort St.

At a Court of Oyer & Terminer holden

Present

Andrew Scott Esq^r
John Reid Esq^r
Edward Griffith Greenway Esq^r
} Puisne Judges

Monday 5th November 1810

Law Officers.

Mahomed Mostafa Ali Khan Bahadoor.
Cozy-oot-Coozat.

Mahomed Ameer Beltack
Khoorut Beltack
} Mooftees.

Read that Mr Greenway from the
Judge on Circuit in the Zilla of Trichinopoly,
in Dec^r Sessions A.D. 1810
(Then enter No 382.)

Ent

From the Judge on Circuit dated 27th
refers the proceedings in Court &c of the
Zilla of Trichinopoly

The Court having duly weighed
the proceedings of the Judge on Circuit,
the Futwa of the Provincial Law Officers,
and the Futwa of the Cozy-oot-Coozat
and Mooftees of the Fourteen Adalats,
are pleased to confirm the said Futwa
of the Cozy-oot-Coozat and Mooftees
aforesaid, and under the direction
allowed by the sentence of Code Ent
do adjudge the prisoners Convicts

5th November 1810

Tobban, and Vineatachellanniken to be imprisoned and kept to hard labour in irons on the publick roads or other publick works for and during the term of seven years

Sent following letter (Vide entry A)

To the Judge on Circuit on the S. Div.

Read trial No. 5 from the Judge on Circuit in the Zillah of Vedachellum — in Dr. Sessions A. D. 1810. — (Vide entry No. 429.)

From the judge on Circuit L. Div. Reports his proceedings in Case No. 5 of the 3. of Vedachellum

The Court, having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazy-ool-Cozzat and Mooftes of the Sudder Adawlut, are pleased to confirm the said Futwa of the Cazy-ool-Cozzat and Mooftes aforesaid, and do sentence the prisoner Mossah Fakeer to suffer death by being hanged at the usual time and place of execution.

Sent following letter (Vide entry B)

To the Judge on Circuit on the L. Div.

Read trial No. 25 from the Judge on Circuit in the Zillah of Caaera, — in Dr. Sessions A. D. 1810. —

5th November 1810

From the judge on Circuit W. Div. Refers his proceedings in Case No. 26 of the Zillah of Canara

(Vide entry No. 499.)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazy-ool-Cozzat and Mooftes of the Sudder Adawlut, are pleased to confirm the said Futwa of the Cazy-ool-Cozzat and Mooftes aforesaid, and do sentence the prisoner Doorgathee to suffer death by being hanged at the usual time and place of execution.

Sent following letter (Vide entry C)

To the Judge on Circuit on the W. Div.

Read trial No. 4 from the Judge on Circuit in the Zillah of Nellore, — in Dr. Sessions A. D. 1810 (Vide entry No. 357.)

From the Judge on Circuit N. Div. Refers the proceedings in Case No. 8 on the Nellore Calendar

The Court, having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazy-ool-Cozzat and Mooftes of the Sudder Adawlut, are pleased to confirm the said Futwa of the Cazy-ool-Cozzat and Mooftes aforesaid, and do acquit the prisoners Gaddum Goorrabooyadoo and Dasparey Boorgaradoo

2 6th November 1810.

be released on finding security for his future good behaviour and appearance when required for four years.

Sent following letter

To the Judge on Circuit in the N.D.n (Vide entry D)

Read trial No 18 from the Judge on Circuit in the Gilla of Cuddalore, — in 2nd Session A. D. 1810.

From the Judge on Circuit in the 6th Dn (Vide entry No 471)
Reports the proceedings in Case No 18 of the Gilla of Cuddalore —

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-Cozzat and Mooftee of the Hoojdaree Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Cozzat and Mooftee aforesaid; and on the recommendation of the Judge, who presided at the Trial, do direct that the prisoner Bungaroo be released provided his family will take charge of him and give security for his future good behaviour.

Read trial No 56 from the Judge on Circuit in the Zillah Cuddalore, — in 2nd Session A. D. 1810.

From the Judge on Circuit 6th Dn reports the proceedings in Case No 59 of the Zillah Cuddalore (Vide entry No 561.)

OBS

(2) 7th
5th November 1810.

The Court having attentively considered the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Cozzat and Mooftee of the Hoojdaree Adawlut, are pleased to confirm the said Futwa of the Cazee-ool-Cozzat and Mooftee aforesaid, and order the said prisoner to be kept to hard labour 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 term of his natural life —

Sent following letter

To the Judge on Circuit 6th Dn (Vide entry E)

Read return of the 3rd Judge of Circuit in the Southern Division to the Court's Precept, under date the 30th March last, — enquiring into the proceedings in case No 3 — the calendar of Cuddalore — in 1st Session A. D. 1810. — (Vide entry Return No 367.)

The attention of the Court was drawn to this case by copy of the Calendar for Cuddalore — in 1st Session A. D. 1810. — which was transmitted by the 3rd

5th November 1810

Judge then on Circuit, and exhibited this extraordinary instance of a person, to whom the Hon^ble the Governor in Council had been pleased to sanction the offer of a conditional pardon, being first upon his trial without any subsequent communication from the magistrate, and sentenced to punishment for those very acts from which that pardon was intended to absolve him.

Extraordinary as this proceeding appeared to the Court, it did not fail to have for the consideration of errors which are exhibited in the record now received, and urgently call for the observation of the Council.

The Court do not intend to criticise either of the Gentlemen whose names appear connected with these proceedings any motive inconsistent with their public duty; but it is painful to remark that the errors into which they have unaccountably fallen are gross in the extreme.

The documents delivered by the Magistrate in the first instance to the Judge of Circuit, are defective in every material point, and they require particular attention, because the Judge of Circuit could have no other ground to act upon than what they afforded for proceeding with the trial.

It states to be a trial for the crime of robbery; and an extract from the Magistrates proceedings, under

5th November 1810

date the 30th December 1809. which accompanies the place assigned for the prisoners defence, section No 1. states that Cotton being unable to attend the robberies, he is committed to take his trial on the grounds of his confession that he, Blind and Thomas the two prisoners mentioned in Section XII. Regulation VI. A. D. 1802 are committed for robberies. Which Regulation requires the information of the Court of Circuit, and transmission of the proceedings on this case exhibits only two, viz. No 7. the name of the prisoner, and No 11. list of the Witnesses on the part of the prosecution; for although No 8. bears the title of "Copy of the examination of the prisoner" it is in fact only of the offer made by him, under date the 26th December 1808, to attend and convict the parties concerned in the robberies committed in the houses of Chang of the Chitty, Thomas Changer, and a Soldy-seller, provided a pardon was duly ensured to him under the restrictions of Section XX. Regulation VIII. A. D. 1802.

It is natural to suppose that three robberies had been committed, the parties suffering would have contributed

Chang

6th November 1810

but in this case no complaint appears; the prosecution is carried on by the Police; and there is not a tittle of evidence to shew that the robberies have actually been committed.

O. Statute 4 Geo. 4 c. 64 s. 12 enacts that if any person shall attempt to commit any felony, such person may be apprehended and carried before a justice of the peace, and Costen was arraigned on a general accusation of having been an accessible in robberies committed in several houses.

To this charge, which is altogether indefinite, Costen pleaded not guilty; and it is stated in a Memorandum that there were no Witnesses on the part of the prosecution.

In ordinary cases the proceedings would be explained to shew how the accusation being unsupported by witness, the prisoner could not in reason be called upon to make a defence.

It appears however that the prisoner was not only put on his defence, but exerted to examine Witnesses in his favour; and that it was not until after he had closed his exculpation that the Court, if it may be so called, commenced by the examination of the persons who attested what is termed the prisoner's confession

Entd

O. The entirely defective state of the primary proceedings does not appear to have been noticed by the Judges of Circuit to be any objection to the trial, with which he proceeded.

+

but what on reference to the Magistrate's proceedings appears to be the declaration, or motion as it is called, upon which the Magistrate seems to have grounded his recommendation of the offer of a pardon to the prisoner.

It is obvious to remark that this declaration carries with it the appearance of having been drawn up by one of the servants of the Magistrate's Court, for it is extremely improbable that a boy of 17 years of age should have been so conversant with the figurations as to put the very section under which the pardon was solicited was to be granted, and it is at all unlikely that the man who offered him in drawing up this declaration, should have made a declaration so favourable on the part of the prisoner that appears to the contrary he was entirely innocent. It is indeed a question whether Costen had the least idea that the substance of that declaration at all implicated him in the crimes, the perpetrators of which he undertook to substantiate in behalf of his defence, substantiate as it is in a manner by circumstances, justifies the belief that he does not consider himself implicated; he states himself to have been a spectator only of the robberies that the robbers offered him a pardon before the commencement of the trial which he at first

+ should have to found it, the intentionally subject at to contain an acknowledgment on the part of the prisoner that he was an

Stowell

5th Nov

5th November 1810

1

afraid, but that at length the 2 capitas
two clothes were found upon him. The fa
two declares, and he knows by evidence
that he went to Manaatoor, and dis
closed all the circumstances of the robb
to Teyanayah Malavaraya, Velaya
udy Malavaraya, and Chinna
Coothy Malavaraya; that these three
persons, upon coming to the
mata of them by Attiyoorkutta coodiya
expected the intimations to the said
Attiyoorkutta coodiyan, and that Attiy
koorkutta coodiyan then went to him, the
prisoner, and told him that he would
take him to the gentleman, and obtain
a warrant for the apprehension of the
robbers, and also to secure him a lodg
ing.

Now it is proved that the
declaration to the Magistrate was made
not only
with the hope entirely of obtaining a
pardon, if a pardon were necessary, but
under the effect also
also of promising a reward, and it is
utterly inconsistent with the very first rule
of justice to allow a declaration made
under such circumstances to operate
as a confession against the person making it.

It follows then that Cotta
has been committed for trial, and co
demned to punishment for robberies

5th November 1810

of which no proof whatever, or in
the extent is not ascertained, nor in
the conjectures, and to the perpetra
tion of which there is not a single
circumstance, and that his conviction
for trial, and subsequent conviction
was grounded on the accusation of him
self contained in his offer to
approver and on the testimony
obtained in secret robberies on
condition that pardon were granted
to himself, which the evidence
upon examination by the Judge
of Pottangy rendered
worthless.

The Judge, who presided at
the trial, appears to have perceived the
irregularity of the proceedings in this
case, and has accordingly transmitted
with his record copies of documents
subsequently obtained from the
Magistrate, subsequently to the court being
called for by this court, but documents would
have been rendered more complete
by the transmission of copy of the letter
containing the reasons for which they
were required, but as it is not thus
lately received to the disposal of jus
tice in this case, and since further
proceedings

November 1810

private character, the Court do not deem it requisite to insist on its transmission.

The Court are willing to believe that if these documents had been before the Judge of Circuit when the trial of Coates commenced, it would not now be necessary for the Court to interfere and order the release of the prisoner.

The Court with these observations on the proceedings of the Court of Circuit. They would have been glad to close them on the case altogether: but the indispensable obligations of public duty require that the irregularity of withholding these documents, and the errors which they exhibit in the Magistrates proceedings should not be left without notice.

In the letter of the Magistrate prefixed to these papers it is stated that the Judge has been furnished with all the proceedings and documents relative to the case of Coates save and except the following, viz.

1st An application made by the Gaoler of Serampore to have him bring up the prisoner Coates before the Magistrate.—

2nd & 3rd. The letter which the Magistrate addressed to the Fouzdaree Adalut on the subject of a pardon to Coates, and the answer of that Court.

4th The Warrant issued for the detention of the persons named by Coates

—and

5th Extract from the Magistrate's proceedings under date the 17th June, 8th July, and 16th September 1809.

The Magistrate states, as his reasons for not consulting the above mentioned letters of any importance, that the prisoner, a man of the most bad character, had not fulfilled in the smallest degree the conditions upon which he was to receive the pardon viz. the apprehension of the gang or a part of the gang to which he belonged, as well as the recovery of the property plundered; but on the contrary he had, united with the Magistrate in a scandalous manner by putting his finger upon persons, as the offenders, with whom he had been long confined, with whom he had been kept in jail, and against whom he did not pretend to adduce a shadow of evidence.

