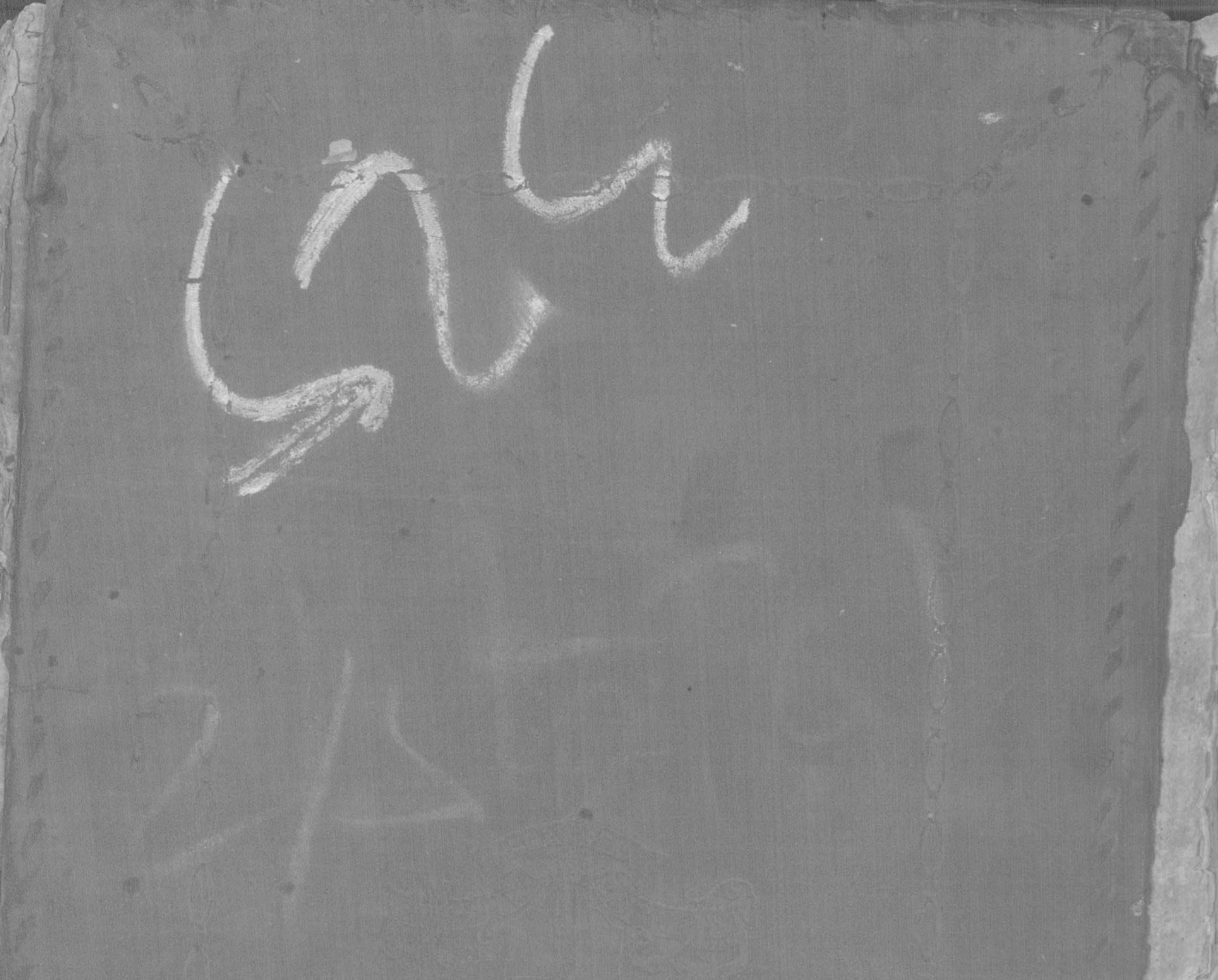


Henry Rondè Esq

At a Session of the Inquisitorial Court

Wednesday
February 14th 1812 Present

Andrew Scott Esq
Edward Croft Greenway Esq Judges

Read letter, dated the 16
of August, from the Judge late on Circ
-uit in the Centre division, referr
his proceedings in case No 5 of the Ju
of Belcany - Prisoner, Rowadee -
Charge, Highway robbery & wounding

(Records No 4 of 1811)

The Court having duly consid
-ed the proceedings of the Court of Circu
the Justices of the Provincial Court of Ge
and Inquisitors of the Province aforesaid
confirm the said sentence of the Court
Court aforesaid, and
under the direction aforesaid by the
Do hereby pronounced against the
prisoner Rowadee, do adjudge him
the said prisoner Rowadee to be rem
-oved and transported to Prince of Wa
island, there to be kept to hard labour
in irons on the public roads, or other
public works for and during the rest
of his natural life.

Sent following letter

(Records No 5)

Read letter, dated the 21
December, from the Chief Justice

9th February 1812

the Northern division forwarding copy of a return made by the magistrate of the jilla of Gbarjaan, reporting on the state of mind of the prisoner Neelah, who was tried in the case No. 2 on the calendar of that jilla, Sessions, 811, for the murder of her children by drowning them, and ordered to be confined until the said prisoner had recovered the right use of her senses.

(Executive No. 782 of 1811)

It appearing to the Court from the above return, founded on a report of the assistant surgeon at the jilla, after a personal examination of the prisoner, that she is "free from every symptom of insanity whatever and in a good state of health":—

Ordered that the pidje on circuit be instructed to direct the magistrate to discharge her from his custody, and to send her to her relations.

Ordered that extract of these proceedings be sent to the pidje on circuit.

Sent following letter
(Executive B)

Read letter, dated the 7th Instant, from Mr. Secretary Gbaigan, acknowledging the receipt of extract from the Court's proceedings of the 31st Ultimo; and stating that the

19th February 1812

Honorable the Governor in Council has been pleased to authorize the magistrate of the jilla of Isleen additional number of police servants applied for by his letter of 2d. September last.

(Executive No. 69)

Read letter, dated the 3d Instant, from the pidje in quarter sessions - with copy of the calendar of prisoners committed or held to bail by the magistrate of the jilla of Fidlimonopoly.

(Executive No. 70)

Ordered that the pidje on circuit in the centre division be by precept, returnable on or before the close of the present sessions in the jilla of Ludalapia - required to report fully, and particularly upon the actual state of the jail at that station.

Sent following precept
(Executive C.)

Read letter, dated the 5th Instant, from the pidje on circuit in the centre division - reporting that the Court of circuit would, on the following day, proceed to Ludalapa.

(Executive No. 73.)

Read letter, dated the 6th Instant, from the same pidje, en-

February
1812

=claring copy of the calendar for the
Jilles of Belcary.

(Percentia № 74)

Read letter, dated the 12.
Instant, from the pidge on circuit
in the Southern division — with
copy of the calendar for the Jilla —
of Tipperaconny.

(Percentia № 77.)

At a Session of the Tuopperace Cidalat

Wednesday
February 12. 1812. Present

Edward Croft Greenway, Esq. Pidge.

Read letter, dated the 11.
of November, from the pidge late on
circuit in the Centre division, refe
=ring his proceedings in case № 230 of the
Jilla of Shinglefut, 2. Sep. 1811. — Prisoners
Poloogaun & Bungaregaun. — Charge,
highway-robbery & murder.

From the judge on Circuit Centre division refers his proceedings in case № 23 of the Jilla of Shinglefut.

Percentia № 102 & 103.

The Court having duly considered
the proceedings of the court of circuit, the
letters of the Provincial Law officer, and
the future of the Cajee adcoogyat & profte
of the Tuopperace Cidalat, confirm the sen
future of the Cajee adcoogyat & profte
aforesaid; and under the direction alle
=ed by the Cidalat pronounced against
the prisoners Poloogaun & Bungare
=gaun, do adjidge that the said prison
=ers Poloogaun and Bungaregaun
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 their natural lives
respectively.

Sent following letter
(Percentia № A)

Read letter, dated the 10th
of October, from the pidge late on circuit
in the centre division, refering his

February
1812

claiming copy of the calendar for the
Isles of Baleany.

(Vide entry No. 74.)

Read letter, dated the 8th
Instant, from the judge on circuit
in the Southern division — with
copy of the calendar for the Zilla —
of Tambacanum.

(Vide entry No. 77.)

Zilla

At a Session of the Court of Cir

Wednesday
February 12th 1812.

Present

Andrew Scott Ingram, } Judges.
Edward Croft Greenway, Esqrs. }

Read letter, dated the 11th
of November, from the judge late on
circuit in the Centre division, refer
-ring his proceedings in case No. 23 of the
Zilla of Chingleput, 2d Sep. 1811. Prisoners
Poloogaum & Bungaregaum. — Charge
Highway-robbery & murder.

From the judge on Circuit Centre division refers his proceedings in case No. 23 of the Zilla of Chingleput.

Vide entry No. 70 & 101.

The Court having duly considered
the proceedings of the court of circuit, the
sentence of the Provincial Law Officer, and
the sentence of the Cazee adaulut & proceed
of the Fouzdaree Adaulut, confirm the sen
sentence of the Cazee adaulut & proceed
aforesaid; and under the direction allow
-ed by the Regulations pronounced against
the prisoners Poloogaum & Bungare
-gaum, do adjudge them the said prison
-ers Poloogaum and Bungaregaum
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 their natural lives
respectively.

Sent following letter
(Vide entry No.)

Read letter, dated the 10th
of October, from the judge late on circu
in the centre division, referring his

February
1812

=claring copy of the calendar for the
Zillas of Baleary.

(Vide entry No. 74.)

Read letter, dated the 12th
Instant, from the judge on circuit
in the Southern division — with
copy of the calendar for the Zilla —
of Tanjore canam.

(Vide entry No. 77.)

Fort St. George

At a Sessions of the Foujdaree Adalut

Wednesday
February 19th 1812

Present

Andrew Scott Esqr. } Judges.
Edward Croft Greenway, Esqr. }

Read letter, dated the 11th
of November, from the judge late on
circuit in the ~~Centre~~ Centre division, refer
=ring his proceedings in case No. 23 of the
Zilla of Chingleput, 2d Sep. 1811. — Peroumal
Poloogaun & Bungaregaun. — Charge
Highway robbery & murder.

From the judge on Circuit
Centre division refers his
proceedings in case No. 23
of the Zilla of
Chingleput.

Vide entry No. 702 of 1811.

The Court having duly considered
the proceedings of the court of circuit, the
returns of the Provincial law officer, and
the future of the Cazee and Coonjut proceed
of the Foujdaree Adalut, confirm the sen
=tence of the Cazee and Coonjut proceed
aforesaid; and under the dissentient allow
=ed by the Regulation pronounced against
the prisoners Poloogaun & Bungare
=gaun, do adjudge them the said prison
=ers Poloogaun and Bungaregaun
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 their natural lives
respectively.

Sent following letter
(Vide entry A)

Read letter, dated the 10th
of October, from the judge late on circuit
in the centre division, referring his

February
1812

closing copy of the calendar for the
Zillas of Belgaum.

(Pere entre No. 74)

Read letter, dated the 12th
Instant, from the pridge on circuit
in the Southern division — with
copy of the calendar for the Zillas
of Tombacanum.

(Pere entre No. 77.)

Z 11

At a Sessions of the Fuogdaree Adalut

Wednesday
February 19th 1812

Present
Andrew Scott Esqr
Edward Croft Greenway, Esqrs } Judges.

Read letter, dated the 11th
of November, from the pridge late on
circuit in the Centre division, repor
=ting his proceedings in case No 23 of the
Zilla of Chingleput, 2d Sep. 1811. Prisoners
Poloogaum & Bungaregaum. — Charge,
Highway-robbery & murder.

Pere entre No. 702 of 1811

From the judge on Circuit
Centre division refers his
proceedings in case No 23
of the Zilla of
Chingleput

The Court having duly considered
the proceedings of the court of circuit, the
returns of the Provincial Law officer, and
the futwa of the Cazee al cooraut, grant proofs
of the Fuogdaree Adalut, confirm the sen
=tence of the Cazee al cooraut, to suffer
aforesaid; and under the direction allow
=ed by the Regulations pronounced against
the prisoners Poloogaum & Bungara
=gaum, do adjudge that the said prison
=ers Poloogaum and Bungaregaum
to be imprisoned and transported to
Prince of Wales's island, there to be kept
to hard labour in irons on the public
roads or other public works for and
during the space of their natural lives
respectively.