Upon this the Court cannot to remark that they are utterly at a loss to

[illegible] inasmuch to the persons pointed out by Costin, as the offenders, under date the 17th June and the 8th July 1809, it was observed that they were put into jail on the 8th May; and that therefore it was impossible that they should have been concerned in the robberies, of which information was given on the 24th December 1808, although Costin had as evidence to witness against them. Relief if any

complained how the character or the behaviour of the prisoner could be considered in a judicial light is at all diminished by the importance of the Magistrate's proceedings against him. Nor can the Court reconcile the above statement of the conditions upon which Costin was to receive the pardon with the Magistrate's application for the pardon under date the 7th March 1809, nor with Section XX. Regulation VIII. A.D. 1802 under which the pardon was granted. And

From the papers denominated a petition, delivered to the Magistrate (under what date does not appear) by the Constable Ezekconjeeraiken it would seem that a petition to the Court complaining of a robbery committed in his house by a party of 25 persons, and that Costin voluntarily went to him, Ezekconjeeraiken, and offered to discover the plunder and the persons who committed the robbery. The name of Ezekconjeeraiken, and the complaint said to have been preferred by Mondoosaney Ezejee do not appear in the record of the trial, although the complaint preferred by the one, and the petition made by the other would naturally form the ground work of the Magistrate's proceedings.

the manner of Costin's delivery before the Magistrate is variously described. From the reasons assigned in No. 5 of the record why no Warrant was issued for his apprehension it would seem that he appeared of himself, in the Magistrate's letter to the Foujdaree Adawlut under date the 7th March 1809, it is stated that Costin was brought before him in confinement; and it would appear from the papers delivered by Ezekconjeeraiken that Costin was brought before the Magistrate as an accomplice in robberies, the circumstances of which he had disclosed after having received a promise that he should be pursued from danger.

On the 11th July 1809 the Magistrate issued his warrant for the apprehension of certain persons therein named; on the reverse of which it was delivered to Costin and two of the Court Peons, and on the 16th October the Magistrate returned the Warrant stating that the persons mentioned therein could not be found.

On the 21st October the Warrant was again delivered to Costin and two of the Court Peons, and on the 25th November the Magistrate made the same return as before.

This proceeding is unaccountable. The Court have no clue to guide them to the

5. November 1810

6. ‡ running which frontiers

‡ superintendence to the Magistrate to entered the prisoner into an Office of the Court, unless indeed he considered the latter defined by Costin and denominated a motion "as an obligation of superior efficacy to the terms prescribed by the Regulations as the conditions of a pardon." Such however would not appear to have been the Magistrate's impression at the time of his accepting the Bond from Costin, for his application for a pardon to Costin is confined to the specific letter of the Regulations; and the offer of a pardon was couched in the strictest possible terms.

The existence of the motion, as it is called, of Costin was not made known to the Bond Adalet nor to Government; and it does not seem material to inquire at what period the Magistrate became impressed with the belief that Costin was strictly bound by the terms of that paper. The impression is obviously erroneous; for the Court could not recommend nor could Government sanction the exaction of conditions which were never made known to them, and which are not authorized by the Regulations.

But the time during the Magistrate might ... terms of the conditions attached to the pardon tendered to the prisoner, it was obviously incumbent upon him to obtain, — before he recommended the pardon to be perfected, — not only that Costin had fulfilled the conditions, but that his failure was wilful. —

‡ Omitting for a moment that he had authority to endure the pardon to be forfeited

It does not appear from the documents before the Court that of this extraordinary and illegal obligation, subscribed to by the prisoner, any of the conditions were discharged: which it was within the compass of human abilities to accomplish: for the Magistrate's proceedings do not exhibit any examination of the Prisoner, the accomplice, or the Costin, relative to the causes of his failure to apprehend the persons mentioned in his motion, — which from his defence before the Court of Circuit, corroborated by statements by stronger evidence than the charge on which he has been tried, it appears that he actually succeeded in apprehending some of the offenders, but that they were rescued by the inhabitants of Singampatty.

(5.) P. C.
5th November 1810.

The errors in this case are indeed numerous and complex in the extreme; but the Court inherently, as they have already stated, as in other instances to the gentlemen concerned, are anxious to terminate the observations which have been recorded in the execution of a painful duty; and they conclude with recommending to the Judges of Circuit and the Magistrate a more careful study of the Regulations by which they may hereafter guard against the commission of similar errors. —

It remains for the Court to direct that the 3rd Judge of Circuit in the further Decision by Precept now awarded to the Magistrate in the Zillah of Combaconum forthwith to

9th November 1810.

Ordered that Extract of the proceedings relevant to his Secretary Gahagan:

Sent following Letter
(Reference N.º 1)

Read letter of this date from the Secretary to the Government in the Judicial department — stating that the Honourable the Governor in Council has been pleased to permit the Judge on circuit in the Centre division to visit the Presidency in compliance with his request, under the implied condition that the opening of the Sessions of Jail delivery at Chingleput should not thereby be delayed.

(Reference N.º 560)

The Court direct that copy of the above letter, and extracts from the Court's proceedings under this date, be transmitted for the Governor's information.

Sent following letter
(Reference B)

Read the following letters, with reports of prisoners for the month of September, from the undermentioned gaols, viz.t Travilopatam, Palacaud, Tinnevelly, Cuddapa, Nellore, Chingleput, Bellary, Cuddalore, Vizagapatam, Chingleput, Bellary, South Malabar, North Malabar, Coimbatore, and Dindigul.

(Reference N.º 536, 537, 538, 539, 540, 541, 548, 550, 536, 555, 556, 563, 564 and 565)

Read return from the magistrate for the town & island of Seringapatam — to the Court's precept of the 5th Ultimo, calling for his report of the prisoners for the months of June, July and August.

(Reference N.º 532)

Read report of prisoners for the month of September, from the magistrate for the town & island of Seringapatam.

(Reference N.º 533)

Read the following letters, with reports of prisoners confined under sentence, in the undermentioned gaols, viz.t Rajahmundry, Cuddapa, and Dindigul.

(Reference N.º 563, 551, 552)

Read letter, dated the 22d Ultimo, from the Acting magistrate of Chingleput — enclosing a list of convicts for transportation.

(Reference N.º 535)

Read

9th November 1810.

Read return from the Third pidge in the Northern division to the Court's precept of 28th Pemaltamie directing that two persons referred to in letter of the 25th April as being charged with the paying should be brought to trial.

(Here enter No. 564)

Read letter, dated the 27th Ultimo, from the pidge on circuit in the Western division - stating his reasons for commencing the present circuit at Seringapatam.

(Here enter No. 557)

Read letter dated 4th inst. from the third pidge in the Western division - enclosing returned warrants of execution in cases Nos. 19 & 56 of the file of Tirutha Malabar, 2d. Sessions of 1809.

(Here enter No. 558)

Read letter, dated the 3d. Instant, from the pidge on circuit in the Centre division - enclosing returned warrants of execution in cases Nos. 4, 7 and 30, on the calendar for the file of Bellary.

(Here enter No. 566)

Read letter, with reports of prisoners for September, from Bellary.

(Here enter No. 530)

2 - Fol.

November 9th 1810.

Read letter, dated the 29th ultimo, from the magistrate in the file of Coimbatore - reporting the death of Oomapoorain - reporting the death of Oomapoorain - reporting the death of Oomapoorain

9th November 1810

"and further that the parties being report
"had gone with their battalion to an
"other station for which reason the
"judge on circuit could not try this
"cause the present sessions."

The letter from the third puisne
late on circuit, with reference to
this case, states, as follows, viz.
"The witnesses for the prosecution are
"mainly servants of the prosecutor, or
"immediately dependant on the court
"for their livelihood, and the remain
"ing evidence is not such an write an
"honour, in the opinion of the law officer
"of the court that degree of punishment
"which, I think, the crime deserves. I
"have in consequence required the
"magistrate to obtain, if he can, further
"unobjectionable evidence against
"the prisoners, and to hold them com
"mitted for trial at the ensuing sessions,
"unless he should receive different
"instructions from your court".

(Para entered No. 212)

The Court not having conveyed
ed to the magistrate of Vizagapatam
any instructions at variance with
those, which he had received from
the judge on circuit in the last
sessions, it became his duty, under
those instructions and under the
rule contained in section XI,
regulation VI of 1802, to examine the
attendance of the parties, at the date
of the arrival of the judge on circuit

9th November 1810

in the present sessions.

The Court are concerned to observe
that the neglect of those instructions
has occasioned the further postponement
of the trial.

Ordered that extract of these
proceedings be sent to the judge on
circuit in the Northern division, for
the purpose of being communicated to
the magistrate of the zilla of Vizagapatam,
who will at the same time be directed
to be careful to have the parties in
readiness to take their trial before the
judge on circuit in the first sessions
of the ensuing year.

Sent following letter
(Recorded D.)

Read letter, dated the 6th
May, from the magistrate in the zilla
of Vizagapatam - submitting for the
instructions of the Court a case, in which
resistance is stated to have been made
to his process.

(Para entered No. 230)

The Court direct that the
magistrate do adhere to the rules
contained in regulation I of 1810,
passed by the Governor General in
Council on the 27th March 1810, for
"providing against resistance to the
"processes of the zilla criminal courts."

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

9th November 1810 information.

Last following letter
(Recorded)

Read letter dated the 16th April, from the magistrate in the gilo of Nellore - reporting the suspension (whose name is not mentioned) of his jailer for negligence in suffering the escape of a female prisoner, committed for trial, named Ranga, whose reapprehension was reported under date the 10th May.

(Recorded No. 167.)

The Court direct that their application of the jailer's suspension be communicated to the magistrate.

And the Court considering the punishment inflicted in this instance to be well calculated to prevent the recurrence of similar neglect of duty by ~~apprehending~~ and trusting that it will produce such amendment in his conduct, as may justify their expectation in allowing him again to receive the charge of the jail:-

Resolved that he be restored to the office of jailer on the 1st of the entering month.

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

Last following letter
(Recorded F.)

F. U.

At a Session of the Court of Magistracy held at

Present.

Andrew Cooke Esqr ——— } Puisne Judges.
Edward Croft Gurney Esqr — }

Law Officers.

Wednesday 14th November 1810. Maulvee Mooftee Ally Khan Bahadur.
Legr. ad. Cozat.

6.6.5 Rondrut Bollach ——— Mooftee.

Read a return of the 2nd Judge of Circuit in the Centre Division to the Court's Precept under date the 16th May last, requiring further evidence in case No. 16. of Bellary, for the 1st Session A. D. 1810.

Return No. 375.
(Here enters No. 375.)

2nd Judge to receive further evidence Return to precept 16th May 1810 in Case No. 16 of Bellary 1st Sessn 1810

The Court having maturely considered the proceedings of the Judge of Circuit, the Return of the Provincial Law Officers, and the Return of the Legr. ad. Cozat and Mooftee of the Magistracy of the Zillah, are pleased to confirm the said Return of the Legr. and Cozat and Mooftee aforesaid, and do sentence the said Prisoners to suffer death by being hanged at the usual time and place of Execution.

Last following letter
(Here enters A.)

To the 2nd Judge of Circuit in the Centre Division

Mooftee

14th November 1810

Read trial No 20. from the Judge on Circuit in the Zillah of Canara, — in 2d Sessions A. D. 1810.

From the Judge on Circuit W. Dr
Referring his proceedings in Case No 20 of the Zillah of Canara

(Vide entry No 501.)

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-ool-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid; and do sentence the prisoner Totta Mane Ramin to suffer death by being hanged at the nearest Gaun and Place of Execution.

Sent following letter.

To the Judge on Circuit W. Dr

(Vide entry B)

Read trial No 2. from the Judge on Circuit in the Zillah of Cuddapah, — in 2d Sessions A. D. 1810.

From the Judge on Circuit Centre Dr
Referring his Proceedings in Case No 2. of the Zillah of Cuddapah —

(Vide entry No 461.)

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-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid; and do adjudge the prisoner Condados to be released on finding sufficient security for his

future good behaviour and abstinence when required for one year.

Sent following letter.

To the Judge on Circuit Centre Dr

(Vide entry C)

Read trial No 24. from the Judge on Circuit in the Zillah of Cuddapah, — in 2d Sessions A. D. 1810.

(Vide entry No 451.)

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-ool-Coozat and Mooftee of the Foujdaree Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid; and do sentence the prisoner Mahomed Ismael to suffer death by being hanged at the nearest Gaun and Place of Execution.

The proceedings in the foregoing case are defective, inasmuch as the date of

14th November 1810

the murder, with which the prisoners Gennoyes and Nattespandy are charged, has not been clearly ascertained. With reference to Section XXXIV. Regulation VII. A. D. 1802, this point appears to be of material importance.

As a considerable time seems to have elapsed from the alleged commission of the crime to the date of the accusation against the prisoners, it is essential to obtain satisfactory information as to the causes which have produced the delay in preferring the complaint.

The Court accordingly direct that the record be returned to the Judge on Circuit with Precept requiring him to instruct the Magistrate in the Gilolo of Coddapatch to obtain the best information, which the nature of the case will admit, in regard to the two points above mentioned, — conducting the examinations of such persons, as he may summon, in the presence of the prisoners.

And the Judge on Circuit, having received the additional documents, which he may receive from the Magistrate, to his proceedings in this case, will re-transmit the record without delay to the Fiscal of Ambon.

By Order of the Court
(Signed) Fredk. Corbett.

To the Judge on Circuit &c &c &c

(True extract)
E. H. S.

F. 11.

At a Court of the Fiscal of Ambon.

Friday. November 16. 1810. Present

James Henry Cavanagh, Esq. Chief Judge.
Andrew Scott, Esq.
John Read, Esq. } Puisne Judges.
Edward Croft Greenway, Esq.

Read letter, dated the 6th instant, from the Magistrate in the Gilolo of Chittan soliciting authority to tender a conditional offer of pardon to one or more of the supposed accomplices in a recent case of highway robbery to a considerable amount.

(Received No 562)

Under the rule contained in section XXI, regulation VIII of 1802, all reports of cases, in which a pardon for the purpose stated in the foregoing section, may be deemed expedient, are to be accompanied by information "respecting the circumstances of the case, "as well as the measures taken to appre- "hend or commit the offenders for whom "application or commutation of the proposed "pardon may be recommended."

The Gilolo Magistrate not having in the above letter furnished the information prescribed in the section referred to, the Court have not the means of judging whether the proposed offer of pardon, on the conditions

16th November 1810

specified in section XX. of the regulation in question, is calculated to lead to the apprehension or conviction of the principal offenders or offences; and cannot therefore be submitted to the consideration of the Honorable the Governor in Council.

Ordered that extract of these proceedings be sent to the magistrate in the Zillah of Chittoor.

Sent following letter
(Hereunto A)

Read letter, dated the 7th instant, from the magistrate in the Zillah of Salem reporting the death on the 18th ultimo, of Tolaisingaloo Naicken, Rotwal of Salem, receiving a monthly allowance of Pags 8; and nominating Luchmanarain Rao to succeed to the station so vacated.

(Hereunto No. 571)

The Court explained, on the recommendation of the magistrate, to sanction the appointment of Luchmanarain Rao to be Rotwal of Salem from this date.

Ordered that extract of these proceedings be sent for the information respectively of the Civil Auditor and of the magistrate of Salem.

Sent following letters
(Hereunto B and C)

16th November 1810

Read letter, dated the 9th instant, from the Judge on circuit in the Centre division - with copy of the calendar received from the magistrate of Chittoor.

(Hereunto No. 576)

Read letter, dated the 10th instant, from the secretary to the Government in the judicial department - communicating the determination of the Honorable the Governor in Council on the two drafts of regulations submitted on the 19th ultimo.

(Hereunto No. 577)

Read letter, dated the 1st instant, from the magistrate in the Zillah of Cuddapah - requesting authority, with a view to the discovery of several desperate gangs of thieves, to grant a conditional pardon to "three persons out of three separate "gangs", who are stated to have come forward with information against "the accomplices in their guilt".

(Hereunto No. 574)

The information contained in the above letter does not enable the Court to determine, how far the proposed grant of pardon to the three persons therein named, may be calculated to lead to the apprehension

16. 16th November 1810

"or commission of the principal offender
"or offenders." — The Court cannot
therefore submit the case to the
consideration of the Honorable the
Governor in Council.

Ordered that certain of the
proceedings relevant to the magis-
-trate, and that he be referred to
sections XX and XXI, regulation
VIII of 1802 — wherein he will find
a description of the information on
such occasions to be communicated
to this Court, and also of the crimes
to which the provisions of the said
sections are applicable, and of the
parties to whom the offenders
herein spoken of may be tendered
for trial, forthwith:

(Records D.)

F. H.

In the Supreme Court of Judicature Madras

Present.

Hon'ble Sir Thomas Strange Kt. Chief Justice
Hon'ble John Hyde Esq. Puisne Judges.
Hon'ble Edward Gwillim Esq.

Law Officers.

Monday 19th November 1810

Advocate General Mr. Ithan Baharoon.
Mr. Mootuswa Mootoo Coyet-ooh-Coyat.

E.O.G. vs. Robert Colbeck — Mootoo Coyet-ooh-Coyat

Indictment No 27. from the Judge in Circuit in the Zilla of Cuddapah — in 2nd Sessions A. D. 1810.

(Records No. 468.)

The Court having maturely considered the proceedings of the Judge in Circuit, the Petition of the Prisoner Coyet-ooh-Coyat, and the Petition of the Magistrate of Cuddapah, and Mootoo Coyet-ooh-Coyat, and Mootoo aforesaid, to confirm the Indictment preferred by the Coyet-ooh-Coyat said Petition of the Coyet-ooh-Coyat and Mootoo aforesaid, and under the provisions of the sentence of Nizamut Adawlut dated 5th instant, the Prisoner Robert Colbeck do accordingly suffer Death by being Hanged by the neck until he be dead at the usual time and

19th November 1810

Plain of execution ——

Read trial No 61. from the Judge on Circuit in the Zilla of Cuddapah, — in 2nd Sessions A. D. 1810.

(Vide entry No 483.)

The Court having duly weighed the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-o-l-Cozzat and Mooftees of the Sudder Adalut, are pleased to confirm the said Futwa of the Cazee-o-l-Cozzat and Mooftees aforesaid; and do adjudge the prisoner Pittoor Gungadoo to be released on giving security for his future good behaviour and appearance when required for seven years. —

Read trial No 75. from the Judge on Circuit in the Zilla of Cuddapah, — in 2nd Sessions A. D. 1810.

(Vide entry No 469.)

The Court having duly weighed the proceedings of the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-o-l-Cozzat

19th November 1810

and Mooftees of the Sudder Adalut, are pleased to confirm the said Futwa of the Cazee-o-l-Cozzat and Mooftees aforesaid; and do sentence the prisoner aforesaid, Custooregaundoo to suffer death by being hanged at the usual time and place of execution. —

Sent following letter.

(Vide entry A

Read trial No 8. from the Judge on Circuit in the Zilla of Dooporaum, — in 2nd Sessions A. D. 1810.

(Vide entry No 505.)

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-o-l-Cozzat and Mooftees of the Sudder Adalut, are pleased to confirm the said Futwa of the Cazee-o-l-Cozzat and Mooftees aforesaid, and, it appearing that the prisoner is a minor, — do direct that he, the prisoner Mootoo Comaren alias Kistnen, be confined until he

19th November 1810

shall recover the use of his reason —

Enclosure following letter

(Enclosure B)

It is ordered that the Judge
on Circuit in the Southern Division be
by these presents commanded to instruct the
Magistrate in the Zilla of Dacca
to report from time to time to the
Court of Circuit on the state of mind
of the prisoner Mostoo Comaiuren
alias Kistnoo, sentenced under this
date to be kept in confinement until
he shall recover the use of his reason;
and that the Magistrate be charged
on no account to release the said
prisoner without the special permission
of the Vakeel obtained
through the Court of Circuit.

Last following Record.

(Enclosure C)

Dead trial No. 2. from the
Judge on Circuit in the Zilla of Tirhoot,
in the Division N. D. 1810, together
with the Remarks of the Register =

(2) C. R.
19th November 1810.

Register and Secretary of the Foujdarree
Adalut, stating reasons for its decision —

(Two enclosures Remarks)

Ordered that the record
be returned to the Judge on Circuit with
direct inviting his attention to the
defects pointed out by the Law Officers
of the Foujdarree Adalut, and requiring
him to state by whom the Koon Pillung was
committed, and to obtain the evidence
if practicable, and to obtain the evidence
of Gazees as per margin —

And the Judge, having
answered the additional evidence required
to the proceedings on the case, with
the exception of the record without
delay to the Foujdarree Adalut.

Last following Record.

(Enclosure D)

In Court dum it may
to point out to the Judge on Circuit in
the Southern Division as above, which has
occurred in the proceedings on record
trial to appear to the Foujdarree Adalut,
in committing the prisoner above for trial
his defence, and requiring him to amend

19th November 1810.

questions which are revised by it calculated to make him criminate himself. This is a mode of proceeding, which, although without doubt adopted with the view of coming at the truth, is not consistent with the spirit of that part of Clause First Section XV. Regulation VII. A. D. 802, which enjoins that the confession of a prisoner who may plead guilty shall always be received with circumspection and tenderness.

Ordered that extract of these proceedings be sent for the information and future guidance of the Judge of Circuit in the Central Division.

Sent following letter.

(Enclosure.)

Wednesday 21st November 1810.

Present.

Andrew Scott Esq.r ——— } Puisne Judges.
John Reed Esq.r ———
Edward Croft Gurney Esq.r ———

Law Officers.

Advocate Mostyn Esq.r Attorney General.
Capt. Robt. Cozet.

Interpreter.

Provost Corporal ——— Interpreter.

Read Petition No 29 from the Petitioner in the Gaol of Trinidad Statutes.

Judge of Circuit in the Gaol Sessions A. D. 1810.

(Petition No 45.)

The Court having maturely considered the proceedings of the Judge of Circuit the Future of the Provost Law Officer and the Future of the Capt. Cozet and the Future of the Interpreter of the Trinidad Statutes Interpreter of the said Future of the Capt. Cozet and Interpreter upon the said Petition of Pierre Rebert to enter the prisoner Prodocimo Pierrick Rebert to enter into Recognizance himself in the sum of Two hundred Dollars and two Sureties in the sum of One hundred Dollars each to appear at the next Criminal Session of the Court to answer the Charges contained in the Commitments

21. November 1810.

and during the space of his natural life.

Read Trial N. 32. from the Judge on Circuit in the Zillah of Cuddalore, in D. Sessions A. D. 1810.

(Vide inter N. 521.)

The Court, having duly weighted the proceedings of the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Sudr. Adawlut, and Mofussil of the Foujdaree Adawlut, concurred to confirm the said Fatwa of the Sudr. Adawlut and Mofussil aforesaid; and under the discretion allowed by the institutes of Mohammed to adjudge the prisoner Moosaleegadoo to 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; and the prisoners Gooroovadoo and Ramdoo to be imprisoned and kept to hard labour in irons on the public roads or other public works for

(2) E. K.

21st November 1810.

and during the space of fourteen years.

Vide following letter.

(Vide inter B)

From the letter accompanying the foregoing proceedings it appears that the Judge who presided, passed sentence upon the prisoners. But that sentence is not inserted in the proceedings.

The Court therefore direct that the Judge on Circuit be by Circuit ordered, whenever he may pass sentence either of acquittal or condemnation upon any of the prisoners in a case referred to the Foujdaree Adawlut, to annex to adjudge the same to the Fatwa of his own Officer.

Vide following Circuit.

(Vide inter C)

G.B.S. K. M.

in reference to the communications

At a Court of the Four Pieces Held at
Freedom
November 23d 1810 Present
James Perry Cavanaugh Esq Chief Judge
Andrew Scott Esq
John Read Esq Puisne Judges
Edward Hyatt Greenway Esq

Read the return dated the 8th
Instant from the Judge on Circuit in
the Southern division — Exhibiting
therewith the "Depositions taken
"upon the proceedings taken before the Assistant Magis-
"trate" in a considerable number of
cases on the calendar for the Gilla
of Madura, which are stated to have
arisen out of certain disturbances
"in the Ouchigul district between
"the right & left hand castes" —
appear to require the postponement
of the trials until the future sessions
and requesting the Court's instructions
for his guidance.

(Present No 573)

The Court cannot ascertain
from the above reference, whether the
reported defective state of the evidence
in question consists in the prisoners
having been committed for trial on
insufficient grounds, or in the non
attendance of the prosecutors and
witnesses, on whose information
and evidence the commitments

25. November 1810. had proceeded.

The Court having only to observe that the regular procedure would have been [illegible] in the former case to have called up the prisoner to the bar and discharged them, reporting for the information of the Court the magistrate's negligence and neglect of duty - and in the latter case to have postponed the trials under the provision contained in section XI, regulation VII of 1802, ascertaining whether due measures had been taken to ensure the attendance of the witnesses, and enforcing their recognizances against them

The Court, considering that the suggestion, which forms the subject of the concluding paragraph of the above letter, will come more regularly before them in the judge's report of the observations made during his circuit - will not at present proceed to the consideration of the matter therein contained, further than to observe that the proclamation which he proposes should be issued by Government, must, under the rule contained in section II, regulation I of 1802, be framed, into a regulation, and that regulation IX of the same year describes the mode to be pursued in bringing it under the notice of Government.

Ordered that the

25. November 1810

these proceedings be sent for the information of the judge on circuit in the Southern division.

Sent following letter (Vide entry A.)

Read return from the Judge in the Northern division to the Court's precept of 9th ultimo - calling for the record of case No. 2 on the calendar for the Zillah of Rajahmundry 1st September 1810. (Vide entry No. 580)

Read return from the Judge in the Central division to the Court's precept of 9th ultimo - with instructions in reference to case No. 12 of Chittoor in the 1st September 1810. (Vide entry No. 582)

Read letter, dated the 13th ultimo, from the Judge on circuit in the Northern division - recommending that the magistrate of the Zillah of Rajahmundry may be authorized to offer a reward of Rs. 500, and a free pardon, with a view to the discovery of the perpetrator of a recent [illegible] robbery, which is stated to have been committed "between three and four years ago "upon Gopalty Ramachendrudoo "a dooccar of Pettapore"

(Vide entry No. 547) The

23. November 1810.

The information contained in the above letter does not enable the Court to determine, whether the recital of the case is sufficiently aggravated, and the advantage now expected to result from the discovery of the offenders sufficiently important, to justify a pardon to the extent proposed by the Judge on Circuit. And the Judge having omitted to state the particular grounds, upon which the adoption of his recommendation is expected to lead to the detection of the parties ~~apprehended~~, the length of time that has elapsed since the offence was committed induces the Court to doubt the efficacy of the measure.