Sent following letter
(Pere entre No)

Read letter, dated the 18th
of October, from the pridge late on Circuit
in the centre division, referring his

Febr

2d February 1812

proceedings in case No 31 of the files of Cuddapa, 2d Sept 1811 -

From the judge on Consth Controversion refer his proceedings in Case No 31. of the files of Cuddapa -

(Here enter No 700 of 1811)

The Sentence, delivered by the Law officers in this case, declares, with respect to the prisoner Golcah Sarveegandoo, that it does not appear from the record whether he was proceeding from Nellore to some other place under sentence of imprisonment for the crime, on account of which he had been apprehended, or for the purpose of being brought to trial for such offence, and that in consequence of this defect a final sentence cannot be passed upon him. - And in awards Corhoa: bent against the other prisoners.

The Court suspend passing judgment in this case, and direct that the record, with copy of the sentence of the Cazee and Coopyat of Moofter, be transmitted to the judge of circuit in the Carnatic division, by precept commanding him to hold such further proceedings in the case, as may be calculated to supply the defect in evidence therein noted, and enjoining the return of the record so amended, on or before the close of the entering reports of jail delivery in the files of Cuddapa.

(Sent pole 2 precept - P.B)

Ordered that extract of this proceedings be sent for the information of the second judge.

(Sent pole 2 letter - C)

Read

12th February 1812

Read again letter, dated the 30th of November, from the magistrate of the files of North Malabar - requesting authority, with a view to the conviction of the principals in a case of murder, to tender a conditional pardon to four persons charged before him with having been accessary to the fact, and enclosing copies of his proceedings in the case - which, by order of the Court under date the 3d ultimo, were referred to the Cazee and Coopyat and Moofties, with instructions to report with as little delay as possible of what crime the two principals would be convicted, in case the evidence of the four persons in question were admissible.

(Here enter No 768 of 1811)

Read also the opinion delivered in reply to the question put to them on the 3d ultimo.

(Here enter

The Cazee and Coopyat & Moofties report that were the evidence of the prisoners Maroowan Ambas, Cheroom Tolla Vathil Pocker, Tolloo and Crootany Coroo admissible, the prisoners Chockoo and Kootty Found guilty of wilful murder, and would be convicted respectively of wounding and beating the deceased, and liable to suffer Cazeer.

And it appearing to the Court from the above letter that the judge presiding at the late quarter

12th February 1812

respiond pledged the four said persons to be wholly innocent of the charge; and that the magistrate, who held them to bail for trial, considered that neither of them took part in the acts of violence committed by the two other prisoners:—

Resolved that the magistrate's letter & 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 the request of the Court, that, as far as regards the accused, a pardon may be granted to Narrowan Ambaw, Cheroan Tollatil Packen, Tollan and Eroatany Coran-: den to destroy the effect of the proceed-: ing of the magistrate - who, after his inquiry into the circumstances of the charge, being, as he describes, of opinion that they were not accessary to the murder, should have caused them to be forthwith discharged.

Ordered that extracts of these proceedings be sent to the Hon. Secretary Gahagan.

Sent following letter (Here enter D.)

Ff 11

Monday 17th Feby 1812

At a Sessions of the Court of Foujdaree Udalut - Present:

Andrew Scott Esqr
Ed. Croft Greenway Esqr } Puisne Judges

Law officers

Moulavee Mustafa-ullee Khawn Bahadoor Cauzee ool Coozat

Mohommud Ameer Ullah
Koodrut Ullah } Mooftees

Read trial No 3 from the Judge on Circuit in the Zillah of Masulipatam Fourth Quarterly Sessions A. D. 1811.

(Here enter No 784 of 1811.)

The Court having duly weighed the proceedings of the Judge on Circuit, the Futwa of the Provincial Law officer, and the Futwa of the Cauzee ool Coozat and Mooftees of the Foujdaree Udalut, Confirm the said Futwa of the

Cazee

Cazee ool Coozat and Mooftees aforesaid, and
under the discretion given by the sentence
of Ookoobut — do adjudge the prisoner
Pursa Chellamiah, 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 pub=
=lic works, for and during the space
of his natural life.
(Sent following letter)
Here enter A.
Read trial № 6 from the
Judge on Circuit in the Zillah of Sera=
=capatam 2d Sessions A. D. 1811.
(Here enter № 779 of 1811.)

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 Mooftees of the Foujdaree Adalut,
Confirm the said Futwa of the Cazee ool
Coozat and Mooftees aforesaid. and do sentence
the prisoner, Ally Saib to be imprisoned
and kept to hard Labour in Irons on
the

the public roads or other public works
for and during the space of one year
then to be released on finding sufficient
security for his future good be=
=haviour and appearance when re=
=quired for twelve months.
(Sent following letter)
Here enter B.

Read trial № 16 from the Zillah of Tin=
=nevelly 2d Sessions A. D. 1811
(Here enter № 781 of 1811.)

The Court having duly
proceedings of the Judge
on Circuit, the Futwas of the Provin=
=cial Law officer and the Futwa
of the Cazee ool Coozat and Mooftees
of the Foujdaree Adalut
confirm the said Futwa of the
Cazee ool Coozat and Mooftees aforesaid
and direct that the prisoner Pt. Paun=
=dien

= view 2nd Court Handy and 3rd Veranen, be released on finding sufficient security for their future good behaviour and appearance when required, for five years-

(Sent following letter)

Here enter C.

Read Letter, Dated 30th November 1811 from the Second Judge on Circuit in the Western Division - refer his proceedings in case No. 28 of the Files of South Malabar 2d Sessions of 1811.

(Here enter No 737 of 1811)

The Court having duly considered the proceedings of the Judge on Circuit, the Fathers of the Provincial Law Officers and the Fathers of the Cazy and Moosleas of the Tongadoo Adalat, direct that the accused Fathen be demanded from the Cazy and Moosleas aforesaid in answer to the following Question ..... Is it not proved that Kanna the Nephew of the prosecutor Mullan both Mayarapa Menon, was murdered during the robbery with which the Prisoners are charged?

Read

Thursday 7th Feby 1812

Read trial No. 25 from the Judge on Circuit in the Zillah of North Malabar 4th Quarterly Sessions A.D. 1811.

(Here enter No 737 of)

The Court having duly considered the proceedings of the Judge on Circuit - the Fathers of the Provincial Law Officers - & the Fathers of the Cazy and Moosleas of the Tongadoo Adalat on the Question stated in the Minute of the Judge dated 30th ult. on Referring the said Fathers of the Cazy and Moosleas aforesaid and under the description given by the Sentence of Bothodak - do adjudge the Prisoners Chandoo Chitty and Veeren Moopen to be imprisoned & transported to Prince of Wales' Island there to be kept to hard labor in irons on the public roads or other public Works, for & during the Space of their natural lives respectively -

Sent following Letter -

(Here enter D)

17th February 1812

Read that No 4 from the first Judge on Circuit Western Division on the Gyldah of Quarter Sessions A.D. 1811.

(Vide entry No 953)

The Court having maturely considered the proceedings of the Judge on Circuit, the Future of the Provincial Law Office & the Future of the Gaol & Prisoners of the Jurisdiction aforesaid, and do confirm the Said Future of the Gaol & Prisoners aforesaid, and do adjudge the Prisoner, Jno Hammond Hopkins, to be imprisoned & there kept to hard labor in Irons on the Public Roads or other Public works, for & during the Space of three Months, then to be released upon finding sufficient security for his future good behaviour & appearance when required, for one Year.

Next following Letter (Vide entry E)

17th February 1812

Read that No 11 from the Judge on Circuit on the Gyldah of Quarter Sessions A.D. 1811.

(Vide entry No 17 of 1812)

The Court having duly weighed the proceedings of the Judge on Circuit - the Future of the Provincial Law Office & the Future of the Gaol & Prisoners of the Jurisdiction aforesaid, and do confirm the said Future of the Gaol & Prisoners aforesaid - and under the discretion given by the Statute of Robert Prisoner Hammond Hopkins pronounced against the prisoner Hammond Hopkins personal to adjudge him, the said Prisoner Hammond Hopkins, to be imprisoned & there kept to hard labor in Irons, on the public Roads or other public works, for & during the Space of his natural life.

And the Court direct the Release of the prisoners Proclamation & Anthony on their finding respectively sufficient security for their future good behaviour & appearance when required, for five Years

17th February 1812

Next following Letter
(Mem entered F)

Read this day a Letter from
the Judge on Circuit in the Gilbert District - 2 Sessions A.L. 1811.
(Mem entered N 75 of 1812)

The Court having maturely considered the Proceedings of the Judge on Circuit - the Petition of the Prisoners Law Officers & the Petition of the Magistrates - both Copy & Transcripts of the Proceedings of the said Petitioners & Prosecutors of the said Petitioner Abdallah, we pronounce & confirm the Sentence given by the Court of Quarter Sessions aforesaid, & make the Sentence given by the Court of Quarter Sessions pronounced against the Prisoner Terropaurcadel - to undergo Imprisonment, the said Prisoner Terropaurcadel, to be imprisoned & Irons worked to Prince of Wales Island - there to be kept to hard labour in Irons on the Public Roads or the public Works, for & during the Term of his natural Life -

Next following Letter
(Mem entered G)

Monday
30th March
1812

At a Sessions of the Court of Judicature Adalut - Present

Andrew Scott Esqr.
Chas Croft Greenway Esqr. } Puisne Judges

Law Officers

Mountaou Mustafa alias Wan Bukadon Cayee of Java

Mahommud Hanen Adalut } Prosecutors

Read Letter from the 3d Judge on Circuit, Southern Division, informing his Proceedings in Case No 75 of the Petition of Mahommud Hanen & Ors. dated 17th inst with remarks of the Cayee of Java & Prosecutors of the Petitioner Abdallah shewing cause for its Revision.

(Mem entered Remarks)

30th March 1812

The Court directs that the proceedings in the foregoing trial be transmitted to the 3d Judge of Circuit, Southern Division by special command, that the further Evidence required by the Law Officers be forthwith taken, & that the Record of the trial, with such further Evidence thereunto annexed, be re-transmitted for the final sentence of the Supreme Court.

Sent following Receipt

(Receipt B)

In the Court of the Vice Admiralty

Tuesday
March 31st 1812.

Present

Andrew Stoke Esqr
Edward Croft Greenway, Esqr } Judges

Read letter, dated the 24th Instant, from the acting Secretary to Government in the Judicial department - acknowledging the receipt of extract from the Court's proceedings of the 10th, and stating that the Honorable the Governor in Council authorizes the conditional offer of pardon therein recommended.

(Reference No 169)

The Court directed that copy of the above letter, and extract of the Court's proceedings therein referred to be transmitted to the magistrate of the Gilea of Pichinopoly.

Sent following letter

(Receipt A)

Read letter, dated the 26th Instant, from the acting Secretary to the Government in the Judicial department, acknowledging the receipt of extract from the Court's proceedings of the 17th Instant, and stating that the Honorable the Governor in Council authorizes the conditional Pardon therein recommended

(Reference No 170)

31st March 1812

The Court direct that copy of the above letter, and the extract from the Court's proceedings therein referred to, be transmitted to the Magistrate of the Zillah of Chittoor.

Sent following letter
(Vide entry B).

Read letter, dated the 26th Instant, from the Judge on circuit reporting his arrival at the station of the Magistrate of the Zillah of Dowaporam, and intimating, under the circumstance of the reported reappearance of the epidemic disorder at Madura, the expediency of removing the prisoners for trial in that Zillah, either to Ramnaad or Tuticorin, or that he may be authorized in the first instance to proceed to Tinnevelly.

(Vide entry No. 171.)

The Court direct that the Judge on circuit be apprized that the Honorable the Governor in Council has been pleased to resolve that the seat of the Court of the Zillah of Madura shall in future be at Ramnaad, and that orders have accordingly been issued for its removal to that station.

Ordered that extracts of these proceedings be sent to the Judge

31st March 1812 Judge on circuit

Sent following letter
(Vide entry C)

Fol

At a Court of the Fouj.dary Adalut

Friday.
April 3d. 1812

Present
Andrew Scott Esr
Edward Croft Greenway, Esr } Judges.

Read letter, dated the 7th. ultimo, from the Register to the Pro=
=vincial Court for the Western division
reporting, under the order of that Court,
their proceedings on a complaint
preferred by a person named Mur=
=dock Brown against the magis=
=trate of the Zillah of North Malabar.

(Records No. 160)

The complainant Murdock
Brown is described to be a Europe=
=an British born subject, resid=
=ent within the limits of the Zilla
of North Malabar, and to be pro=
=prietor of an extensive plantation
at Anjarakandy - formed origin=
=ally at the expence of the Govern=
=ment of Bombay, and in its in=
=fancy conducted on account of
the Company by Mr. Brown, as
overseer with a certain Salary.
And the property is represented to
have come into his possession, con=
=sequent upon the refusal of the
Court of Directors to sanction the

undertaking, — in which event it had been conditioned between the Bombay Government and Mr. Brown, that the concern should be made over to him, and that he should indemnify the Company for all expences to which it had subjected them.

In carrying on the works of the plantation it is stated to have been customary to employ a description of labourers, who are denominated slaves; and this practice appears to have obtained from its formation, up to the date of the occurrence, which gave occasion to the present reference.

The Zilla magistrate having received information — from a Tean boy, as shewn in his return to the Provincial court's precept of the 27th December last — that several free-born children, natives of Travancore, had been kidnapped and imported into his zilla, and that part of them had been sent to the Ayanakandy plantation, called upon Mr. Brown for a list of his slaves, and simultaneously deputed a commissioner, consisting of one of the gomastas, on his establishment, a com-

5th April 1812

=missioner of Cavursits, and the daroga of the district, to proceed to Ayanakandy, and summon before them and examine the whole of the labourers on the plantation. — The commissioners, or some of them, after executing the instructions which they had received from the magistrate, appear, on quitting the plantation to have carried off with them to Tellicherry 76 men, women and children — part of whom were afterwards restored to Mr. Brown voluntarily by the magistrate, and others under the orders of the judges of the Provincial court.

Mr. Brown appears to have appealed to the Provincial court at Tellicherry for protection against these proceedings of the zilla magistrate — which are complained of as an undue exertion of authority on his part, and highly injurious to the petitioner's concerns.

And the judges, after calling upon the magistrate for an explanation of the grounds of his interference, and perusing other orders, have expressed an opinion that the proceeding was "illegal and harsh", "wanton" "unreasonable".

com

They have referred that subject, as well for the purpose of obtaining the opinion of this Court on the orders issued by them in the course of the discussion, as because it seemed to require the adoption of some arrangement under the orders of Government.

The case, as between the Zilla magistrate and the complainant, appears to the Court to be exclusively cognizable by the Supreme Court of Judicature — to which Mr. Brown is amenable if he have violated the laws of his country, and to which he must appeal if he deem himself injured by any acts of the Zilla magistrate. — But the question in its present state appears to be quite out of the cognizance of the local courts; and the Court consider the Provincial court to have exceeded their authority in receiving and acting upon Mr. Brown's complaint.

The Court, however, deem it to be their duty to lay the above opinion before the Honorable the Governor in Council, with a view of submitting to the consideration of Government the expediency of taking measures calculated to prevent the future traffic in slaves and generally to prohibit the importation, into any part of

the territories subordinate to this Presidency, of persons for purposes of slavery, whether free born, or slaves by birth agreeably to the laws or usages of any of the neighbouring states

Ordered that extract of these proceedings be sent to the acting Secretary to the Government in the Judicial department.

Sent following letter
(Per entry A.)

The Court direct that extract of these proceedings be sent to the Judges of the Court of Circuit for the Western division.

Sent following letter
(Per entry B)

Read letter, dated the 30th ultimo, from the Second Judge in the Southern division — with returned warrants of execution in cases Nos. 10 & 16 of the file of this date, 2d Sept. 1811.

(Per entry No. 176)

Read return from the Magistrate of the Zilla of Pudmapoly to the Court's precept of 15. January, commanding him to receive into

3d April 1812

Recantady the conviction Brandis
- Christy Paramicle and the Petitioner
of banishment from the Zilla of
Cuddapa.

(Recantation No. 177.)

13.

Monday
April 13th
A.D. 1812

T. M.

At a Session of the Court of
Foujdaree Adawlut - Present

Andrew Scott Esqr.
Edward Croft Greenway Esqr. } Puisne Judges

Law Officer

Moulavee Mustafa Khan Khan Bahadur
Cazee col Coozat

Mahummud Usmun Vakeel } Appellants
Roodruk Vakeel -

Read return of the 3d page
of the Court of Circuit for the Cuttack
Division to the Court's precept
under date the 16 December last;
with the additional proceedings
in Case No 3 of the Calendar of
Cuttack Sessions A.D. 1810.

(Register No 3 of 1810
and No 161 1812)

S. Apri 13th April 1812

The Court having duly considered the proceedings of the Court of Quicuich - the Letters of the Provincial Law Officers - & the Letters of the Cayen vol Coozyah & Mooftis of the Fourdarree Adawlut confirm the said Letters of the Cayen vol Coozyah & Mooftis aforesaid & do adjudge the Prisoners, Gobah Mauneyandoo & Gopal Dass, to be imprisoned & thence forth to Prince of Wales' Island, there to be kept to hard labor in irons, on the public roads or other public works, for & during the space of their natural lives respectively -

Sent following letter

(Recruiter No 1)

13 April 1812

Read letter from the 3 Judges of the Court of Quicuich for the Western Division inclosing his proceedings in Case No 11 of Letters Gobah of North Malabar & Gopal D. 1812 -

(Recruiter No 129)

The Court having maturely considered the proceedings of the Court of Quicuich the Letters of the Provincial Law Officers & the Letters of the Cayen vol Coozyah & Mooftis of the Fourdarree Adawlut confirm the said Letters of the Cayen vol Coozyah & Mooftis aforesaid & do adjudge the Prisoners, Gopaly Dooma & Bonhadeu Ambos to suffer death by being hanged at the usual time & place of execution.

Sent following Letter

(Recruiter B)

13. April 1812

Read letter dated 12th Feby.
from the 3d Judge of the Court of
Circuit for the Eastern Division, de-
-livering his proceedings in case
No 25 of the Zillah of Cuddapah
/ Tupiens A.D. 1812

/ Mem entered No 125 /

The Board having maturely
considered the proceedings of the
Court of Circuit - the Letters of the
Provincial Law Officer - the
Letters of the Cazee and Coosgah &
Moofties of the Sudder Adawlut,
confirm the said Letters of the
Cazee and Coosgah & Moofties & finding
& do adjudge the Prisoner, Bhogum
Venkatayandoo, Guilty per death
by being hanged at the usual
time & place of execution.

/ Sent following Letter
/ Mem entered (

F. 11

At a Court of the Foujdaree Adawlut
Friday
April 12. 1812. Present
Andrew Scott, Esqr. } Judges
Edward Croft Greenhalgh, Esqr. }

Read the following letters
with reports of prisoners for the month
of February, in the Zillas of Cuddapah,
Canara, Tinnevelly, Seringapatam,
Darapooram, Nellore, Trichinopoly,
Verdachelum, Bellary, Chittoor, Guntu-
-lipatam, Chingleput, Ganjam, Madu-
-ralaur, Salem, Vizagapatam, Cou-
-daconum, Rajahmundry, and Madu-
-ralaur.

(Receipts in No. 145, 146, 147, 148,
149, 150, 153, 154, 155, 157, 158, 163, 165,
166, 167, 168, 172, 175, 184.

Read letter, dated the 31st
ultimo, from the Chief Secretary to
the Government - acknowledging
the receipt of extract from the Court's
proceedings of the 9th April 1812, and a
letter from the Magistrate of the
Zillah of Masulipatam, and stating
that the Honorable the Governor in
Council is pleased to authorize
and direct that Officer to proclaim
five Sundar durkyts, under the
provisions of regulation XIII 1807,
offering rewards of Rupees 1000
each for their apprehension.

(Entered No. 178) The

Read letter dated 12 Feb.
from the 3d Judge of the Court of
Circuit for the Cuttack Division, de-
-fining his proceedings in case
No 25 of the Gillah of Cuddapah
1 Sepoys A.D. 1812.

(Write No 175)

The Court having maturely
considered the proceedings of the
Court of Circuit - the Futwa of the
Provincial Law Officer - the
Futwa of the Cazee and Cowzah &
Mouftee of the Adawlut
confirm the said Futwa of the
Cazee and Cowzah & Mouftee & order
& do adjudge the Prisoner, Bhogum
Kukatyandoo, to suffer death
by being hanged at the usual
time & place of execution.

Sent following Letter
(Write No

F. 11

At a Court of the Foujdaree Adawlut

Friday
April 4th. 1812.

Present
Andrew Scott, Esqr. } Judges.
Edward Croft Greenhaugh, Esqr.

Read the following letter
with reports of prisoners for the month
of February, in the Gillas of Cuddapa,
Canara, Tinnevelly, Seringapatam,
Ouragoorum, Nellore, Trichinopoly,
Verdachelum, Bellary, Chittoor, Masu-
-lipatam, Chingleput, Guntoor, North
Arcot, Salem, Vizagapatam, Coim-
-batoor, Rajahmundry and South
Arcot.

(149, 150, 153, 154, 155, 157, 158, 163, 165,
166, 167, 168, 172, 175, 184.

Read letter, dated the 21st
Ultimo, from the Chief Secretary to
the Government - acknowledging
the receipt of extract from the Court's
proceedings of the 4th April 1812, and a
letter from the Magistrate of the
Zillah of Masulipatam, and stating
that the Honorable the Governor in
Council is pleased to authorize
and direct that Officer to proclaim
five Sundah dunkys, under the
provisions of regulation XIII 1808,
offering rewards of rupees 1,000 a
each for their apprehension.

(Write No 178) The

14th April 1812

The Court directed that extracts from their proceedings under date the 9th April, 1812, and copy of the above letter, be transmitted for the information & guidance of the Zilla Magistrate.

Vide following letter
(Reference A.)

Read letter, dated the 1st Instant, from the Magistrate of the Zillah of Vizagapatam - enclosing a register of persons proclaimed in his Zillah.

(Reference No. 179)

Read return from the same Magistrate to the Court's precept of 25th Ultimo, certifying him to proclaim two chief, & eleven - one of whom, Cunnagra Narrangar is certified to have been since apprehended on warrant

(Reference No. 180)

Read letter, dated the 30th ult.mo, from the Judge on circuit in the Northern division - reporting that he has directed the release of the female prisoners

(Reference No. 181)

Read the following letters, with reports of prisoners

14th April 1812

confined under sentence, in the Zillah of Salem & South Malabar.

(See Nos. 182 and 185)

Read letter, dated the 1st Instant, from the Magistrate of the Zillah of Beleary - with report, for the last month, of persons proclaimed in his Zillah.

(Reference No. 183)

Read letter, dated the 6th Instant, from the Judge on circuit in the Southern division - enclosing copy of the calendar for the Zillah of Dindigul, and reporting his departure for the Zillah of Madura.

(Reference No. 187)

Read letter, dated the 7th ult.mo, from the 2d Judge of the court of circuit for the Western division - with returned warrant of execution in case of Nuttoo Vengapa Nayka convicted of Murder in the Zillah No. 23 of the Zillah of South Malabar, 2d Sept.r 1811.

(Reference No. 190)

Read letter, dated the 9th Instant, from the Magistrate of the Zillah of Trichinopoly - enclosing a list of convicts for transportation, who have been sent to Chingleput.

(Reference No. 191)

Read letter, dated the 2d

3d May 1812

Station, where, from the want of a competent Court, little progress has been made in the decision of appeals since the 1st of January last, the Court respectfully beg leave to recommend that Mr. Skinner may receive orders to superintend the business of the ensuing season in the Zillah of Chingleput.

Ordered that extract of these proceedings be sent, with copy of the above letter, to the Acting Secretary Revenue Department.

(Records in Nos. 193, 197, 198, 199, 200, 201, 202, 204, 205, 206, 207, 209, 212, 214, 216, 217, 222 & 227.)

Read letter, dated the 20th ultimo, from the Magistrate of Chingleput - with a list of convicts, in the depôt for

5th May 1812

transportation.

(Records No. 203)

Read report for the last month of persons proclaimed in the Zillah of Cuddapa.

(Records No. 208)

Read letter, dated the 20th ultimo, from the 2d Judge in the Southern division - enclosing copy of the Pychiunopoly calendar for the second Sessions of 1811.

(Records No. 210)

Read letter, dated the 18th ultimo, from the Judge on circuit in the Northern division - reporting his arrival at Vizagapatam.

(Records No. 213)

Read letter dated the 23d ultimo, from the third Judge in the Northern division - with copy of the Masulipatam calendar for the Session of 1812.

(Records No. 218)

Read the following letters with reports of prisoners confined under sentence in the gaols of Bonapoorum and South Malabar.

(Records Nos. 222 & 223)

Read letter, dated the 1st

5th May 1812

Instant from the magistrate of the zilla of Cuddalore: with a register for the last month, of persons proclaimed in his zilla.