The Court cannot therefore in its present state submit the case to the consideration of the Honorable the Governor in Council.

Ordered that extract of these proceedings be sent for the information of the Judge on Circuit in the Northern division.

Sent pole containing letter.
(Received B)

Read letter, with reports of prisoners for last month, from the Gaol of Cuddapah.
(See reports in Nos. 578 - 579)

P. C.

At a Session of the Court of Sujdaree Adawlut

Present

John Read Esq.r ——— } Puisne Judges.
Edward Sheft Gurney Esq.r ——

Law Officers.

Monday
26th November
1810.

Monsieur Monstuart Alexander Thomas Berthon.
Cazy-ool-Cozzat.

Khoorrut Beloch. ——— Mooftie.

Read trial No 78. from the Judge on Circuit in the Zillah of Cuddapah - in 1809 Persons A. D. 1810.

From the Judge on Circuit by 2nd Dawk refers his proceedings in Case No 72 on the Cuddapa Calendar. (Vide entries No 527.)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Futwa of the Principal Law Officers, and the Futwa of the Cazy-ool-Cozzat and Junior Mooftee of the Sujdaree Adawlut, are pleased to confirm the said Futwa of the Cazy-ool-Cozzat and Mooftee of the said; and under the discretion allowed by the sentence of Mahomedan Law pronounced against the prisoners Buccaroodoo, Ramayamma, and Verbadoo, to adjudge

23. 26. November 1810

there, the prisoners Bissondoyal. Dunja
Mussegadoo, and Sobadoo 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 their natural lives respectively.

Ordered the Court do adjudge
the prisoners Achinnah and Chinnoo
to be released on finding security for their
future good behaviour and observance
thereof required for one year.

Sent following letter.

(Vide entry A)

Read trial No 29. from the
Judge on Circuit in the Zilla of Chittoor,
— in Sessions A. D. 1810.

(Vide entry No 496.)

The Court, having maturely
considered the proceedings of the Judge
of Circuit, the Future of the Provincial
Law Officers, and the Future of the Vizier
Vakeel = Cozzat and Moonshee Shoofee of
the Hujdaree Adawlut, are pleased

26. November 1810 to confirm the said Future of the Cozzat and Shoofee aforesaid; and the Court do direct that the prisoner Lingiah, alias Gowder, be kept the prisoner Rama Gowder be kept in confinement until he shall receive the order of this Court.

Sent following letter.

(Vide entry B)

Ordered that the Judge who presided at the foregoing trial be by Court commanded to instruct the Magistrate in the Zilla of Chittoor to report from time to time to the Court the state of mind of the prisoner Rama Gowder, alias the prisoner Rama Gowder, — adjourned under this date to be kept in confinement until he shall receive the order of this Court, — and that the Magistrate do on no account release the said prisoner without the especial permission of the Hujdaree Adawlut obtained through the Court of Circuit.

Sent following Letter.

(Vide entry C)

Read trial No 5. from the Judge on Circuit in the Zillah of Nellore, — in Sessions A. D. 1810. —

23 26th November 1810.

(Inclosure No. 340.)

The Court having duly weighed the proceedings of the Judge in Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Junior Moofties of the Foujdaree Adaulut, do confirm the said Futwa of the Cazee-ool-Coozat and Moofties upon the prisoners Abdoo Ally, Abdul Cawder, Abdul Rubbee, Mahomed Sheb, Sheik Nattied, Abdool Rupsol, Sheik Ahmed, Abdul Rykeman, Sheik Sunge, Cawder Mahomed, Sookmeer Imdeen, Sheik Bade, Bickon Khan, and Sheik Dawah to be released on finding security for their future good behaviour and appearance when required for one year.

Sent following letter (Inclosure D)

The Futwa delivered by the Provincial Law Officer on the foregoing proceedings appears to be erroneous and will in the opinion of the Court to establish precedents injurious to the interests of the public as for the affliction of the law [illegible] and the Court are accordingly of opinion that the Cazee-ool-Coozat and Moofties of the Foujdaree Adaulut be required to

F. K.
26th November 1810.
K.

point out the errors which the Futwa aforesaid contains as well in regard to the facts which the Provincial Law Officer admits to be proved as in respect to the sentence of the law in case those facts were judicially established against the prisoners by legal proof.

Ordered that extract of these proceedings be translated into Persian and delivered to the Cazee-ool-Coozat and Moofties of the Foujdaree Adaulut.

Sent Nº 2 from the Judge in Circuit in the Zillah of Tipperah dated 2nd November A. D. 1810.

(Inclosure No. 341.)

The Court having attentively weighed the proceedings of the Judge in Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Junior Moofties of the Foujdaree Adaulut, do acquit and confirm the said Futwa of the Cazee-ool-Coozat and Moofties aforesaid, and order the discretion allowed by the sentence of Clause 6th Section 2nd Regulation XV. A. D. 1803 to adjudge the prisoners Hoorjeah Tolla imprisoned and kept to hard labour in irons on the public roads or other public works for and during the space of [illegible] years.

Sent following letter (E)

9. 26th November 1810

(Vide infra E.)

The Judge late on Circuit in the Northern Division having condemned three of the gang, to which the prisoners Kooyah belonged, to imprisonment and hard labour for the term of fourteen years, as appears from the Calendar of Rajahmundry for 1st Sessions A.D. 1810, the Court have thought it proper to sentence the said prisoner Kooyah to suffer the same punishment.

With reference to Section VIII. Regulation XV. A.D. 1803, which restricts transportation beyond sea to convicts sentenced to confinement for life, the Court were obliged to be unable to comply with the recommendation of the Judge, who presided at the foregoing trials, that the prisoner Kooyah should be transported for the term of fourteen years.

Ordered that an extract of these proceedings be sent for the information of the Judge.

Sent following letter.

(Vide infra F.)

And trial No 2 on the 1st and No 1 on the supplemental Calendar of the Malabar, referred by the Judge on Circuit in the Western Division, in 1st Sessions A.D. 1810.

26. November 1810

(Vide infra No. 504.)

The Court, having attentively considered the proceedings of the Judge of Circuit, the Futwa of the Provincial Law Officers, and the Futwa of the Cazee-ool-Coozat and Junior Moofties of the Faujdaree Adawlut, confirm the said Futwa of the Cazee-ool-Coozat and Moofties aforesaid, and do adjudge the prisoners Cheria Ally, Amoo, Anjeeka, Lawen, and Koonjee Bawa to be severally fined in the sum of Rupees 200 each, or in default of payment thereof to be severally imprisoned with hard labour for the space of six calendar months, and to find sureties for their future good behaviour and appearance when required for seven years.

Sent following letter.

(Vide infra G.)

The Court consider it their duty to report that although the crime of which the prisoners have been convicted is highly heinous, they do not think it necessary to punish it with the severity of transportation beyond sea, as they are fully satisfied that the punishment of imprisonment with hard labour for fourteen years, which the Judge has awarded, will be sufficient to deter the prisoners who have escaped the sentence of death from committing similar crimes in future. They have therefore confirmed the sentence of imprisonment with hard labour for fourteen years, which they consider adequate to the crime, although the sentence of transportation for the same term of years would be preferable in the case of any person, who might afterwards commit a similar crime, and be liable to the punishment of transportation for life.

† Vide the Section of Clause 4th Section II Regulation XV. A.D. 1803.

‡ Vide the Section of Clause 1st Section II Regulation XV. A.D. 1803.

26th November 1810

The horrible cruelty of the act is greatly aggravated by the consanguinity of one of the prisoners, Anjatabin, to the prosecutor; and inspired by the Confidence with which he reposed it this duty to permit the flight of any of the prisoners, he has incurred the penalty of transportation for life. The Court however are unanimously of opinion that the circumstance of his having been induced to commit the crime by the influence of his father, who was the principal offender, is a circumstance which entitles him to mercy, and that he ought not to suffer death. They therefore sentence him to be imprisoned for the term of seven years.

The Court then proceeded to consider whether they should recommend that the prisoners should be kept to hard labour during the term of their imprisonment, or whether they should be discharged from confinement at the expiration of one year. The Court are of opinion that the latter punishment would be sufficient, and that the prisoners ought not to be kept to hard labour.

The Court then proceeded to consider whether they should recommend that the prisoners should be kept to hard labour during the term of their imprisonment, or whether they should be discharged from confinement at the expiration of one year. The Court are of opinion that the latter punishment would be sufficient, and that the prisoners ought not to be kept to hard labour.

The Court think it proper also to direct that the Judge who presided at the trial, Chevers

do instruct the Magistrate in the Zillah of Tanjore to communicate to the prisoners, while undergoing the sentence of the Court the sentence of honor with a view from the punishment due to which they have had so narrow an escape; and that he do endeavour to impress them with a sense of the heinousness of their offence.

The Court consider it proper also to direct that the Magistrate be particular in ascertaining that the security tendered by the prisoners be altogether unexceptionable.

Sent following Extract

(Extract H)

Fort St George
Public Consultation
Friday
December 27. 1810.

J. U.

At a Court of the Foujdaree Adaulut

Present

James Henry Casamaijor, Esq. } Chief Judge
Andrew Scott, Esq. } Provincial Judges
John Read, Esq. }
Edward Croft Greenway, Esq. }

Read letter, dated the 20th Instant, from the Magistrate of the Zillah of Chittoor, requesting authority to grant a pardon to a person, named Shaik Madar, who is stated to have appeared to furnish particular information respecting several gangs of Rhyvegars, with whom he is supposed to have been concerned.

(Received No 600)

The Court direct that the above letter be transmitted to the Secretary to the Government in the Judicial department, with their request, founded on a sense of the expediency of giving effect to every measure appearing calculated to lead to the apprehension and conviction of Offenders therein referred to, that the Magistrate be authorized to offer a pardon to the said Shaik Madar, on the express condition of his making a full disclosure of every circumstance within his knowledge relative to the persons and resorts of

F. C.

Act. Sessions of the Court of Magistrates & Council.

Present.

Andrew Cloete Esq. ——— } Commissioners.
John Reed Esq. ———

Two Officers.

Wednesday
28th November
1810. —

Members. Messrs. Alex. Ross. Barker.
Cage. Colt. Cozett.

Konrad Bolleh ——— Messenger.

Read writ No. 3. from the Judge
of Graaff Reinet. — and
Sessions No. 2. 1810.
(See entry No. 453.)

The Court having duly weighed
the proceedings of the Judges on Circuit, the
Petition of the Provincial Secretary & Officer and the
Petition of the Cage. Colt. Cozett and Jones
Sheriffs of the Magistracy Graaff Reinet on
behalf of themselves and Petition of the
Cage. Colt. Cozett and Sheriffs Servants,
and under the Instructions allowed by the
Statutes of Batavia to regulate the Fees on
Petty Causes and Summary
Executions to be imposed and received on

28th November 1810

Plan of execution

Under the latitude given by the sentence of Bokoshut pronounced against the prisoner Loonia, the Court do adjudge him the prisoner Boonda 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 do adjudge the prisoner Fifth to be bound in finding security for his future good behaviour and appearance when required for three years.

And following letters

(Here enter

Dutch Letter No 4. from the Judge on Circuit in the Zillah of Chittore — in Sessions A. D. 1810.

(Here enter No 54.)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Letters of the Provincial Law Officers, and the Letters of the Cazee and Cazeat and Junior Moofties of the Zillah of

28th November 1810.

Plan of execution

Under the latitude given by the sentence of Bokoshut pronounced against the prisoner Loonia, the Court do adjudge him the prisoner Boonda 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 do adjudge the prisoner Fifth to be bound in finding security for his future good behaviour and appearance when required for three years.

And following letters

(Here enter

Dutch Letter No 4. from the Judge on Circuit in the Zillah of Chittore — in Sessions A. D. 1810.

(Here enter No 54.)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Letters of the Provincial Law Officers, and the Letters of the Cazee and Cazeat and Junior Moofties of the Zillah of

28th November 1810.

confirmed the said Letters of the Cazee and Moofties aforesaid; and do sentence the prisoner Boonda to suffer death by being hanged at the usual time and place of execution.

And under the sentence allowed by the sentence of Bokoshut pronounced against the prisoner Pestanoo, the Court do adjudge him the prisoner Pestanoo aforesaid to suffer death by being hanged at the same time and place with the prisoner Dawsey Ramadoo aforesaid.

And following letters

(Here enter

Dutch letter of the 2nd Judge in the Circuit Division to the Court of Circuit under date the 23rd July last — agreeing amendment of the record in case No 20. of Cuddalapah — 1st Sessions A. D. 1809.

(Here enter Return No 55.)