(Here enter No. 225)

It appearing from the magistrate's return to the Court's precept of 25th February, authorizing him to proclaim Coonjan Solagan and Cunnoya Cheruvagar, that the latter had been apprehended upon a warrant, previously to the notification of a reward being offered:

The Court have to observe that his name should not have been included in the above register.

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

Sent following letter

(Here enter B)

Read letter, dated the 1st Instant, from the magistrate of the zilla of Bellary - with a list for last month of persons proclaimed in his zilla.

(Here enter No. 243)

Read letter, dated the

2 F 6

5th May 1812

9th ultimo, from the magistrate of the zilla of Cuddalore - requesting to be informed, "whether under the "existing regulations & mahommedan "law, persons sentenced by the magis- "trate to temporary imprisonment, "may not be condemned to labour "on the public works."

(Here enter No. 194)

It having been ascertained that the employment on the public works of convicts sentenced to imprisonment is conformable to the Mahommedan law: the Court consider that all convicts, under sentence of imprisonment by order of the magistrate, should be so employed, except in cases in which the terms of the sentence passed upon them may exempt them from such employment.

Ordered that extract of these proceedings be sent to the zilla magistrate.

Sent following letter

(Here enter C)

Read letter, dated the 27th ultimo, from the magistrate of the zilla of Salem.

(Here enter No. 215) The

5th May 1812

The magistrate submits copy of a letter, addressed by him under date the 30th. ultimo, to the registrar of the Southern court of circuit, concerning two persons, named Chinna Yellum and Perriyah Yellum, tried for highway robbery in the first session of 1811, and sentenced to imprisonment with hard labour for three years, who he states, "never admitted their "guilty before the police officer, or "the magistrate", but of whose innocence, he would infer, no doubt can at present be entertained, two other persons, named Maotoo and Veerun, since apprehended, having confessed that the highway robbery was committed by them.

The magistrate also encloses extract from the proceedings of the court of circuit for the Southern division, dated the 13th. ultimo.

The [illegible] case of the prisoners Chinna Yellum & Perriyah Yellum appears from the Salem calendar for the session 1st Sept. 1811 to have been finally decided upon by the late Acting judge of circuit, whose retirement from the station he had occupied on a salary of 500 rix dollars per annum rendered it impossible to procure his attendance before the court of circuit, when the case was tried. As, however, the Court entertain doubts on the subject, it would be desirable, should there be any grounds for such doubts, that the case should be reconsidered by the court of circuit, the Court therefore consider that the above reference ought to have come accompanied with the notes taken by the judge at the trial.

The Court further consider that the court of circuit were fully [illegible]

5th May 1812 competent, under the circumstances of the case, to exercise its discretion on the point submitted to them as to the propriety of granting a respite, and authorize the magistrate to liberate the two persons upon bail in the sum of 100 rix dollars each, until the case could be reported for the determination of this Court.

Ordered that the court of circuit of the Southern division be informed that the Court direct that the record of the proceedings of the court of circuit in the case of the prisoners Chinna Yellum & Perriyah Yellum, tried at the session held in the month of September 1811, be immediately sent up for their information.

Ordered that extract of these proceedings be sent to the court of circuit for the Southern division.

Sent following precept.

(Vide entry D)

Read letter, dated the 23d ultimo, from the assistant to the magistrate of the district of Nagalamudiyur reporting the escape of 23 convicts from the roads upon which they were employed; and recommending the pardon of one of them, named Tandy Veeputty, from whom he received the first intimation of their escape, as a proper object for mercy.

(Vide entry No. 219)

The conduct of the convict Tandy Veeputty on this occasion appearing to the Court to deserve encouragement and reward, the Court resolve to transmit copy of the assistant magistrate's letter to the acting Secretary to the Government

5th May 1812

in the judicial department, and to submit to the consideration of the Honorable the Governor in Council the expediency of pardoning the convi-ction, upon which the prisoner was sentenced to imprisonment in the jail of the Zilla of Rajahmundry.

Ordered that extract of these proceedings be sent to Mr. acting Secre-tary Hill.

Sent following letter
(Reference 6)

Read letter, dated the 27th ultimo, from the Assistant to the Ma-gistrate in the Zilla of Rajahmundry, reporting the suspension of the Jailer for neglect of duty, and nominating a successor

(Reference No. 226)

Under the provisions of Section VII, Regulation V of 1811, it belongs to the duty of the Court of Circuit to confirm the removal and appointment of all native officers on the establishment of the Magis-trate of the Zilla of Rajahmundry, receiving a salary of 10 rupees per annum or upwards.

Ordered that extract of these proceedings be sent to the Zilla Magistrate.

Sent following letter
(Reference 7)

F. C.

Monday 11th May 1812

At a Session of the Court of Foujdaree Adawlut. Present.

James Stuart Esqr
Chas. Hoffm. Greenway Esqr } Puisne Judges

Law Officers

Moulavee Mustafa Ali Khan
Baboo Gopee Mohun Deb

Mr. Hammond, Mr. Leech, Mr. Roebuck, Mr. Leith } Prosecutors

E.C.S.

Read letter dated 21st Feby. from the 1st Judge of the Court of Circuit for the Northern Division, reporting his Pro-ceedings in case No 7 of the Calendar of Sessions Dis-trict of Midnapore for 1812.

(Reference No 104)

The Court having duly considered the proceedings of

The Court of Enquiry, the Futwa of the Provincial Law Officer, & the Futwa of the Cazee wal Coozat & Mooftees of the Zoojdaree Adaulut, confirm the said Futwa of the Cazee wal Coozat & Mooftees aforesaid, & direct, that the Prisoners, 1st Bhuggo Thaun 2d Syud Shamun. & 3d Shaik Wahed, be released on finding, as put in only, sufficient Security for their future good behaviour & appearance when required, for twelve Months.

And the Court direct that the Prisoners, Cawdu Gown - Bhupein Cawn - Goolam Mohudeen - Mahomed Jooma - Mahomed Sebuckoolah - Jeun Mud - Lall Mahomed - Mahomed Enajeh - Mahomed Bance-

Shaik Lillan - Shaik Chaudoo - Cawdu Saib - Mahomed Bollah - Woomar Saib - Syd Shah Ameen - Oodeen Ally - Shaik Bupain - & Abdool Cawdu - be forthwith discharged. -

The Court observing, that in the letter from the Jurry on Enquiry, this Cazee & Moosy committed on the Windoos at Nulpe by the Inhabitants, who were in consequence apprehended & sent from the custody of the Public Officers, is ascribed to ignorance, on the part of the former, in carrying their Orders into Execution, through the Interpretation of the latter, & is attributed, contrary to former Customs, & the Mahomedan Law, to the Magistrate's having ordered it to be put in force, & presume that the Magistrate should be required to ascertain what the former Custom was, & to cause it to be strictly adhered to.

The Court consider it to be the duty of the Magistrate to protect equally

11th May 1812

The Inhabitants of the Province of Quebec praying that
the Writ of Habeas Corpus ad subjiciendum may issue to
the Sheriff or Constable, Gaoler or Keeper of the Gaol
of the District of Montreal, directed to the Judges
of the Court of King's Bench for the District of Montreal
to the end that his Imprisonment and Detention
may be inquired into by this Honorable Court
the Petitioners having been committed to the Gaol
of the District of Montreal by a Warrant of
Commitment issued by Herman Witsius Ryland
Esquire, Civil Secretary of this Province, and
Justice of the Peace for the District of Montreal
for and on the Information of Joseph Roi dit Labrosse
Merchant, and Pierre Guy Merchant, both of the
City of Montreal, in the District of Montreal
aforesaid, Yeomen, charging the Petitioners
with having on the night of the Eighth
Instant, with force and arms, broken open
the Shop of the said Joseph Roi dit Labrosse
situate in the City of Montreal aforesaid
and stolen and carried away therefrom
Goods and Merchandize to the amount
of Two Hundred Pounds Currency or
thereabouts, the Property of the said
Joseph Roi dit Labrosse, and praying
that the Petitioners may be admitted
to Bail for their appearance to answer
the Charge contained in the Warrant
of Commitment, and that the Petitioners
may be discharged from Custody
and Imprisonment

Read the Petition

Ordered that the Petitioners be admitted to Bail
for their appearance to answer the Charge contained
in the Warrant of Commitment, and that the Petitioners
be discharged from Custody and Imprisonment
upon entering into their own Recognizance
with two sufficient Sureties in the sum of
Fifty Pounds each, to appear before this
Court on the first day of the next Term
to be holden at Montreal in and for the
District of Montreal, and to answer
such Charge as shall be then and there
preferred against them by Information
or Indictment, and to abide the Judgment
of this Court thereupon, and not depart
this Court without Leave

Ordered that the Petitioners be committed
to the Gaol of the District of Montreal
there to remain until they shall have
entered into the said Recognizance with
Sureties as aforesaid

Ordered that a Copy of this Order be
transmitted by the Secretary of this
Province to the Gaoler of the Gaol of
Montreal

Ordered that the Petitioners be
discharged from Custody and Imprisonment
upon entering into their own Recognizance
with two sufficient Sureties in the sum of
Fifty Pounds each, to appear before this
Court on the first day of the next Term
to be holden at Montreal in and for the
District of Montreal, and to answer
such Charge as shall be then and there
preferred against them by Information
or Indictment, and to abide the Judgment
of this Court thereupon, and not depart
this Court without Leave

11th & 12th May 1812.

Sent following letter
(Number C)

Read letter dated 28th March, from the 3rd Judge of the Court of Circuits for the Southern Division opening his proceedings in Case No 13 of the Gillah of Salem. 1st Sept A.D. 1812.

(Write No 159)

The Court having duly weighed the proceedings of the Court of Circuits, the Duties of the Provincial Law Officer & the Duties of the Cazee wal Cozzeh & Mooftee of the Zillah aforesaid; confirm the said Duties of the Cazee wal Cozzeh & Mooftees aforesaid &c

11th May 1812

& do adjudge the Prisoner, Shaik Ds= = mael, to be imprisoned & kept to hard Labor, on the Public Roads or other Public Works, for & during the Space of twelve Months.

Sent following letter
(Number D)

Read letter dated 3rd Septr from the 3rd Judge of the Court of Circuits for the Southern Division, opening his proceedings in Case No 18 of the Gillah of Ryacherrie dy, 1st Sept A.D. 1812

(Write No 160)

The Court having maturely considered the proceedings of the Court of Circuits - the Duties of the Provincial Law Officer - & the Duties of the Cazee wal Cozzeh & Mooftees of the Zillah aforesaid, confirm the said Duties of the

11th May 1812

Tayjeevool Coorgah & Thoorpies aforesaid, & direct that the Prisoner Codandaroy Ramaiyen be released on finding security for his future good behaviour & appearance when required for five years.

And the following letter (Mr Hunter E)

from the Judge of the Court of Circuit for the Southern Division stating his proceedings in the Case of the Gillah of Tichinopoly dated 1st Instant A.D. 1812.

(Mr Hunter No 131)

The Court having considered the proceedings of the Court of Circuit. The Articles of the Provincial Law Officer & the Futwas of the Tayjeevool Coorgah & Pundit

Monday 11 May 1812

aforesaid, & direct that the Prisoners, Ponthayen - Poosi - Chellen - Cawthayen - Pannan - Curthodaulin - Cully Coodian - Villy Coothy - Vellayen - Coopan - Cooray Pathayen - Chellon & Chinna Coothy, be released on finding, respectively, sufficient security for their future good behaviour & appearance when required, for twelve Months

E.B.G

And the following letter

(Mr Hunter F)

F. U.

At a Court of the Fuojdarce Adalut

Thursday
12th. May 1812 Present

Andrew Scott Esqr.
Edmund Craft Greenway Esqrs } Judges.

Read letter of this date
from the Acting Secretary to the Govern-
=ment in the judicial Department
acknowledging the receipt of extract
from the Court's proceeding of the 5th
Instant, and stating that the Hono-
=rable the Governor in Council ap-
=proves of the entering jail delivery
at Chittagong not being held by the
second judge of the court of circuit
for the centre division.

(Answered No. 230)

The Court direct that copy of
the above letter, with the extract from
their proceedings therein referred to
be forwarded for the second judge's
information.

And the Court direct that
similar copy and extract be trans-
=mitted for the information of the
court of circuit for the centre divi-
=sion, — who will report at what
date the law officer and records
of the court may be expect to reach
Chittagong.