Dutch letter of the 2nd Judge in the Circuit Division to the Court of Circuit under date the 23rd July last —

Translation

28th November 1810

reguiring amendment of his record in
cause No. 39. of Cuddapah, 1st Division
A. D. 1810.

(Fine entry Return No. 450.)

At a Court of the Foujdaree Adawlut.

Friday
November 30th 1810. Present

James Henry Casamajor, Esq. Chief Judge.
Cowdien Scott, Esq. } Puisne Judges.
John Read, Esq. }
Edward Croft Greenway, Esq.

Read letter from the Magistrate of Chingleput to the Court's precept of the 16th December 1809 - communicating the grounds on which the Court disapproved of his recommendation of Ellackery Canatawany Naidoo to succeed as Canagleea at Korpeswaram.

(Fine entry No. 570 of 1809.)

From the Magistrate of Chingleput Returning the Court's precept underdate the 22d Sept. 1810 -

Read letter, dated the 22d Instant, from the Magistrate of Chingleput - nominating Nanapah Naick for appointment as Dessaye of Conjeeveram, in the room of Ramchendra Naick deceased.

From the Magistrate of Chingleput Nominating Nanapa Naick to be Dessye of Cycavaram

(Fine entry No. 560)

The Court see no reason to be aware of any objection to the proposed appointment of Nanapah Naick, who is reported to have been Polegar of Canea, to be an active and diligent man, and to have recommended himself by his attention and vigilance in the discharge of his duty, while employed at Kistnah

[illegible]

28. 30th November 1810

Superviion of the duraglies of the 6th division

Resolved that under the rule contained in section X. regulation I of 1809, copies of the above letter and enclosure be transmitted to the Secretary to the Government in the judicial department, for the purpose of being laid before the Honorable the Governor in Council.

Sent following letter

From the Secretary to the Govt in the Judicial Department

(Recd entered A.)

Read letter, dated the 26th instant from the judge on circuit in the Centre division - forwarding returned warrants of execution in cases, Nos 21 of the zillah of Bellary, and 57 of the zillah of Cuddapa.

(Recd entered No. 607)

From the judge on Circuit in the Centre Division - With Returned Warrant of Executions in Case No. 21 of Bellary, and 57 of Cuddapa

Read return from the third judge in the Southern division to the Court's precept of the 5th instant commanding him to instruct the magistrate in the zillah of Coimbatore to discharge the prisoner Cottan.

From the 3d Judge in the Southern Div.

(Recd entered No. 609)

Read letter, dated the 26th instant, from the secretary to the Government in the judicial department stating that the Honorable the Governor in Council has been pleased to confirm the [illegible] magistrate

30th November 1810.

of Coimbatore Rungiadamodoo to be Fouzdaree Record Keeper in the zillah of Rajahmundry.

From the Judicial Dept to Government - Contains the Appointment of Coimbatore Rungiadamodoo to be Fouzdaree Record Keeper at Rajahmundry

(Recd entered No. 611)

Ordered that copy of the above letter be transmitted, with extract of these proceedings, for the information respectively of the magistrate in the zillah of Rajahmundry, and of the Civil Auditor

Sent following letter

B To the Magistrate in the zillah of Rajamundry

C To the Civil Auditor

(Recd entered B and C.)

Read return from the magistrate in the zillah of South Malabar to the Court's precept of the 5th instant requiring him to explain the grounds upon which he had proceeded in allowing certain prisoners, stated to have been apprehended on suspicion of murder, to remain at large on bail.

From the Magistrate on South Malabar Return to Precept requiring information Why Certain prisoners Charged with murder were suffered to be at large on bail

(Recd entered No. 592)

The magistrate submits that the cases of the prisoners in question had been laid before the judge on circuit in the last reports in the "calendar of prisoners ~~of prisoners~~ "released on bail for want of sufficient evidence to warrant the commitment thereto to prison, as directed "by section XVII of regulation VI. A. "D. 1802, accompanied &c."

The Court direct that the

30th November 1810.

* and the other offences specified in section VII. regulation VI of 1802,

magistrate be instructed, that all prisoners accused of murder, must be forthwith discharged, if there be not sufficient evidence to warrant their commitment for trial, nor any apparent probability of procuring it; and that the calendar referred to in this section, which section XVII, regulation VI of 1802 prescribes, shall be submitted to the court of circuit to contain not a list of persons "released on bail for "want of sufficient evidence to war-"rant the committing them to prison, "but a list of all persons, who may "have been apprehended, and dis-"charged for want of sufficient "evidence to warrant either the committing them to prison, or the holding them to bail to take their trial for the crime, or misdemeanor charged against them.

Ordered that a Calendar of these proceedings be sent for the Magistrate's information.

Last following letter
To the Magistrate in the Zillah of South Malabar — (See inter D.)

Sta Sujan of the Court of Foujdaree Adaulut.

Present

Andrew Ludlow Esq^r
John Reed Esq^r
Edward Clive Greenway Esq^r
} Puisne Judges

Monday 3rd December 1810.

Law Officers.

Moulvee Moostufa Alee Khan Bahadoor
Cazee-ool-Cozaat

Khoorsut Oollah _____ Mooftee

Read trial No 30. from the Judge on Circuit in the Zillah of Cuddapah — in 2nd Sessions A. D. 1810.

(Then inter. No 526)

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-Cozaat and Mooftee of the Foujdaree Adaulut & are pleased to confirm the said Futwa of the Cazee-ool-Cozaat and Mooftee of Sudr and under the direction above by the

3d December 1810

1810.

(Thirteenth Minute No 463.)

The Court, having maturely considered the proceedings of the Judge in Council, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Coozat and Mooftee of the Zillah Adalut, are pleased to confirm the said Futwa of the Cazee-ool-Coozat and Mooftee aforesaid; and do sentence the prisoner Canagunta Cadavree to suffer death by being hanged at the usual time and place of execution.

And the Court do adjudge the release of the prisoners Chauvirty Saugaishan, Pottah Ringuppah and Pottah Vencatasha.

But following letter

(Vide enter B)

Resolving from the letter annexing the foregoing proceedings that the Judge who presided at the trial, consenting in the acquittal by his Law Officer of the 2nd 3rd and 4th prisoners, issued his Warrant to the Magistrate for their

(2) F. K.
3rd December 1810.

discharge. But the Warrant is not inserted in the proceedings.

The Court therefore direct that the Judge be by Circuit, commanded, when he may pass sentence of acquittal or condemnation upon any prisoner in a case referred to the Foujdaree Adalut, to annex such sentence in due form to the future delivered by his Law Officer.

The Court have further remarked that the Judge, who presided at the trial, allowed his Law Officer to enter into an examination of the prisoner Cadavree. This mode of proceeding is indeed authorized by the Mooselman Law; but inasmuch as it has an obvious tendency to lead the prisoner into a crimination of himself, it appears repugnant to the principle of that part of Clause 2nd Section XV. Regulation VII. A.D. 1802. which directs that the confession of a prisoner shall always be received with circumspection and tenderness.

The Court therefore consider it their duty to direct that the Judge do forbear a recurrence of this mode of proceeding.

But following Circular

(Vide enter C)

Read that No 17. from the Judge in Council to the Zillah of Tellicherry

3d December 1810

in 2nd Sessions A. D. 1810.

(Extracts N°560)

The Court, having maturely considered the proceedings of the Judge on Circuit, the Fatwa of the Provincial Law Officer, and the Fatwa of the Cazee-ool-Coozat and Junior Mooftee of the Zillah Court, are pleased to confirm the said Fatwa of the Cazee-ool-Coozat and Mooftee aforesaid and acquitting the prisoners Bostchedoo and Malladoo do direct them release accordingly -

Sent following letter

The prosecutor Bantinaidoo, in his declaration to the Court of Circuit, states that he delivered the prisoners to the Darogah of Justwapherry four months after they had been apprehended; and it must be presumed that during this time they were kept in confinement.

The prisoners in their defence accuse the prosecutor of various acts of ill-treatment; and the accusation is supported by the evidence of Vistnaik who deposes that Bantinaidoo fastened the prisoners and hung them up in a Pagoda; and that the prisoner Bostchedoo was tied and

3d December 1810

delivered up to the Peons who carried him round from one village to another.

That the prosecutor imposed an illegal constraint upon the prisoners admits of a doubt, and there is so much reason to believe that he otherwise ill-treated them. Any confession therefore which they may have made under such circumstances cannot be admitted as proof of their guilt, and there is no other evidence adduced against them.

The Court therefore fully concur with the Law Officers in the acquittal of the prisoners.

By Section VI. Regulation VI. A. D. 1802. Magistrates are enjoined to take special care that persons upon their apprehension are not made to suffer corporal punishment or otherwise ill-treated. In criminal cases the Magistrate in this case clearly failed to take the necessary steps to shew that a considerable time elapsed between the apprehension of the prisoners and their delivery to the Police Officers; as the prosecutor could have no good motive for detaining the prisoners so long under restraint, as such detention was in fact illegal and actually afforded power for subjecting them to the ill-usage of which they complain. It is to be regretted that the circumstances of the case should not have been more fully investigated by the Magistrate.

3d December 1810

E. K.

Court of Vice Admiralty of Newfoundland.

Present.

Andrew Cooke Esq^r } Assistant Judges.
John Reed Esq^r }

Wednesday 5th December 1810.

Law Officers.

Solicitor General Stuart Esq^r
Deputy Advocate Boteler Esq^r

Proctor for the Crown Mr Scott.

Proctor for the Prisoners Mr Bulkeley.

Upon the Return of the 3d Judge on the Eastern Division to the Court Precept under date the 25th June last, inquiring into the Circumstances in case No 56. of Piracy &c. on the High Seas A.D. 1810.

(Vide Return No 455.)

The Court having maturely considered the Proceedings of the Judge on the Eastern Division and the Return of the Provincial Law Officers, and the Return of the Magistrates and Junior Proctor of the Newfoundland Establishment appointed to conduct the said Return of the Magistrates and Proctor and Sentence aforesaid; and the Sentence to pass death by Hanging accordingly upon the Prisoners

It being essential to the due administration of justice that persons when being apprehended should be protected from ill-treatment either by their accusers or by the Police Officers, the Court directed that the Judge who presided at the forgoing trial be by Precept commanded to call the attention of the Magistrate in the Gaol of Salem to the provisions of Section VI. Regulation VI. A. D. 1802.

And the Court further directed that the Magistrate be instructed to admonish the prosecutors Bartholomew Bartlett, in open Court of the illegality of his conduct in detaining the prisoners Bartlett and Bartlett in his custody; and that he do at the same time inform the prisoners that they have the option of instituting a civil suit against the prosecutors for such illegal detention.

Ordered that extracts of the proceedings be sent to the Judge on Circuit in the Southern Division, who will make the necessary communication to the Magistrate in the Gaol of Salem.

Seal following Precept.

(Vide entry E.)

5 December
1810

Was Lanyd at the usual time and the
Execution
Sent following Letter
(Vide inter A)
And Read No 1. from the
Judge in Court in the Zilla of Chittoor
— in Dd Sessions A. D. 1810
(Vide inter No 5.5.b)
The Court having duly weighed
the proceedings of the Judge in Conformity to the
Futwa of the Provincial Law Officer and
the Futwa of the Cazee-ool-Coozat
Junior Mooftie of the Poydaree Adawlut
authorized to confirm the said Futwa
of the Cazee-ool-Coozat and Mooftie
aforesaid, and under the discretion
allowed by the 2d Section of Regulation 10
1810 to adjudge the prisoners Pakeer Mookoo
Shaik Emaum, and Emaumoo to
be imprisoned and transported to Pulo
Penang Island there to be kept to
hard labour in irons on the public
roads or other public works for and
during the term of their natural lives
respectively

And Read No 10 from

5 December
1810

Judge in Court in the Zilla of Chittoor, &c
— in Dd Sessions A. D. 1810
(Vide inter No 5.5.a)
The Court having maturely
considered the proceedings of the Judge
in Conformity to the Futwa of the Provincial
Law Officer and the Futwa of the Cazee-
ool-Coozat and Junior Mooftie of the Court
of Poydaree Adawlut aforesaid and
from the said Futwa of the Cazee-ool-
Coozat and Mooftie aforesaid and
do adjudge the prisoners Cootegaroo
and Pydaloogoondoo to be blanded
Sent following Letter
(Vide inter B)

F. 11

Account of the Expenses Ordered

Friday
December 7th 1810. Present

James Henry Casamajor, Esq. Chief Judge.
Andrew Scott, Esq.
Esbon Read, Esq. } Puisne Judges.
Edward Croft Greentree, Esq.

Read letter dated the 4th Instant, from the Secretary to the Government in the Judicial Department stating that the Honorable the Governor in Council has been pleased to authorize the magistrate of the Gaol of Chittagong to tender an offer of conditional pardon to Shaik Madar, with a view to procure information respecting certain gangs of Khanawayas, with whom he is supposed to have been concerned.