(Sent for Collr's letter A & B) Next

12th May 1812

Read letter, dated the 9th ultimo, from the magistrate of the Zilla of Vizagapatam - with re=
=ports of prisoners for transmission.
(Here enter No. 229)

Read letter, dated the 27th ultimo, from the magistrate of the Zilla of Salem, requesting au=
=thority to proclaim four persons, viz.t Coona Callatah Maramadum, Veerum, Aundee and Coma Nainnen, as also another, whose name is un=
=known; and to offer rewards for their apprehension severally.
(Here enter No. 220)
The parties are charged with having on the night of the 10th instant attacked and severely & danger=
=ously wounded two persons, who were watching their grain in a field of the village of Codeputtee. It is also stated that the foujdarree records of the Zilla contain com=
=plaints, which have been lodged for a considerable period, against the three first - Coona Callatah Maramadum, Veerum, & Aundee, who have, however, hitherto escaped apprehension. And the magistrate adds that they are suspected of having committed two recent murders in the

12th May 1812

Nairnad district.

It appearing to the Court to be expedient, under the circumstances stated in the above letter, that the said requisite should be had to the mea=
=sures prescribed in regulation XIII of 1806, for the apprehension of the of=
=fenders Coona Callatah Maramadum, Veerum, Aundee and Coma Nainnen, and for their punishment respective=
=ly, in case they shall not appear, or be apprehended within the period of two months from the date of the proclamations: —

Resolved that the Zilla magistrate be duly authorized and directed to cause proclama=
=tions, according to the form recited in section III, regulation XIII of 1806, to be affixed and published in the manner therein specified - offering for the apprehension of the several per=
=sons hereunder mentioned, the rewards set opposite to their names; and that the magistrate institute further proceedings against the parties proclaimed be guided by sections V. VI and VII of the regulation referred to: - viz.t
Coona Callatah Maramadum - 50 rupees
Veerum and Aundee - each 40 rupees
Coma Nainnen ——— 30 rupees
The

12th May 1812

The Court cannot authorize the magistrate to proclaim the other party, whose name is reported not to have been ascertained.

Sent following precept

(Pere entro C.)

Ordered that notice be given to the Civil Auditor that the Court have this day authorized the magistrate of Salsette to offer the rewards, above stated for the purposes declared as aforesaid.

Sent following letter

(Pere entro D.)

Read letter, dated the 29th Ultimo, from the pidge on circuit in the Northern divisions reporting his having left the Zilla of South Malabar on the 25th,

(Pere entro No. 228)

Read letter, dated the 1st Instant, from the assistant to the magistrate of the Zilla of Rajahmundry - with a list of prisoners confined under sentence in his jail.

(Pere entro No. 232)

£ d

At a Court of the Judicature Adalat

Friday
22d May 1812

Present

Andrew Scott, Esq
Edward Croft Greenway, Esq } Judges.

Read letter, dated the 12th Instant, from the Chief Secretary to the Government, - referring for the opinion of the Court a question of procedure, submitted by the magistrate of the Zilla of Canara, in the case of a person named Pyka, an inhabitant of this Zilla who is stated to have been sent in, by a Portuguese officer commanding Canara in the Goa country, charged with having been concerned in a murder committed at Sohien in that country but against whom, it has since appeared, there is no other proof whatever, than the declaration of another prisoner, described by the Portuguese officer to be an inhabitant of Goa, and to have been sent to that place.

(Pere entro No. 231)

The magistrate appears to have received the prisoner Pyka into his custody; and, finding on his examination that he denied the charge, to have applied to the officer to send to Canara the complainant and witnesses to the commission of the crime, addressed [illegible] - to which application

22d May 1812

application led to the knowledge of the fact of a want of proof against the prisoner.

The magistrate solicits the orders of Government as to the mode of proceeding against the prisoner Pyna, a native subject of the British Government; and further regarding the disposal of two other persons, inhabitants of Goa, who are accused by the Portuguese officers of having been concerned in the murder in question, and of having twice taken refuge in his Gilea; and whom he has been requested to seize and send to Goa.

With respect to the Gilea of the magistrate on the occasion reported, the Court are induced to observe that, under other circumstances than those, which attended the delivery of Pyna into his charge, they would deem his proceedings to be imperfect, and to contain no justification for his detention of the prisoner. But as the accused appears to have been apprehended on a charge of murder within the territory, where the crime was alledged to have been committed, and to have been sent in a prisoner, so charged by the officer in authority there, the Court consider that the magistrate could not do otherwise

22d May 1812

than receive him into his custody. — His subsequent proceedings, which had for their object to ascertain whether there were ground to suspect the prisoner to have been concerned in committing the alledged murder, and which seem to have embraced all the means that lay in his power to effect that object, appear to the Court to have been strictly correct. And, notwithstanding the result, the Court are further of opinion, that the magistrate would not have been justified in discharging the prisoner, without reporting his proceedings to the Governor in Council.

And with respect to the procedure now to be pursued against the accused, — in the opinion of the Advocate General which accompanies the above reference, it is stated that "in crimes the jurisdiction is determined by the locality of the offence". But in qualification of this general rule, provision has been made by the Legislature of the Presidency of Fort St. George, for rendering native subjects of the British Government amenable to the established courts for crimes committed in places out of the limits of the British provinces. And under section III, regulation XI of 1809, it is competent to the Governor in Council, should he deem it proper

2 22d May 1812 to bring the prisoner Pyka to trial for the offence imputed to him, to which he "be brought to trial before "any of the established courts of crim- "inal judicature within the British "provinces, which he may be pleased "to appoint."

The Court, however, beg leave to submit that the stated grounds of evidence against Pyka - and it seems probable that no further evidence is attainable, - appears to demonstrate the inutility of bringing him to trial before any British court of justice. The provisions of regulation XI of 1809 cannot therefore, it is submitted, be acted upon in this case: - and it remains to be considered how far it may be expedient to put in force the general law, under which the locality of offence operates to determine the jurisdiction.

The same defect in evidence may serve to govern the determination of this point. — But this question be- -ing one of international policy, no less than that concerning the re- -fugees Oma & Saranindi, which in- -volves the discussion of the right of an independent community to pro- -tect all who come within its bounds - a right, which is remarked to have been always "held one of the most valuable "prerogatives of sovereignty," — the Court feel their views incompetent to offer an opinion on this point

2 — F. C.
May 22d 1812

of the subject.

The Court direct that an extract of these proceedings be sent to the Chief Secretary to the Government for the purpose of being laid before the Honorable the Governor in Council.

Sent pro Cleaning letter (Here enter A)

Read letter, dated the 11th instant, from the Judge on circuit in the Western division - reporting his arrival at Seringapatam.

(Here enter No. 193)

Read letter, dated the 30th ultimo, from the Acting Secretary Bile - enclosing for the information of the Court copy of a letter received from the Magistrate of the Zillah of Canara, requesting instructions as to the mode of proceeding on a complaint preferred against a Mahratta for a murder committed in the Mahratta country, the accused having fled into the Company's territory, - with a copy of the reply thereto.

(Here enter No. 195)

Read letter, dated the 4th ultimo, from the Judge on circuit in the Northern division enclosing

copy of the calendar for the Zilla of Nagalmenday, and reporting his intention to proceed to Vizagapatam on the 5th.

(Perusita No. 196)

Read letter, dated the 19th Instant, from the Judge on Circuit in the Southern division - submitting a question concerning the jurisdiction in case No. 26 on the calendar for the Zilla of Madura, wherein the prisoner Alagapun is charged with a murder, alledged to have been committed in the year 1800, when the country had not accrued to the possession of the Company's government, and the present regulations had not been promulgated

(Perusita No. 238)

Murder having been always a crime by the common law of this country, there cannot be a doubt of the amenability of the accused to the established Courts, - the proceedings and sentences of which are in all cases governed and regulated by the Mahommedan Law, subject to such modifications as have been introduced by the regulations; but which modifications unless they have an operation favorable to the prisoner, cannot be held applicable to the prisoner

22d May 1812

in the case referred by the Judge on circuit.

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

Sent following letter

(Perusita B.)

Read report from the Magistrate of the Zilla of Cuddapa, of persons proclaimed in his Zilla for the last month.

(Perusita No. 260)

Read letter, from the Second Judge of the Court of Circuit for the Western division - with copy of the calendar for the Zilla of North Malabar, 2d. quarter Sessions of 1812

(Perusita No. 269)

Read letter, dated the 9th Instant, from the Judge on Circuit in the Northern division - enclosing copy of the calendar for the Zilla of Vizagapatam, and reporting his intention to proceed on the 10th. to Ganjam.

(Perusita No. 250)

Read letter, dated the 19th Instant, from the Magistrate of the Zilla of Chingelput - with a list

of

22d May 1812

of convicts in the transportation depôt for trial.

(Recorded No. 254)

Read letter, dated the 7th Instant, from the pidge on circuit in the Centre division - reporting that the court of circuit would immediately leave the station of the magistrate of the zillah of Cuddapa.

(Recorded No. 255)

Read letter, dated the 7th Instant, from the same pidge - enclosing copy of the calendar for the zillah of Cuddapa.

(Recorded No. 256)

J. C.

At a Court of the Foujdaree Adalut

Tuesday.

May 26th 1812. Present

Andrew Scott, Esqr.
Edmund Croft Greenway, Esqr. } Judges.

Read letter, dated the 22d Instant, from the registrar to the court of circuit for the centre division - with extract from the proceedings of that court on a letter from the first pidge on circuit at Cuddapah, reporting that he had given notice to the magistrate of the zillah of Chingalpat that the court would probably arrive at that station about the 5th Prox.

(Recorded No. 266)

Ordered that copy of the above reference be transmitted to the second pidge of the court of circuit for the centre division.

Sent following letter

(Recorded A)

Read report of prisoners confined under sentence in the jail of the zillah of South Malabar.

(Recorded No. 259)

Read letter, dated the 5th Instant, from the pidge on circuit in the Southern division - reporting his arrival at Ramnad.

(Recorded No. 260)

Noted

26th May 1812

The Court direct that the magistrate of the Gilca of Ti= =rinopoly be by precept required to report, with reference to the means of accommodation & security ~~of keeping safely and decent~~ of a prisoner ~~confined~~ by his jail, — to what extent he may be enabled to find employment on the public works within his ju= =risdiction, for an additional number of convicts under sen= =tence of imprisonment & hard labour.

Sent following precept
(Document B.)

Monday 1st June 1812

At a Session of the Court of Magistrates Madura — Present

Andrew Scott Esqr
Dow Crofft Greenway Esqr } Senior Magistrates

Law Officers

Mouliana Mustapa Ulla Thum Ba= =dsha
Hadoo Cayo ool Coyas Ta= =ra

Mohammad Umeer Ullah
Roderick Ullah — — } Interpreters.

Read, agreeable, Letter from the 1st Judge of the Court of Circuit for the Western Divi= =sion, reporting his proceedings in Case No 28 of the Calendar of Mr. Mackeras & Co.'s Dr. to Bill Expenses with the Warrant & Letter ~~thereunder~~ by the Cazee & Mahomedan Expounder of the Regulations & Law & Assessors attached to the Court of Circuit & Appeal for the Western Division dated 22d March last

26th May 18

1st June 1812

(Execution No 515 of 101

The Court having duly considered the proceedings of the Court of Circuit - the Letters of the Provincial Law Officer & the Letters of the Cayen vol Coogah & Shooftes of the Foujdaree Adalut - confirm the said Letters of the Cayen vol Coogah & Shooftes aforesaid, & direct that the Prisoners be taken Executed - 2d Dec Banished to Bencoolen - 2d Dec Banished to Bencoolen & 3d Dec Banished to Penang, be forthwith discharged -

Sent following Letter

(Execution No.)

1st June 1812

Read Letter dated 11th May from the 1st Judge of the Court of Circuit for the Cuttack Division, transmitting his proceedings in Case No 33 of the Cuttack Calendar for Sept. & Dec 1811 -

(Execution No 235)

The Court having duly considered the proceedings of the Court of Circuit - the Letters of the Provincial Law Officer & the Letters of the Cayen vol Coogah & Shooftes of the Foujdaree Adalut, confirm the said Letters of the Cayen vol Coogah & Shooftes aforesaid, & do adjudge the Prisoner, Soobadar, to be imprisoned & transported to Prince of Wales' Island, there to be kept to hard Labor in Irons, on the public Roads, or other pub

public banks, for abusing
the powers of his Natural Sup

And the Court direct
that the Prisoner, Venkatakris
be released on finding sufficien
security for his future good
behaviour & appearance
against for Seven Years &

Sent following Letter
(Vide Letter B.)

Fredericksburg
June 2d. 1812

At a Court of Requests held at
Present
Andrew Scott Esqr
Edward Croft Greenway Esqr Judges.

Read letter, dated the 22d
ultimo from the judge on circuit in the
Western division - reporting his depart
=ure on the 16th from Cannanore.
(Received No 271)

Read letter, dated the 23d
ultimo, from the judge on circuit in the
Southern division - reporting his arri
=val at Cananore.
(Received No 276)

Read letter from the Sub
=stitute of the Collector of Salem to the
Court; precept of the 12th ultimo, au
=thorizing and directing him to pro
=claim Coona Callatah Mannadien
and three others, under the provision
of regulation XII of 1809.
(Received No 277)

Read letter, dated the 27th
ultimo, from the judge on circuit in
the Southern division - enclosing copy
of the calendar for the Zillah of Madura,
and reporting his departure for Tinne
=velly.
(Received No 278)

Read letter, dated the 26th
ultimo, from the judge on circuit in
the Western division - forwarding

public works, for drawing
the Spur of this

Read

(Peracutta No 282)

Read letter, dated the 28
ultimo, from the pubs circuit
the Pentandiviam - reporting
the death of Aroeed Karta, ap
:soner tried in referred case, N
38, 39, 40, 45 & 47 of
(Peracutta No 281)

Read letter, dated the 2
ultimo from the third pubs circ in the
Pentandiviam - with returned
warrant of execution in case No. 1
of Jilla South Malabar, 1st quarter
sessions of 1812.

(Peracutta No 282)

Read the following letter
with reports for last month of
persons proclaimed in the Jillas
of Verdachelum & Bellary.

(Peracutta Nos 283 & 284)

Read letter, dated the 0
Instant, from the third pubs circuit in the
Centre division - with copy of
the Chittoor calendar, for the

sessions of 1812.

(Peracutta No 292)

Read letter, dated the 5th
Instant, from the acting Secretary to
the Government in the judicial de-
:partment acknowledging the re-
:ceipt of extract from the Court's pro-
:ceedings of the 5th ultimo on a report
of the escape of Twenty three convicts
employed on the Rajahmundry
roads; stating that the Honorable the
Governor in Council trusts that effectual
exertions will be made to apprehend
the fugitives, and that the circumstances
attending their escape have been enquired
into; and requiring the payment of
the Governor in Council that Sundry
Fees putty be raised from confine-
:ment.

(Peracutta No 293)

Ordered that copy of the above
letter be sent to the Magistrate of the
Jilla of Rajahmundry.

Sent following letter

(Peracutta A)

Read the following letter
with reports of prisoners, in the Jillas
of Cuddapa, Verdachelum, Dindigul
:am, Canara, Seringapatam, Bellary,
Chingulput, South Malabar, Gan-
:jam, Masulipatam, Salem, Tri-
:chinopoly, Rajahmundry, Chittoor,

1

9th June 1812

Copy of the calendar for the Zillah of North Malabar.

(Peruntu No. 279)

Read the following letter with reports of prisoners confined under sentence in the jails of Tellicherry and Vizagapatam.

(Peruntu Nos. 280 & 281)

Read letter, dated the 28th ultimo, from the Judge in circuit in the Northern division - reporting the death of Arveed Karta, appellant tried in referred cases Nos. 38, 39, 40, 45, & 47 of Canara.

(Peruntu No. 281)

Read letter, dated the 29th ultimo, from the third judge in the Northern division - with returned warrant of execution in case No. 11 of Zillah North Malabar, 1st quarter sessions of 1812.

(Peruntu No. 282)

Read the following letter with reports for last month of persons proclaimed in the Zillahs of Verdachelum & Bellary.

(Peruntu Nos. 283 & 284)

Read letter, dated the 1st instant, from the third judge in the Central division - with copy of the Chittoor calendar for the

1.

9th June 1812

Second quarter sessions of 1812.

(Peruntu No. 292)

Read letter, dated the 5th instant, from the Acting Secretary to the Government in the judicial Department acknowledging the receipt of extract from the Court's proceedings of the 5th ultimo on report of the escape of Twenty three convicts employed on the Rajahmundry roads; stating that the Honourable the Governor in Council trusts that effectual exertions will be made to apprehend the fugitives, and that the circumstances attending the escape of Ramasawmy Kavalee may be further enquired into; and signifying the pleasure of the Governor in Council that Timmy Peerputty be released from confinement.

(Peruntu No. 293)

Ordered that copy of the above letter be sent to the Magistrate of the Zillah of Rajahmundry.

Sent following letter

(Peruntu A)

Read the following letter with reports of prisoners, in the Jails of Cuddapa, Verdachelum, Durmapooram, Canara, Vizagapatam, Bellary, Chingulput, South Malabar, Ganjam, Masulipatam, Salem, Tranquebar, Rajahmundry, Chittoor,

9th June 1812

Conducconeum Tirunelvely, Vizagapatam
Nellore, and Salem Malabar

(Accounts in Nos 239, 244, 246,
247, 248, 252, 253, 258, 262, 263, 264,
265, 270, 272, 273, 274, 284, 285, & 290)

Read letter, dated the
5. Instant, from the magistrate of
the Zillah of Tinnivelly - enclosing
a report of prisoners confined under
sentence in the Jail of that Zillah.

(Received No. 295)

Monday
June 15th
1812

At a Supreme Court for the Island of Ceylon

Present

The Honble Sir Alexr Johnston Knt Chief Justice
The Honble Thomas Strange Esqr
The Honble John Wilkie Esqr
The Honble Richard Ottley Esqr

Law Officers

Mr Advocate Templer
Mr Solicitor General Tolfrey

Mohammed Uman Ulleh
Boodrut Ulleh
} Interpreters

Read Letter, dated 13th May,
from the 3rd Judge of the Court
of Circuit for the Northern Di-
= vision, referring his proceedings
in case No 5 of the Gillah of
Manaalpatam 2d Quarterly Sessions
A.D. 1812.

(Received No. 230)

The Court having duly

9th June 1812

Con.d

15th June 1812

Considered the Proceedings of the Court of Circuit. The Sentence of the Provincial Law Officer & the Sentence of the Cazee vol Cooyah & Moosties of the Poy = Daree Udalick, confirm the said Sentence of the Cazee vol Cooyah & Moosties aforesaid & direct, that the Prisoner Goondoo Rambuttee, alias Chellamiah, Doalspoody Rayniah, & Ramaby Sabiah, be forthwith discharged.

Sent following Letter.

(Buginter A)

Read Letter, dated 9th June from the 3d Judge of Circuit for the Division of

15th June 1812

Proceedings in case No 4 of the Gillah of Maspulipatam 2d D.r Sessions A.D. 1812.

(Buginter 208)

The Court having maturely considered the Proceedings of the Court of Circuit. the Sentence of the Provincial Law Officer & the Sentence of the Cazee vol Cooyah & Moosties of the Poy Daree Udalick confirm the said Sentence of the Cazee vol Cooyah & Moosties aforesaid, & under the direction given by the Sentence of Sabroobut, do adjudge the Prisoner Goondoo Sagarich to be imprisoned & transported to Prince of Wales' Island, there to be kept to hard labor in Irons, on the public Roads or other public works, for & during the Space of his natural life.

Sent following letter
(Executive B.)

Read letter, dated 11th inst.
from the 1st Judge of the Court
of Circuit for the Eastern Division,
informing his proceedings in
case No 13 of the Gillah of
Tuddapah, Tupiens A.D. 1811.

(Executive No. 257.)

The Court having duly
considered the proceedings of
the Court of Circuit. the Statutes
of the Provincial Law Officers,
& the Statutes of the Cayen vol.
Cayan & Mootties & the Tuy-
=dalee Wadalut. confirms the
said Sentence of the Cayen vol =
Cayan & Mootties Tupiens aforesaid
& orders the distribution given
by the Sentence of the Tuddapah

Monday June 15th 1812

do say judge the prisoner Sparkin
to be imprisoned & transported
to Prince of Wales' Island,
there to be kept to hard labour
in Irons, on the public roads
or other public works, for a
during the Space of his
natural life —

Sent following Letter —
(Executive C.)

Read letter, dated 12th inst.
from the 1st Judge of the Court of
Circuit for the Western Division
informing his proceedings in Cases
No 37. 38. 39. 40. 41. 45. 46. 47
and 48 of the Gillah of Canara
Tupiens A.D. 1812.

(Executive No 242.)

15th June 1812

The Court having maturely considered the proceedings of the Court of Enquiry, the Instructions of the Provincial Law Officer & the Instructions of the Cayga Coolgaah & Mooftee of the Zoojdaree Adawlut confirms the said Instructions of the Cayga Coolgaah & Mooftee aforesaid, & under the discretion allowed by the Section of Bahadur de the operation of Clause III. Sec.r VIII. Regulation XV of 1803. do adjudge the Prisoner Boody Kantara, to be banished to the Gibbet of Trichinapoly, there to be imprisoned & kept to hard labour in irons, on the public roads or other public works, for & during the Space of fourteen Years.

And the Court adjudge the Prisoners Boody Kantara - Moogia Kunta - Bygoo Kantara - Purna - Dowsidee Hanumia - Pury Kantara - Bolia Congu - Bellida Cooga and Dygoo to be banished to the Gibbet of Trichinapoly, there to be imprisoned & kept to hard labour in irons, on the public roads or other public works, for & during the Space of nine Years.

Sent for following letter

15th June 1812.

Read letter dated 2d August last, from the 3d Judge of the Court of Circuit for the Southern Division informing his proceedings in Case No 5 of the Extracts of Vadamkittums 2d Sessions A.D. 1811.

(Due entry 4th of 1811)

The Court having duly considered the proceedings of the Court of Circuit, confirm the Sentence of Imprisonment & transportation for life, passed upon the prisoner Odakan, a criminal Defaulter, under the operation of Section VIII Regulation XIII of 1809. & direct that the same may be forthwith carried into execution.

Ordered that a Copy of these proceedings be transmitted for the information of the 3d Judge of Circuit.

Mr. Stuart Secretary & Register.

(Due entry 8)

S. C.

At a Court of Circuit & Gaol Delivery held at Tellicherry

Friday June 12th 1812. Present

Andrew Scott, Esqr
Edmund Croft Greenway, Esqr } Judges.

Recd petition of Oovacoparody Nanguanna of Oovana Cotta.

(Due entered No 31 of 1812)

The petitioner represents, that having refused to yield compliance to a demand of the Gunneedan Govindda Ankinaidoo to pay him 200 pecs five hundred in advance, the Gunneedan's servants to the number of eleven persons headed by Kilcanala, Coonnee Cenkiah, Coonee Chilliah, Coonee Pudmanabhoo, Pardhoony Tantiah, Gungarapoo Cotappa, Chinda Rajaiya, Coonnee Soobbayah, Goddati Chelamiah, Coochelapanty Appala Raujoo and Coochelapanty Ammiraujoo, came at the head of a great mob of labourers and others, and set fire to a certain shed, which had been built in the fields for the purpose of keeping their implements of husbandry, as also to the heaps of straw, and further that they cut down and carried off several of his toomma trees, that he complained of this outrage to the magistrate of the Zillah of Mauslipatam, who apprehended

16th June 1812

the offenders, and committed them for trial before the court of circuit, that they could according to Law be tried & punished in case they were found guilty before that court; and that three of them were found guilty, and the others released on finding security.

The petitioner complains that the court of circuit have not afforded him the redress to which he considers himself entitled, & prays this Court to send for the record of the proceedings in the case.

On reference to the copy of the calendar received from the Judge who presided at the first quarter sessions of the year in the Zillah of Trincomalee, the Court observe that the case referred to in the above petition, is one of several cases, which were tried before the court of quarter sessions, wherein the prisoners named by the petitioner and others, were charged with having, as the servants of the Government of Candy, committed various outrages on the persons and property of the prosecutor. And it appears to the Court that the prisoners in four of the cases, viz. Nos 7, 10, 11 and 13, have been declared by the Pastura of the Maahammadans, law officers to have been convicted, the principal offenders were punished by imprisonment and fines to Government, and the

16th June 1812

others were sentenced to be reprimanded by the magistrate, and kept in confinement till they found security for their good behaviour for 12 months.

Hence it appearing to the Court that the case has been heard and tried before a court of competent jurisdiction, and that those of the accused, who were found guilty, have been punished according to their demerits, the Court see no reason to suppose that the offenders have not been compelled to make ample satisfaction to the community for the public wrong, and do not doubt that the ends of public justice have been attained.

If the petitioner conceive that he is entitled to a private compensation for the injury alledged to have been sustained by him personally and individually, he must pursue his remedy by an action for damages in the civil court.

Ordered that extract of these proceedings be furnished to the petitioner.