(Vide ante P. 627)

The Court direct that copy of the above letter, and extracts from their proceedings of this date, and of the 27th ultimo, be transmitted to the magistrate of the Gaol of Chittagong for his following letter

(Vide ante A.)

Read again return from the Third Judge in the Mothum claim to the Court's precept of the 4th Instant - Time - Commanding him to send up the record of his proceedings, with

Enclosed

7th December 1810.

English translater, in case No. 2 of the calendar for the Zilla of Rajahmundry. 1st. Septr. 1810. Mulloopeddy Lukkoloo Veerur, Narsoonulah Beg and three others, for robbery.

(Here enter No. 580).

The third pridge in his return to the above precept states that "the "record shall be transmitted to them "as it can be translated and copied"; and adds "the greatest part of it is "already translated."

The Court are concerned to observe that, notwithstanding the prior repeated reported to have been made, for long since as the 8th. ultimo, on the subject of the record for transmission, the exigence of their precept of the 19th. Penultimo, has not yet been complied with.

Ordered that a second precept be issued to the third pridge in the Northern division, containing a repetition of the commands conveyed to him by the said precept, viz.t. to send up the record of his proceedings with English translation, in case No. 7 of the calendar for the Zilla of Rajahmundry, 1st. Septr. 1810.

And it is Ordered that a return to this precept be made within three days from and after the date of receipt

Last following precept

(Here enter B[illegible]

December 1810.

Read letter, dated the 26th. ultimo, from the magistrate in the Zilla of Combaconum - acknowledging the receipt of the Court's proceedings of the 9th. preceding, and stating that Regulation I of 1810 had not been received at his station.

(Here enter No. 612)

Read letter, dated the 26th. ultimo, from the magistrate in the Zilla of Combaconum - enclosing a "corrected copy" of his letter of the 1st. preceding which he solicited authority to grant a conditional pardon to three persons, with a view to the discovery of several desperate gangs of thieves.

(Here enter No. 613)

The Court having in their proceedings of the 8th. ultimo - entered upon the warrant to the magistrate - recorded the reason that prevented them from laying before the Honorable the Governor in Council the case submitted in the magistrate's letter of the 1st. —

Ordered that the above letter do lie on the table, until the further information required by the Court shall have been received

Read letter, dated the 29th. ultimo from the magistrate in the Zilla of Chittoor - acknowledging the receipt of extract from the Court's

7th December 1810

proceedings of the 16th ultimo, on the application of the 6th preceding for authority to tender a conditional pardon to one or more of the supposed accomplices in a recent case of highway robbery to a considerable amount.

(Here enter No. 614.)

From the information now furnished by the magistrates respecting the circumstances of the case, and the measures taken to apprehend or convict the offenders, it appears that twelve persons, supposed to have been concerned in the robbery in question have been apprehended and are in confinement at Chittoor; that the evidence against some of them is strong, and coincides with other circumstances to attach suspicion to all of them; and that the proposed offer of pardon may be productive of such further evidence as will justify their commitment for trial, and lead to the discovery of the other offenders.

The Court direct that the above letter be transmitted to the Secretary to the Government in the judicial department for the purpose of being laid before the Honorable the Governor in Council, with their recommendation that the magistrate of Chittoor may be authorized to tender an offer to one or two of the supposed accomplices on condition of their making a fair disclosure of every circumstance within their knowledge, relative to the commission of the crimes, and the several persons concerned in it.

Ordered that extract of these proceedings be sent to Mr. Secretary Gahagan.

Sent following letter

(Here enter C.)

Read letter, dated the 1st instant, from the judge on circuit in the Central division - reporting that the court would leave Chingulput on the following day.

(Here enter No. 617.)

Read return from the judge on circuit in the Northern division to the Court's precept of the 19th ultimo requiring an explanation of the grounds upon which he had proceeded in allowing his law officer to delay the delivery of his opinion on the guilt or innocence of several prisoners tried before him at the sessions in the gaol of Rajahmundry.

(Here enter No. 618.)

Read letter, dated the 20th ultimo, from the magistrate of the town and island of Ceylon, forwarding his reports of prisoners for October.

(Here enter No. 619.)

F. 4.

At a Session of the Court of Appeal at Adalut.

Present.

Andrew Leith Esq.r ——— } Puisne Judges.
John Read Esq.r ———
Edward Croft Greenway Esq.r ———

Law Officers.

Monday 10th December 1810.

Mouluwee Moostufa Ally Khan Bahadoor Legue-ool-o Cozzat.

Koodrut Oollah ——— Mooftee.

Read Briefs No 3. from the Judges on Circuit in the Zillas of Nyakaumdy &c. in 2nd Sessions A. D. 1810. —

(Fine entered No 546.)

The Court having maturely considered the proceedings of the Judges on Circuit, the Futwa of the Hindoo Law Officer, and the Futwa of the Legue-ool-o Cozzat and Junior Mooftee of the Nyakaut Adalut, are pleased to confirm the said Futwa of the Legue-ool-o Cozzat and Mooftee aforesaid; and under the Section 3 Clause Third Section IV. and Clause Third Section VIII. Regulation XV. A. D. 1803 do adjudge the prisoner Hingazaulee

December 1810

10th December 1810

Commandanoo Woppoo Tetraiandoo and Tesoomanaitty Wanantoo to be imprisoned and handed to the Gilla of Sheraporam there to be kept to hard labour in irons on the publick roads or other publick works for and during the span of fourteen years.

+ Under the Section of Clause Eight Letter H. Regulation XV. A.D. 1802

++ The Court to direct the delivery of the prisoners Woppoojanty Saunkiah, Woppoo Doraiah, Woppoo Veeraska, Dainaretty Veeraska, and Vadoola Doraiah upon their furnishing security for their future good behaviour and appearance when required for one year.

+ Last following letter.

And it appearing that the prisoner Woppoo Doraiah is insane the Court do direct that the aforesaid Woppoo Doraiah be kept in confinement until he shall have recovered the use of his reason.

Whereupon it is ordered that the Judge who presided at the Trial be directed to transmit the Proceedings to the Court of Circuit at Jaffnapatam to be laid before the Judges when next there.

(Vide entry A)

And Trial No. 11. from the Judge on Circuit in the Zillah of Trincomalee — in Sessions A.D. 1810, together with the remarks of the Law Officers of the Magistrate thereon shewing cause for its decision.

(Vide entry Remarks)

The Court reading this Trial and the record returned to the Judge with the Court's commands to transmit the Proceedings in the Zillah of Trincomalee to be laid before the Judges when next there.

10th Decembre 1810

Vide entry of Appeal

Vide entry of Petition

Vide entry of Petition

Vide entry of Petition

(Forward

And the judge on Circuit having annexed such additional documents and examinations to his proceedings in the case, will transmit the record without delay to the Foujdaree Adalut

at Tellicherry

(Recorded No 608)

Ordered that the above letter do lie on the table.

At a Court of the Foujdaree Adalut

Tuesday December 18th 1810. Present

James Henry Casamajor Esqr Chief Judge

Andrew Scott Ross Esqr

John Read Esqr

Edmund Craft Greenway Esqr

Read letter dated the 7th Instant, from the Magistrate in the Zilla of North Malabar.

(Recorded No 638)

From the Magistrate with the Zillah North Malabar — dated 7th Instant

Communicating that he has received information that the Judge on Circuit of the Southern Division intends soon

The Magistrate observes that he has been prevented sending up "the proceedings" the report required by Section XXX Regulation VI of 1802, warrants for the execution of the sentence passed on the prisoners included in his calendar for the present sessions of 1810, not having been signed by the Judge on Circuit.

And the Magistrate encloses copies of certain communications stated to have been made to him by the Judge on circuit regarding prisoners tried before him — adding that he entertains "considerable doubts as to the legality of such documents."

Ordered that the above letter and enclosures be returned to the Zilla Magistrate, and that his attention be directed to the rule established by Regulation XXII of 1802

18th December 1810.

for his guidance in any case wherein he may consider an order received from the court of circuit to be contrary to, or unwarranted by the existing regulations.

And that the Court have to observe, in reference to what is stated by the magistrate concerning the transmission of the report specified in section XXX, regulation VI of 1802, that the period of twenty days therein fixed is to commence after the pidgeon "finished the business of the circuit at the general station; and that the business of the circuit cannot be considered to have been finished at any station, until sentence shall have been passed upon all prisoners in matters in which sentence is directed to be passed by the pidgeon on circuit.

Ordered that extract of these proceedings be sent to the magistrate of the zilla of North Malabar.

Last following letter

From the Magistrate in the Zillah of North Malabar (Peon entr A)

Read report of prisoners for the month of October from the magistrate of the zilla of Nelloor.

Report of prisoners from the Magistrate of the Zillah of Nellore for the Month of October (Peon entr No. 628).

Read the following letter with reports of prisoners confined

18th December 1810. under sentence in the zillahs of Canara, South Malabar and Chingleput

From the Magistrates of Canara South Malabar & Chingleput With reports of prisoners confined under Sentence (Peon entr Nos. 631, 633 & 634)

Read reports of prisoners for the months of October from the zillah of South Malabar (Peon entr No. 632)

Report of prisoners from the South Malabar for the month of Octr

Read letter from the Magt in the zillah of Canara with reports of prisoners for the last month. (Peon entr No. 640)

From the Magistrate of Canara With Reports of Prisoners for Novr

Read letter dated the 12th instant, from the second judge on the circuit division - with returned warrant of execution in case No. 16 of the zillah of Bellary, 1st Sept 1810. (Peon entr No. 635)

From the 2d Judge Centre Divn With Returned Warrant of Executions in Case No. 16 on the Bellary Calendar -

Read letter, dated the 10th instant, from the judge on circuit in the Western division - with returned warrant of execution in case No. 25 of the zillah of Canara (Peon entr No. 639)

From the Judge on Circuit Western Divn With returned Warrant of Executions in Case No. 25 of the zillah of Canara -

Read the following letters with reports of prisoners for the last month, from the undermentioned zillahs, viz. Cuddapa, Ganjam and Salem. (See reports in Nos. 641, 642 & 643)

From the Magistrate Cuddapa Ganjam & Salem With reports of prisoners for Nov

December 18

18th December 1810.

Read letter, dated the 3d Instant, from the judge on circuit in the Southern division - enclosing copy of the calendar for the gilla of Madura, and reporting that he has directed the magistrate to publish a proclamation throughout the Dindigul district, calling upon the prosecutors and witnesses to appear and give evidence in several cases, the trials of which is stated to have been postponed in consequence of the defective state of the magistrate's proceedings.

(Perusal No 638)

From the Judge on Circuit S. Div. enclosed Copy of the Madura Calendar. Reports proceedings in the Cases of Riot in the Zilla & States his intention to proceed to Tinnevelly & that preferrable cases will be immediately referred

The Court are concerned to observe, on a review of the calendar laid before them, that the Circuit has found it indispensably necessary to postpone the trial of a considerable proportion of the cases therein contained. They approve the orders which he has issued to the magistrate, and they trust that the exertions made by that officer, in giving due effect thereto, will not fail to enable the Court of Circuit, at the ensuing sitting in the Zilla, to proceed on the trial of the prisoners.

Ordered that extract of these proceedings be sent to the judge on circuit in the Southern division - to be by him communicated for the information of the Zilla magistrate.

Read following letter

(Perusal No B)

Ft. St.

At a Court of the Foujdaree Adalut.

Friday December 21. 1810. Present

James Henry Casamajor, Esq (Chief)
Andrew Scott, Esq
John Read, Esq
Edward Croft Greenway, Esq } Puisne Judges

Read letter, dated the 17th Instant, from the judge on circuit in the Western division - with returned commitment of execution in case No 20 of the Zilla of Canara.

(Perusal No 646)

Read letter, dated the 11th Instant, from the Second judge in the Western division - with returned commitment of execution in case No 29 of the Zilla of South Malabar, 1st Sept. 1810.

(Perusal No 648)

Read letter, dated the 15th Instant, from the Secretary to the Government in the judicial department.

(Perusal No. 647)

Mr. Secretary Graham states that the Honorable the Governor in Council is pleased to authorize the magistrate of the Zilla of Chittoor to tender the offer of pardon proposed in his application of the 6th Instant, - on the conditions recited in the

December 18th De

31st December 1810

Court's proceedings of the 7th Instt

Ordered that the record
paragraph of the above letter
extract from the Court's proceed
therein referred to be trans mitted
with extract of their proceedings
the magistrate of the Zilla of Ra
last following letter
(Recd enter A)

The Secretary Gahagan also
states that the Governor in Council
is pleased to confirm the sentence
ion, pronounced by the magistrate
of the Zilla of Chingleput - of Sirdar
Pak Aack to be Duraghe of
Conjeveram in the room of Rahm
chundra dismissed

The Court direct that copy
of the 3d paragraph of the above
letter, and extract from their pro
ceedings be sent for the information
respectively of the Civil Auditor and
of the magistrate of Chingleput
last following letter
(Recd enter B & C)

Read letter dated yesterday
day from the Secretary to the Govern
ment in the Judicial department
stating that the proceedings of the
Court of Circuit for the Northern
Division on the trial of certain
(prisoners

1st Decembr 1810

Sepoys of the 1st Battalion, 11th Regiment
of Native Infantry, called for in the
letter of the 29th of October last
ordered by His Excellency
the Commander in Chief
(Recd enter No 651)

Ordered that copy of the
above letter be transmitted to the
third judge in the Northern division
by precept commanding the imme
diate transmission of the record of
his proceedings, with English translation
in case No 2 of the calendar for the
Zilla of Rajahmundry, 1st Septr 1810.