Read petition of Cannoo Sooboliah of Dewanegalle.

(Received pet. No. 32 of 1812)

The petitioner represents that

16th June 1812

having refused to comply with the demand for payment of an advance made by the Kurnum of Vaccaita Gadda village and a peon, who were sent to him for that purpose by Canarce Kitsenah gotten ver=ants of the Zumeendar Yerlagudda Anhinaidoo, certain persons named Venna Kesavadoo, Canaa Conda Soobbiah, Pingali Appiah, Pingali Venkiah and Morapa=poody Chelamiah, came accom=panied by fifty armed currimers and others, and set fire to a certain shed, which had been built in the fields for the purpose of keeping the ploughs and implements of husbandry, as also to the heaps of straw which had been stored for the use of cattle; that he complained to the Gilea magistrate against the five aforenamed persons, who on the following day sat down and carried off all his Toomma trees; that the magistrate apprehended the offenders, and committed them for trial before the court of circuit; that they were accord=ingly tried before that court, and that the law officer having by his futwa declared that the charge was not proved against the pri=soners, they were acquitted and ordered to be released.

The

2 - F.C.

10th June 1812.

The court of circuit have afforded attention to a reference which the Judge who presided at the first quarter sessions of the year in the Gilea of Masulipatam, has made to this Court to examine and pass sentence in the above petition, in one of several criminal cases, which were tried before the court of quarterly jail delivery, wherein the prisoners named by the petitioner and others were charged with having, on the remands of the Zumeendar of Vaccaritta, com=mitted various outrages on the persons and property of the ryots=cutors. And it appearing to the Court that the prisoners in four of the cases viz^t. Nos 7, 10, 11 and 13, having been declared by the futwa of the Maho=hummadan law officer to have been convicted, the principal of=fenders were punished by im=prisonment and fines to Govern=ment, and the others were sentenced to be reprimanded by the magistrate, and kept in confinement till they found security for their good be=haviour for twelve months.

Hence it appearing to the Court that the cases has been heard and tried before a court of com=

petitioner's jurisdiction, and that the accused, who were found guilty, have been punished. Adverting to their desertion, the Court see no reason to suppose that the offenders have not been compelled to make ample satisfaction to the community for the public wrong, and do not doubt that the ends of public justice have been attained.

If the petitioner conceives that he is entitled to a private compensation for the injury alledged to have been sustained by him personally & individually, he must pursue his remedy by an action for damages in the civil court.

Ordered that extract of these proceedings be furnished to the petitioner.

Read petition of Jastee Chelamiah, of Gantasanla pauy: tam in the purgunna of Oavana Cota.

(Recentered No. 33)
of 1812

The petitioner complains that Canara Kitsana and others, servants of the Zumeendar Gey:: lagadda Ankinaidoo, in com:: pany with a note of [illegible] committed divers outrages in the purgunna of Oavanacota; that they stopped his (the petitioner's) cattle, and shut up his house; that he in consequence repaired to Masulipatam to complain to the Zilla magistrate; that he made a complaint to the Pro:: vincial court, who sent two of their deloyets to enquire into and report upon the matters complained of; that he returned with the deloyets to Guntasanla village; and that the [illegible] Canara Kitsana, Putroony Tentiah, Chinda Ranjunna, Gungaramapoo Cotapa, Vamaroy Appiah, Gorra:: panty Chenchoo, Vamaroy Bapanna Vamaroy Braumiah, Guntasala Nagapah, and Kandukonda Ram:: yeya, came up to him while stand:: ing between the deloyets, and beat, kicked and abused him, took him to the house of a certain Braumin and severely flogged him, and bound and carried him off at midnight to Challapallipoot, where they con:: fined him till the next morning; that on the 6th of December last he complained to the magistrate of the Zilla of Masulipatam, who appre:: hended the offenders, and com:: mitted them for trial before the

16th June 1812 court of circuit, that they were ac=
=cordingly tried before that court,
and that the law officer having
by his futwa declared that the
charge was not proved against the
prisoners, they were acquitted and
ordered to be released.

The petitioner complains
that the court of circuit have not
afforded him the redress, to which
he deems himself entitled; and
prays this Court to send for the re=
=cord of proceedings held in the
case.

On reference to the copy of
the calendar received from the
judge, who presided at the first
Zillah of mandipatam, the Court
observe that the case referred to in
the above petition, is one of seven
cases, which were tried before the
court of quarterly jail delivery,
wherein the prisoners named by
the petitioner and others were
charged with having, as the
servants of the Zumeendar of
Davara cota, committed various
outrages on the persons & property
of the prosecutor. And it appears
to the Court that the prisoners in
four of the cases, viz. Nos. 7, 10, 11
and 13, having been declared by

3 — F. C.
16th June 1812

by the futwa of the Mookummudan
law officer to have been convicted,
the principal offenders were pu=
=nished by imprisonment and
fines to Government, and the others
were sentenced to be reprimanded
by the magistrate, and kept in con=
=finement till they found secu=
=rity for their good behaviour for
twelve months.

Since it appearing to the Court
that the case has been heard and
tried before a court of competent
jurisdiction, and that those of the
accused, ~~with respect~~, who were found guilty
have been punished according to
their deserts, the Court see no reason
to suppose that the offenders have
not been compelled to make ade=
=quate satisfaction to the Community
for the public wrong, and do not
doubt that the ends of public
justice have been attained.

If the petitioner conceive
that he is entitled to a private
compensation for the injury al=
=ledged to have been sustained
by him personally & individually
he must pursue his remedy by
an action for damages in the

16: June 1812

16: June 1812

circuit court.

Ordered that extract of these proceedings be furnished to the petitioner.

Read petition of Vou: moony Chinna Venkia of Gunta: vanka Pandam in Chittoorpoo Fouzdarah in the purgunna of Vencatagiry.

(Revenue pet: No. 34) 1812.

The petitioner represents that Conance Kitsanna, Kurtsoony Tantidy Chinda Rajanna, Nanda Pampi Pingaly Vadeanag and Pingaly Lukshmiah, ale servants of the Zumeendar Yerlagudda Anki: naidoo, accompanied by a body of 200 persons, menial servants and others, armed with sticks, attacked his dwelling house at Chittoorpoo on the 24: of No: vember last, turned his family out of doors, dragged out him: self and beat him sticks, and then plundered and carried off everything in the house; that they knocked down his house, and cut down the Toamma trees in his fields, ale which are ado: tone raw material, which he had collected for building other houses they carried off to Chalapally in carts belonging to the petitioner and in obtaining carts for that pur: pose by the Zumeendar; and further that Conance Kitsanna set fire to the roof of his house, or also to the heaps of straw that had been stored for his cattle; that he complained to the Zilla magistrate, who not giving immediate attention to his complaint, he proceeded to the Provincial court, and the judges sent two of their de: togets to enquire into and report upon the matters complained of; that the magistrate afterwards sent four peons to apprehend the offenders; that the peons accordingly went to the village, and on the 29: of November seeing them marching in a body against the village of Moorva, they seized Conance Kitsanna, and were carrying him to the magistrate, when he effected his escape, and went to Chal: lapally; that he was afterwards sent to the magistrate by Ankinaidoo, thereupon and the other offenders were appre: hended; that on the 4: of December he preferred a regular complaint to the magistrate, who committed the parties for trial before the court of circuit; that the prisoners were accordingly tried before that court,

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and Ankinaidoo having procured certain persons to give false evi= =dence, and the law officer having by his futwa declared that the charge was not proved against the prisoners, they were acquitted, and ordered to be released.

The petitioner complains that the court of circuit have not afforded him the redress to which he deems himself entitled, and prays this Court to send for the record of proceed= =ings held in the case, and to inflict punishment on the offenders. — He further prays the Court to compel them to restore the value of the property, which is al= =ledged to have been plundered and carried off from his premises.

On reference to the copy of the calendar received from the judge, who presided at the first quarter sessions of the year in the jillah of Masulipatam, the Court observe that the case referred to in the above petition, is one of several cases, which were tried before the court of quarterly jail delivery, wherein the prisoners named by the petitio= =ner and others were charged with having, as the servants of the zumeendar of Vavvacota, com= =mitted various outrages on the person and property of the inhab= =itants. And it appearing to the

F. C.

4th June 1812

Court that the prisoners in four of the cases, viz^t. Nos. 7, 10, 11 and 13 hav= =ing been declared by the futwa of the Mahommudan law officer, to have been convicted, the principal offenders were punished by imprison= =ment and fines to Government, and the others were sentenced to be reprimanded by the magistrate, and kept in confinement till they found security for their good behaviour for twelve months

Hence it appearing to the Court that the case has been heard & tried before a court of competent jurisdic= =tion and that those of the accused who were found guilty, have been punished ac= =cording to their deserts, the Court see no reason to suppose that the offenders have not been compelled to make ample satisfaction to the community for the public wrong, and do not doubt that the ends of public justice have been attained.

If the petitioner conceive that he is entitled to a private compen= =sation for the injury alledged to have been sustained by him personally and individually, he must pursue his remedy by an action for dam= =ages in the civil Court.

Nos 7, 10, 11 & 13, having been declared by the futwa of the Mookimmudan law officer to have been convicted, the principal offenders were punished by imprisonment and fines to Government, and the others were sentenced to be reprimanded by the magistrate, and kept in confinement till they found security for their good behaviour for twelve months.

Hence it appearing to the Court that the case has been heard & tried before a court of competant jurisdiction, and that those of the accused, who were found guilty, have been punished according to their deserts, the Court see no reason to suppose that the offenders have not been compelled to make ample satisfaction to the community for the public wrong, and do not doubt that the ends of public justice have been attained.

If the petitioner conceive that he is entitled to a private compensation for the injury alleged to have been sustained by him personally and individually, he must pursue his remedy by an action for damages in the civil court.

Ordered that extract of these proceedings be furnished to the petitioner.

F. C.

At a Court of the Tuojdaree Adalut.

Friday 19th June 1812.

Present

Andrew Scott, Esqr

Edward Croft Greenway, Esqr Judges.

Read letter, dated the 29th ultimo, from the Chief Secretary to the Government, referring a letter, with enclosures, under date the 29th of February from the magistrate in the Zillah of South Malabar, and copies of two letters from the Advocate General, and signifying the desire of the Honorable the Governor in Council to receive the opinion of the Court, as to the mode of proceeding to be adopted in the case, to which paras 60 & 61, and para 68 of Mr. Baber's letter, particularly refer.

(Here insert No. 275)

The case in question is No. 15 on the Cutcherry Malabar calender for the first quarter of this year; and from the copy of that document, received from the third judge, Mr. Hay Stephens, before whom the said cause was held, the case appears to be thus described. — "The Government "by Vukeel, versus, Nallapayatta "Apen Koatty, — Manaid Maideen Koatty, "Kayal Maideen Koatty. — Strong suspicion "of being privy to the kidnapping of free "born children, natives of Travancore,

16th June 1812

Ordered that extract of these proceedings be furnished to the petitioner.

Read petition of Lingamanny Pompiah, of Pedola Moottoor village in the purgunna of Devanacotta.

(Rete entered Pet. No. 35 of 1812)

The petitioner represents that during the night of the 28th November last, Canaree Kistaanna and other servants of the zumeendar Yedla=gudda Anhinaidoo, in company with fifty persons, attacked his dwelling house, rushed in, and dragged him out of his bed into the street, where they bound and se=verely flogged him; that his wife having interposed, Allamichitty Nageshia, Vennala Venkiah, Lingumanny Puttabyraumoodo, & others, tore off all the jewels she had about her person; that they then led him in the midst of the mob to Guntavala village, and there tied him to a post, and left him in the custody of seven people, who, as they were conducting him early on the following morning to Challapally, happening to meet the magistrate's burkaruns, fled and

16th June 1812

and left him; that on the 4th of Decem=ber he complained to the magistrate and the offenders were committed for trial before the court of circuit; that they were accordingly tried be=fore that court, and the law officer having by his futwa declared that the charge was not proved against the prisoners, they were acquitted, and ordered to be released.

The petitioner complains that the court of circuit have not afforded him the redress, to which he considers himself entitled, and prays this court to send for the record of proceedings held in the case.

On reference to the copy of the calendar received from the judge, who presided at the first quarter sessions of the year in the Zillah of Masulipatam, the Court observe that the case referred to in the above petition, is one of several cases, which were tried be=fore the court of quarterly gaol deliv=ery, wherein the prisoners named by the petitioner and others were charged with having, as the servants of the zumeendar of Devanacotta, com=mitted various outrages on the persons & property of the prosecutors. And it appears to the Court, that the prisoners in four of the cases, viz.