Mullooppeddy Venkatoo
versus
Nasoorullah Beg -
Poothummuck Cabir
Shaik Poothummud and
Bradin Gopaloo -
for robbery
last following precept
(Recd enter D)

And the Court direct that the
the original return made by the
third judge to their precept of the
19th Instt, commanding him
to send up the record of his proceed
ings in the case in question, and
also his original return to their
precept of the 7th Instt, repeating
the

27th December 1810.

the commands conveyed to him by their former precept — be transmitted to the secretary to the Government in the judicial department with the request of the Court that they may be submitted for the information of the Honorable the Governor in Council.

Ordered that extract of these proceedings be sent to Mr. Secretary Gahagan.

Sent following letter (Vide ante E.)

Read the following letter with report of prisoners for the last month, from the undermentioned gaol. (Vide ante Nos. 648 & 652)

Read return from the third judge in the Northern division to the Court's precept of the 4th Instant repeating the command conveyed to him by precept dated the 19th December. (Vide ante No. 650.)

Ordered that this letter be sent up to Government with the above letter E.

Monday December 31st 1810.

At a Court of the Four Provincial Judges.

Present

James Young Cavanagh Esq. Chief Judge
Abraham Scott Esq. } Puisne Judges
John Read Esq. }
Edward Geoffry Greenway Esq.

Read letter dated the 24th Instant from the third judge in the Northern division — forwarding the record of his proceedings in case No. 2 of the gaol of Rajshaniendy / 1810. (Vide ante No. 678)

Ordered that the English translate of the record be transmitted to the secretary to the Government in the judicial department for the purpose of being laid before the Honorable the Governor in Council

Sent following letter (Vide ante A)

Read letter, dated the 20th Instant, from the magistrate in the zilla of Chungdpoot forwarding a list of convicts in the depôt for transportation (Vide ante No. 663)

Read letter dated the 2[illegible]

31st December 1810

Instant, from the magistrate in the zilla of Nellore - reporting the escape and recapture of a prisoner that the person in charge of him had absconded.

(Herewith No. 666)

Read letter dated the 31st Instant, from the judge on circuit in the southern division - with returned warrant of execution in case No. 5 of the zilla of Vizagapatam.

(Herewith No. 667)

Read the following letter with reports of prisoners for the last month, in the undermentioned zillas, viz. Chingulpat, Chittoor, Vizagapatam, North Malabar, Rajahmundry, Guntoor, Cuddapah, Coimbatoor, Tinnevelly, Combaconum, Tanjore, Trichinopoly, Dindigul, Madura and Salem.

(See reports in Nos. 657, 658, 659, 668, 669, 670, 671, 672, 679.)

Read the following letter with reports of prisoners confined under sentence in the zillas of Chittoor and North Malabar.

(See reports in Nos. 660 & 673)

31st December 1810

Instant, from the judge on circuit in the centre division - with returned warrant of execution in case No. 4 of the zilla of Chittoor.

(Herewith No. 677)

Read the following letter with reports of prisoners for the last month, in the undermentioned zillas, viz. Trichinopoly, Vizagapatam and Nellore.

(See reports in Nos. 653, 654 & 655)

Read return from the head ridge in the centre division, to the Court's precept of 26th ultimo - commanding him to instruct the magistrate of Chittoor to report from time to time on the state of mind of the prisoner Rama Govinden, in case No. 2 of the zilla

(Herewith No. 656)

Read the following letter from the judge on circuit in the Northern division - with copy of the calendar for the zilla of North Malabar.

(Herewith No. 675)

Read letter dated the 29th Instant, from the magistrate in the zilla of South Malabar - with reports of prisoners for the last month.

(Herewith No. 681)

Read report of prisoners

31st December 1810.

confined under sentence in the Zilla of South Malabar.

(Hereunto No. 602)

Read again letter from the Magistrate in the Zilla of Vizagapatam forwarding his resignation on account of ill health, of John Richards Amaqua of Vizianagram; and reporting the suspension of Giddum Conda-royadoo, Amaqua of Anthapilly, for employing public peons to collect the private debts, by placing the person of his debtors under restraint and other illegal exertions of them; and of Jagapoorapoo Rajanah, Amaqua of Colaidah, for neglect of duty in continuing absent from his station during several months, when on leave for not more than eight days: and of Mulraontoo Venkiah, Amaqua of Narsinah, for groß abuse of authority in confining and otherwise ill-treating several individuals for purposes of extortion.

(Hereunto No. 603)

The Court are not aware of any objections to accepting the resignation of John Richards.

And it appearing to the Court on due consideration of the papers enclosed in the above letter, that they contain sufficient grounds for the dismission of the Amaquahs

2 — F. 61.

December 31st 1810

Giddum Conakatrayadoo, Jagapoorapoo Rajanah and Mulraontoo Venkiah,

Resolved that copies of the Magistrate's letter and enclosures be transmitted to the Secretary to the Government in the judicial department, for the information and orders of the Honorable the Governor in Council.

To supply the vacancies occasioned by the above resignations and removals, the Magistrate recommends the following persons, viz.t

Manikonda Suttapah-
Amantrum Padeloo-
Gomdo Loganah Vencapah and
Volety Ramiah.

These persons are reported to have been nominated to act as Amaquahs until the pleasure of the Honorable the Governor in Council shall be known; and their confirmation in their respective stations does not appear to the Court to be liable to objection.

Ordered that extract of these proceedings be sent to the Secretary to the Board of Revenue for their information.

Gahagan

(A letter following dated 1st January 1811 and entered)

(Hereunto B)

The Court resume consider-

31st December 1810

ation of letter, dated the 6th September last, from the Secretary to the Board of Revenue with draft of a regulation, and sundry enclosures.

(Here enter No. 500)

And the registers laying before the Court the following letters from the magistrate in the Zilla of Chittoor, dated the 8th 13th & 17th of October — with copies of letters and returns from the assistant magistrate, then on duty at Tripetty.

(Here enter No. 516, 528 & 542)

The Court, on a review of the papers enclosed in the above letter from the Secretary to the Board of Revenue observe —

That the proposed regulation has for its objects to constitute the collector of the Zilla of Chittoor magistrate of that district; and to transfer the police to his jurisdiction —

That the measure has been suggested by considerations wholly of a revenue nature; of which the Board of Revenue are the exclusive judges — the protection of the inhabitants of the district being stated to be a secondary consideration —

And that while the measure is avowed to be a deviation from the general principles, upon which is rested the separation of the revenue and political powers, and the unity

to form a separate jurisdiction of the district of Tripetty;

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from in different persons, it is urged that this fundamental objection is to be lost sight of in the pursuit of the important ends of realizing an enlarged revenue, and securing it from peculation — which are held out as the advantages attendant upon the introduction of this anomaly.

From Mr. Secretary Gahagan's letter of the 6th June to the Board of Revenue, it appears that the objects of the proposed regulation have generally received the sanction and approbation of the Honorable the Governor in Council

And from Mr. Secretary Gahagan's letter, dated the 3d October, to the register of this Court, it further appears, that they have in part been carried into effect, by the transfer of the Karnilgar of the Tripetty district to the management of the collector — a measure, the effectuation of which is not opposed by any legal difficulty, and did not require the form of a regulation, no regulation, other than that which directs this Court to take cognizance of all matters relating to the police of the country, having yet been passed concerning the police, or declaring by what particular officers the duties shall be superintended. (Here enter No. 518) The

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The Court, with due deference to the high authorities, which the memorialists appear to have received, will proceed to submit their sentiments on the subject. But first they deem it proper to advert to the effect of the expedient resorted to, when these papers first came before them — of despatching the apintant to the magistrate of the zilla of Chittoor to join the petty, vested with the full powers of a magistrate, and charged with instructions to use his utmost endeavours, in cooperation with the collector of the zilla, to protect the pilgrims, to prevent disorder, tranquillity and regularity in the town and arrangements necessary to the successful performance of the ceremonies.

The apintant magistrate was joined to Tripetty previously to the commencement of the festival, and remained there till its conclusion — reading up, conformably to his orders he had received, weekly reports of prisoners committed or held to bail for trial, and a general return of all persons apprehended and punished by himself — These reports and general return are now before the Court, in the letters recorded as above from the zilla magistrate.

This expedient, and the

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recommendation connected with it, which the Court had the honor to lay before the Honorable the Governor in Council, for the appointment of a special despoy at the Sudder station in the Carnatic division — were founded on the representations contained in the papers received from the Board of Revenue, which had certainly prepared the Court to expect that the apintant magistrate's return would have exhibited no inconsiderable portion of delinquency, and that he would have found ample employment, during his stay at Tripetty, in the exercise of the full powers of which he was entrusted. The result, however, in of a different complexion; and, to whatever cause it may be attributed — whether the exemption alledged to be incidental to the festival had been generated, or whether the ordinal appearance of a magisterial officer on the spot alarmed those prepared for plunder, and screened to divert them of escape hope of escaping with impunity — it is satisfactory to observe that the festival terminated without planning a single commitment for trial at the special despoy, and a Court without affording the apintant magistrate a single occasion for

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punishment. All of the persons apprehended, except a few, underwent an examination before the magistrate on suspicion of having been concerned in previous robberies committed in other districts, and a considerable number, thus early punished, are reported to have been released.

The prevention of the expected depredations is indeed attributed by Mr. Money, in his letter of the 9th October to the Zilla magistrate, to the assignment of some respectable persons the day before the festival commenced, and to a report, which had gone abroad, that police peons were in disguise all over the country. But this part may be regarded as an evidence of the attention excited among the assembled crowd by the arrival of the assistant magistrate at Tripetty; and, although the recent transfer of the police management of the to the Collector may probably have operated to quicken their activity, the Court are yet disposed to believe that the effect of their activity was occasioned by the presence of an officer, the ostensible object of whose mission was understood to be the prevention of the peace, and the apprehension and punishment of all offenders.

But in other respects the objects of police are considered, the employment of the assistant magistrate

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seems to have occurred every intended a similar measure purpose; and although the people might at first express surprise, they would soon be reconciled to it, and adopted on future occasions, with perfect ease and willingness. The people would soon be reconciled to it, and would expect the same every year.

Except.

But another and not less important object is described to be the security of a considerable revenue from population — by appropriating the services of the Kawilgars to that duty, for which they are represented to be peculiarly qualified by their habits and by their constitutions being formed to the inclemencies of the climate of the hills.

To these advantages objections not absolutely insurmountable should be sacrificed; and it may be maintained that to secure the efficient services of the Kawilgars in the ordinary department, when required for revenue purposes, they must be placed under the control of the Collector. — The Collector and the Board of Revenue have approved a necessity for the arrangement being permanent; and the proposed legislation is accordingly framed with that view.

The three first sections do not require any particular observation.

The fourth section would appear to be unnecessary, as it contains only

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only a declaration of the duties of the poligars of Maravandiar, Kudi-
-mapaar and Kurkumbadi; which
probably are better defined in this
manner and by a memorandum
in alio dejectum, as it would
appear to leave to the arbitrary de-
-cision of the Collector the mode of
satisfying himself as to the conformity
of officers within the limits of the
respective poligars, for which they
are to be held answerable in their
property of every description.

Section V is more objectionable
as it gives to the Collector more ex-
-tensive powers than are possessed by
any magistrate, in the exercise of which
he is unrestrained by any prescribed
mode of procedure, and is subject
only to the confirmation of the Board
of Revenue.

This introduction of the
control of the Board of Revenue in the department
of police was not perhaps contem-
-plated, when the measure was
sanctioned. But the proposed regu-
-lation does not attempt to define,
in this instance any more than in
that of the Collector, the extent of the
authority intended to be vested in
the Board, or the mode in which it is
to be exercised.

It may indeed be objected
of the regulation, that this object
of Government too much to defer

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the mode of the executive officers; and
it is to be gathered from the Collector's
letter that the superior efficacy of the
superintendance is expected to consist
in the freedom of his proceedings from
the restraint of legal formalities; or,
in other words, that his proceedings are
to be arbitrary, and of course very
difficult to control.

With this impression the Court
respectfully beg leave to submit that
the draft will require considerable
modification and additions, should
the Honorable the Governor in Council
be pleased finally to determine upon
adopting the arrangement it has in
view.

The arrangement in question
is limited to the two objects - the
security of the revenues of the temple,
and the protection of the pilgrims; and
these are objects of attention for two
months in the year at the utmost, as
explained by the Collector * But it
is obvious to remark, although it would
seem not to have occurred, that the police
of the Tripatty district will require
to be superintended during the re-
-maining ten months of the year,
and, according as the vigilance of
that superintendance may be left
constant, may become liable to

* "a few days
"before, and
"after the
"grand festival
"which lasts
"ten days."

more

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many alleviations, occasioning pretended inconveniences to the inhabitants.

The plan of forming a separate police jurisdiction in the zilla of Chittoor, under a distinct authority independent of the zilla magistrate, may be considered liable to objection on this ground; but waiving this view of the question, it may not perhaps have been sufficiently considered, whether the attention, which will be required from the Collector to the superintendance of this police establishment during the greater portion of the year, when their services cannot be of any assistance, would be profitably bestowed; and it is submitted, that besides the frequent interruption, to which the Collector might be exposed while engaged in the proper duties of his office, the inhabitants of the Hirepetty district would feel it no inconsiderable hardship to follow that officer to distant parts of the zilla, with complaints, unimportant perhaps in themselves, but the causes of which become real grievances, when frequently repeated with impunity.

These inconveniences would appear to be inseparable from exerting the exclusive superintendance of the police of the Tripetty district in the Collector. Nor is it easy to frame provisions calculated to obviate them. It is therefore worthy of consideration whether the objects of the proposed arrangement are not attainable by means less liable to objection; and it may be deemed fortunate that the code of regulations papered by the Supreme Government furnishes a model in the instance of the temple of Jugunnath, appropriately entirely applicable to that of Hirepetty; which is believed to be inferior in celebrity and to yield a smaller revenue.

It would appear to have been considered sufficient to appoint the Collector Kachara or principal zilla Jugunnath, assistant to the magistrate.

The following extract from regulation IV of 1806, papered by the Governor General in Council on the 3d of April 1806, for levying a tax "from pilgrims resorting to the temple of Jugunnath, and for the superintendance management of the temple" is transcribed for the information of the Honorable the Governor in Council, viz.t

"Section XXI. The collector of the tax on pilgrims at Jugunnath shall be ex officio assistant to the magistrate of the zilla of Cuttack, and

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"shall be competent to exercise all
"the powers, which either are, or at
"any time may be, vested in the
"head assistant to the zillah & city
"magistrates. The person by whom
"these powers may be exercised, is
"required at all times, to give
"due attention to the religious
uniformity
"of the Hindoos, and to the particular
"institutions of the temple of Jugun-
"nath, which may be consistent
"with the general regulations, and
"with the maintenance of peace and
"good order at the temple, and in
"its vicinity; and he shall on no
"account suffer his peons or ministe-
"rial officers to enter the precincts
"of the temple."

Similar provisions with regard to Tipatty would give to the Collector all the authority necessary for conducting the annual festival with the desired success, and the impracticability of granting to that officer more extensive powers has not been made apparent.

The inconvenience of delay in the collection, to which pilgrims resorting to the festival, who have suffered from robbery, are exposed to be at present liable, will be removed by the provisional adoption of the regulation which the Court had the honor to submit to you and have received the approbation

5 Fol.

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approbation of the Honorable the Governor in Council: and it cannot be doubted that the zillah courts are fully competent to enforce the tenure upon which the Kamilgars hold their lands, in cases where they may fail to apprehend offenders.

The Court would indeed recommend a trial of the measure, which was adopted at Jugunnath, previously to departing so considerably from the principles of the system of internal government established by the code of 1802, or as proposed in the draft of regulation now under discussion. — If the revenue of the temple should diminish, the cause of the diminution may be traced to their source; and, if it should be found necessary, the measure recommended by the Board of Revenue, may be put into practice; but if no disappointment should occur in the revenue, it will be satisfactory that the principles of the judicial system have been preserved from infringement.

Resolved that the draft of regulation received from the Board of Revenue, and the above original letters and enclosures from the magistrate of the zillah of Chittoor be transmitted, with extract of these proceedings to the Secretary

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31st December 1810. to the Government in the judicial department, for the purpose of being laid before the Honorable the Governor in Council.

Copy of Clerk's letter (Presented)

Read a letter dated the 22d August, from the magistrate of Campbell's Plain (Presented No 416)

The magistrate submits to the consideration of the Court that propriety of his interference in his capacity of magistrate to enforce the payment of debts, the cognizance of which is taken from him by the 3 Geo. 2 Cap. 22 under the idea that they are recoverable for labor by theft from which they have been relieved by section VII, regulator XXXV of 1802.

The magistrate also represents that the Italians are frequently heard to say "from their duty to the Government of "proprietors of land, which they fulfil "not to conceive any of them at all "they print Slaves."

And he states from information that the class of people, from whom "especially the Italians have hitherto been "procured, have

31st December 1810. "most particular part of their duty."

The necessity for the present "representation is stated to have been made apparent to the magistrate by various "circumstances that have come to his "knowledge in the course of his judicial "proceedings."

These circumstances, which appear to have satisfied the mind of the magistrate, and possibly might have sufficed to enable the Court to relieve the magistrate from the duty of preparing a representation for extending his powers in the manner proposed, are not reported for the information of the Court: neither has the magistrate, while he proposes an extension of his powers for the purpose of compelling payment of their dues to the Italians, made any attempt to shew that the powers vested in the Plantations inadequate to redress complaints of this nature.

The facts in the representation of the magistrate may be of a nature to demand attention, but in the absence of all information concerning those facts, the Court cannot but regard his proposal altogether inconsistent with the spirit and letter of the existing regulations, which are peculiarly not to interfere in prohibiting the Colonial Courts from interfering in any respect in any cause or matter of a criminal nature

Section XI, reg.n II of 1802

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declared cognizable by the court of criminal jurisdiction; thereby restraining the magistrates from imposing any fine except to the use of government.

Section XXXI reg. VI of 1802.

And, as the measure is altogether wanting in analogy to existing rules, the necessity for submitting this suggestion, in the shape of a regulation through the prescribed channel of the court of circuit, is the less to be dispensed with.

The section, adverted to by the magistrate, certainly relieves the talooqdars from making restitution for property lost by theft; but it goes no further. It does not relieve them from any of the duties, which they have been required to perform by the customs of the country. Whether the nature of those duties has been mistaken by the magistrate, or by those whom he represents to have taken them from their duty, the Court have not before them information sufficient to found a judgment.

Section VII reg. XXXV of 1802.

The Court have only further to observe that the magistrate's accusation of oppression against the zemindars of his zillah generally comes before them entirely unsupported, and should not have been forwarded without a detail of the facts upon which it is bottomed.

Ordered that extract of these proceedings be sent to the magistrate.

(Sent pole Letter — D)

6 to 7 to 68

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Read letter, dated the 27th Instant, from the judge on circuit in the southern division — enclosing copy of the calendar of prisoners committed or held to bail for trial in the zillah of Trinomally.

(Records No. 680)

Read letter, dated the 2d Ultimo, from the magistrate in the zillah of Vizagapatam — requesting authority to remove at his discretion the troops in that zillah from one station to another, being satisfied of its being the "only effectual remedy by which the "commission of certain heinous irregularities "can be effectually prevented."

(Records No. 669)

The measure proposed by the magistrate being directly at variance with the provisions of regulation I of 1806, which prohibit the removal of any officer of the description referred to, or any alteration in existing establishments, without the sanction of the Governor in Council — could not be adopted without due observance of the rules contained in regulation IX of 1802.

Resolved, however, that previous the Court before proceeding to take

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Section XX Regn VI of 1802

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the magistrate's suggestion
consideration, would regu
simplified if the distance,
extent of the
be remedied; and as there
cities are understood to be
Court consider that the
would appear
submitting them

Section VI Regn XXX of 1802.

The Court
to observe that the magistrate
also
through the
over to change the
Ouroghas, take
pear to consider
cut or reappoint
proceedings be sent to the
of the zilla of Tanjapatam.

And ordering letter
(Revenue Dept. E)

Read letter, dated
zilla of Combaconam
the receipt of extract
proceedings of the
application of the
in the city to
pardon to those persons
deposed Gangs, who
ed to have come forward
formation against the
in the

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From the information
furnished by the magistrate respect-
-ing the circumstances of the case, and
the measures taken to apprehend the
offenders, it appears that the officers
of police stationed in the southern and
western parts of the zilla of Combac-
-conum, having failed in every
attempt to trace out certain desperate
gangs of thieves, by whom that part
of the country is stated to have been
infested; continued in an intercourse
with three persons, whom they sus-
-pected to be concerned, ~~[illegible]~~
~~[illegible]~~, to draw from them such in-
-formation — These three
persons, viz.t Chedumbra Elayencondan
of Madiapatty, Mootoovencondan
of Punganoor, and Mootoocampa Nai-
-condan of Singapatty, appear to have
been subsequently brought before the
magistrate, and to have made similar
declarations to him, severally engaging
to point out the robbers, and to sub-
-stantiate their charges by evidence,
provided they received a pardon under
the provisions of section XX, regulation
VIII of 1802.

The magistrate, in consider-
-ation of the disclosures they have
made and other circumstances,
submits the expediency of granting

31st D

Section Regt V 2

31st December 1810

thim the pardon they solicit

The Court direct that copies of the above letter and enclosures be transmitted to the Secretary to the Government in the Judicial Department for the purpose of being laid before the Honorable the Governor in Council, with their recommendation that the magistrate of Cuttack may be authorized to tender an offer of pardon to the three persons above mentioned on condition of their respectively making a full disclosure of every circumstance within their knowledge relative to the gangs in question, their haunts and abodes, and the several robberies committed by them.

Ordered that extract of these proceedings be sent to the Secretary Gahagan.

Let the following letter

(Recorded)

Read letter, dated the 30th Ultimo, from the magistrate in the Zillah of Chungalpur.

(Records No. 615)

The magistrate acknowledges the receipt of extract from the Court's proceedings of the 7th Ultimo on the letter of the 4th preceding, which he requests instructions from as to the

Section Regt X of 1810

7 F. C.

December 31st 1810.

mode of proceeding against the Darogah of police attached to his court, who was stated to have brought forward in support of his defence in cause No. 36 78; certain witnesses, who had "perjured themselves", and had been committed for trial before the court of circuit.

The magistrate was instructed that the case, as reported in his letter, appeared to require that a criminal prosecution should be instituted against the Law officers for subornation of perjury.

He now reports that the two persons charged with the perjury have been tried before the court of circuit, and acquitted; and submits that he is at a loss in such case how to proceed.

The charge of perjury not having been substantiated against the parties on their trial, that of subornation of perjury against the Darogah must of consequence fall to the ground. And as the judge of circuit has not referred the proceedings held upon the case, the Court think they can decide that he considered the charge not substantiated, and see no ground in the acquittal on the charge for the charge.

Ordered that extract of

these proceedings be sent to the magistrate.

31st December 1810

Sent following letter

(Reference G.)

dated 2d January

Read again letter from the magistrate in the zilla of Vencadachellum – reporting the extension of Permail Naick, Durogha in the district of Tellicoorchy; and account of gross misconduct, in being guilty of receiving bribes; and of extortion; and adding, "the papers connected with this cause shall be transmitted as prescribed, as soon as prepared."

(Reference No. 5.)

The papers referred to in the above letter not having yet been received: –

Ordered that the magistrate be by precept called upon to account for the protracted delay in their transmission; and that he be directed to send them up in his return to the precept, to be made within ten days after the date of receipt.

Sent following precept

(Reference H.)

Read letter, dated 4th Instant, from the magistrate in the Zilla of Canapaurum – enclosing a duplicate of his letter, dated the 10th

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of May – concerning the dismissal of a subject of the Nyaon Government apprehended for an offence committed within the Nyaon territory.

(Reference No. 66.)

The order of the Court in this letter of the 15th May have been sent to the zilla magistrate, in extract from the Court's proceedings of the 20th July.

there proceedings be sent to the magistrate.

5th December 1810

Sent following letter (Per entry G.)

Read again letter from the magistrate in the zilla of Dindigul dated 2d instant reporting the transmission of Pennaul Naik, Poligar in the district of Tulcondah; on account of gross misconduct, in being guilty of receiving bribes; and of extortion; and adding, "the papers connected with this case shall be transmitted as prescribed, as soon as prepared."

(Per entry No. 5.)

The papers referred to in the above letter not having yet been received: —

Ordered that the magistrate be by precept called upon to account for the protracted delay in their transmission; and that he be directed to send them up in his return to the precept, to be made within ten days of the date of receipt.

Sent following precept (Per entry A.)

Read letter, dated this 4th instant, from the magistrate in the zilla of Dindigul — enclosing a duplicate of his letter, dated the 10th

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of May — concerning the disposal of a subject of the Nyaon Government, apprehended for an offence committed within the Nyaon territory.

(Per entry No. 66.)

The orders of the Court on his letter of the 15th May have been sent to the zilla magistrate, in extract from the Court's proceedings of the 20th July.