Nos 7, 10, 11 & 13, having been declared by the futwa of the Moohummudan law officer to have been convicted, the principal offenders were punished by imprisonment and fines to Government, and the others were sentenced to be reprimanded by the magistrate, and kept in confinement till they found security for their good behaviour for twelve months.

Hence it appearing to the Court that the case has been heard & tried before a court of competent jurisdiction, and that those of the accused, who were found guilty, have been punished according to their deserts, the Court see no reason to suppose that the offenders have not been compelled to make ample satisfaction to the community for the public wrong, and do not doubt that the ends of public justice have been attained.

If the petitioner conceive that he is entitled to a private compensation for the injury alleged to have been sustained by him personally and individually, he must pursue his remedy by an action for damages in the civil court.

Ordered that extract of these proceedings be furnished to the petitioner.

F. C.

At a Court of the Foujdaree Adawlut.

Present

Andrew Scott, Esq. } Judges.
Edward Croft Greenway, Esq. }

Read letter, dated the 29th ultimo, from the Chief Secretary to the Government, referring a letter, with enclosures, under date the 19th of February from the magistrate in the zillah of Southern Malabar, and copies of two letters from the Advocate General, and signifying the desire of the Honorable the Governor in Council to receive the opinion of the Court, as to the mode of proceeding to be adopted in the case to which para 61, and para 68 of Mr. Baber's letter particularly refer.

(Records No. 275).

The case in question is No. 15 on the Southern Malabar calendar for the first quarter sessions of the year; and from the copy of that document received from the third judge, Mr. Hay Stephane, before whom the jail delivery was held, the case appears to be thus described: — "The Government "by Unkeel, Neeroo, Pallapagatta "Apen Koatty, - Manail Moideen Koatty "Kagal Moideen Koatty - Strong suspicion "of being privy to the kidnapping three "born children, natives of Kavaricare

"depriving the boys of the kadoma (the
"distinguishing mark of cast), bor-
"the cast and putting in aliket and
"the koopa (a mopla dress) on the g-
"in having resisted them on their
"rival from Aleppi; whence they w-
"sent by Vallapakagata apen Ali
"(not apprehended)" — And the coburt
for the remarks of the presiding judg-
contains the following statement of
"The Court declined proceeding to the
"trial of this case, as the law officers o-
"jected to the legality of the Sunkar
"vakeel being appointed as prosecut-
"while the parents, & relatives of the
"non-adults, to the kidnapping & ste-
"ny of whom the prisoners are
"charged are now existing — the judge being fur-
"of opinion that the case falls under
"the provisions of regulation XI, A.D.
"1809, & that the orders of the Honble
"Governor in Council are required
"before it can be brought to trial,
"which opinions were communi-
"cated to the magistrate, accompa-
"nied by the judge's opinion, that the
"did not conceive a prosecution
"would lie against the prisoners, but
"that should the magistrate think
"otherwise, he might hold them to
"bail in the interim of a referen-
"to the Honble the Governor in Council
"pursuant to the provisions of the
"regulation above quoted."

The

19th June 1812.

The prisoners Vallapahata Apen Koatty, Manuil Moideen Coatty and Kegal Moideen Coatty, were therefore committed by the magistrate as accessaries to the theft and intended sale of nine freeborn children who had been found in their possession at Mahé, having been sent to them from the most remote part of Travancore, where they had been stolen.

And the grounds of the third judge's hesitation to take cognizance of the case, were — 1st that it was the opinion of the Mookummudan law officers of the court that the appearance of the parents to prosecute could not be dispensed with; and 2d that to give the court of quarterly jail delivery competence in the case, it was requisite that the order of the Governor in Council should be produced, for bringing them to trial.

These grounds in paras 60 & 61 of the letter now before the Court the magistrate endeavours to controvert; and in answer to that which was considered by the third judge to constitute a bar to the jurisdiction of the court in the case, viz. the
absence of distinction, as to locality,
between the offence committed by

19th June 1812

Nallapakagata Apen Ally, and
that of the three prisoners at Bake

Without entering into the
matter urged ~~by the magistrate on~~
this point, which indeed chiefly
relates to another question - that
liability of the prisoners to be pro-
-ceeded against for the smaller offence
that of merely receiving the stolen
children - it may be sufficient
to refer to the charge entered by the
magistrate in his calendar of prisoners
-ever committed or held to bail for trial,
in order to decide upon the merits of the
pidge's objection, and to form a
magistrate's intent and intention
in bringing the parties
the terms, in which the
charge is couched, it seems evident
that the magistrate held them to be
guilty, and meant to put them upon
their trial, as accessaries to the crime,
in which Nallapakagata Apen
Ally was the principal offender,
and which had been perpetrated
in places out of the limits of the
British provinces.
The committing
decidedly brought the case within
the purview of regulation XI of
1809; and upon such commitment
the third pidge could only be guided
in proceeding to the trial on the
production of the authority
noted in section III
of that regulation.

Nitte

2 - F. C.
19th June, 1812.

With regard to the other objection
of the third pidge founded on the
mooftee's opinion on a point of
law, - which the magistrate attempts
to combat in para 6 of his letter - the
Court observe, as indeed it must
natural to expect, that the third
pidge understands the business of a
court of jail delivery, better than
the zilla magistrate. The pomer was
aware that it became his duty to
regulate his proceedings by the
opinion delivered by his law officer,
and finally to abide by such opin-
-ion, unless he considered it contrary
to the principles of natural justice,
or to the Mohammedan law - in
which case the point was referible
to the determination of this Court.
But even had the third pidge seen
reason to question the propriety of
abiding by this opinion of the
mooftee, the doubt entertained
by himself of his competence to take
cognizance of the case would of course
appear to render more especially
reference to this
Court on the point of law.

The Court consider it unnec-
-essary to advert to the magistrate's
remarks in relation to this objection
-ion of the third pidge, further than

16.

19th June 1812

to submit that the intimation towards end at the conclusion of this paragraph (the 6th) of this letter should not be suffered to pass unnoticed.

But with a view to ascertain the procedure now to be pursued against the prisoner, the Court have received the following opinion from the Cazee and Moofties in answer to questions put by their order, viz. That a person convicted of stealing a free-born child, with whatever view, would under the Mahummudan law be liable to the Cazeer; and that in such case, if there were no prosecutor, it would be competent to the Hakim to prosecute, for the sake of the public peace & good order.

There cannot therefore be a doubt that under the Mahummudan law the act of stealing free born children is criminal; and that punishment is enforceable at the suit of the Magistrate for the time being. And were the case under consideration subject to the ordinary jurisdiction of the established courts of criminal judicature, there would appear to be no difficulty in proceeding against the offender. But as the

19th June 1812

the offence, to which they stand charged with having been accessary, was not committed within the jurisdiction of the British provinces, they became amenable to such change only under the provision made by regulation XI of 1806; and the special order of the Governor in Council for bringing them to trial appears to be requisite

It remains to be observed that section II of the regulation in question seems specifically to require that the change in the cases, for which it provides, shall be preferred by the aggrieved party. And the rule may perhaps proceed on the principle, that as jurisdiction is determined by the locality of offence, it may be the more necessary that the Court, taking cognizance of a case not subject to it's ordinary jurisdiction, should have before it, in the accusation or charge of the party injured and complaining, a proof of his desire to adopt that mode of obtaining redress, and of his willingness to abide by it's decision thereupon.

The Court direct that extract of these proceedings be sent to the Chief Secretary to the Government.

Sent following letter

(Here enter A.) Read

19th June 1812

Read letter, dated the 3d. Instant, from the 2d. Judge in the Centre Division - reporting his having opened the Sessions of Jail delivery at Chinsurah.

(Records No. 294)

Read letter, dated the 5th. Instant, from the acting Magistrate in the Zillah of Nadiya, with his return of prisoners for April.

(Records No. 296)

Read letter, dated the 6th. Instant, from the Judge on circuit in the Southern division - reporting his arrival at Tumlook.

(Records No. 300)

Read letter, dated the 2d. Instant, from the Judge on circuit in the Northern division - enclosing copy of the Gunjam calendar, and reporting his immediate return to the Sudder station.

(Records No. 301)

Read letter, dated the 10th. Instant, from the Magistrate of the Zillah of Cuddapa - with report of prisoners under sentence in his jail.

(Records No. 302)

P.M.

Wednesday June 24th 1812

At a Sessions of the Court of Oyer and Terminer held - Present

Andrew Scott Esqr.
&c. (Scott. Gramwony Esqr.) Puisne Judges

Law Officers.

Mordaunt Mostyn alias Ellam.
Bahadoor Cuyum alias Cooper
Roostum Ullah - - - } Prisoners

Read letter, dated 19th May, from the Judge of the Court of Circuit for the Centre Division, referring his proceedings in case No 37 of the Zillah of Cuddapah to Sessions A.D. 1812.

(Records No 250)

The Court, having duly considered the proceedings of the Court of Circuit, the Statutes of the Provincial Law of Java, & the Statutes of the Rajah wol Coyyah & Mooftee of Jomby Dana Adalut, confirm the said Statutes of the Rajah wol Coyyah & Mooftee aforesaid, & under the Sentence pronounced against the Prisoner Nagandoo, do adjudge him, the said Prisoner Nagandoo, to be imprisoned & thence ported to Prince of Wales Island, there to be kept to hard labor in irons on the Public Roads or other Public works, for & during the Term of his Natural life.

And the Court confirm

the release of the prisoner Woo=
-bullagundoo.—

Sent following letter

/ Executive Dept /

Read letter, dated 18th Inst. from the 3d Judge of the Court of Circuit for the Northern Division, referring his proceedings in Case No 2 of the Zillah of Masulipatam 2d 2d Sessions A. D. 1812.

/ Executive No. 237 /

The Court, having maturely considered the proceedings of the Court of Circuit. the Statutes of the Provincial Law of Java, & the Statutes of the Rajah wol Coyyah & Mooftees of the Jomby Dana Adalut, confirm the said Statutes of the Rajah wol Coyyah & Mooftees aforesaid, & acquitting the Prisoner Pothana

19.

24th June 1812

Service, direct his release ac-
=cordingly -

Suit following letter

(Mem entered B)

Read letter, dated 13th
May, from the Judge of the
Court of Circuit, for the Eastern
Division, referring his proceedings
in Case No 31 of the Gillah of
Cuddapah for 1819 -

(Mem entered 245)

The Court, having duly
considered the proceedings of the
Court of Circuit, the Sentence
of the Provincial Law Officer,
& the Sentence of the Cazee vol
Coozat & Mooftee of the Jung-
=dare Adalut; confirm the said
Sentence of the Cazee vol Coozat
& Mooftee aforesaid, & adjudge
the Prisoner Mahadeba to

Wednesday
24th June
1812

suffer death, by being hanged
at the usual time & place of
execution -

Suit following letter

(Mem entered C)

Read letter, dated 3 June,
from the Judge of the Court of
Circuit for the Western Division,
referring his proceedings in Case
No 23 of the Gillah of South Arc-
=cot - Sessions A.D. 1812 -

(Mem entered 297)

The Court, having maturely
considered the proceedings of the
Court of Circuit, the Sentence of
the Provincial Law Officer, & the
Sentence of the Cazee vol Coozat
& Mooftee of the Jungdare Adalut
confirm the said Sentence of the
Cazee vol Coozat & Mooftee
aforesaid - & do adjudge the

19.° 24.° Ju

24.° June 1812

Prisoner Nelia Pirakkil Pa
=yoden, to suffer death by bei
hanged at the usual time &
place of execution -

Sent following letter

(Annexure D)

Read letter, dated 3.° Ju
from the Judge of the
of Circuit for the Western
vision, referring this pro
in case N.° 24 of the Calicut
South Malabar. dated 3.° Ju

(Annexure 29)

The Court having
considered the proceedings
the Court of Circuit, the
of the Provincial Law Offic
the Jurors of the Trial
Coongad & Mooftee of

24.° June 1812

the said Jurors of the Trial
Coongad & Mooftee aforesaid.
& do adjudge the prisoner -
Tattan Kandoden to suffer death.
by being hanged at the usual
time & place of execution -

Sent following letter

(Annexure E)

Minute of the Proceedings
Friday
8th July 1812. Present
Andrew Scott Esq
Edward Croft Greenway, Esq Judges.

Read the last month's re-
=port of persons proclaimed in the
Zillah of Cuddapa.

(Here enter No 304)

Read the following letter
from the Magistrate of the Zillah of
Nundyal-with returns of convicts
in the depôt for transportation.

(Here enter No. 308 & 329)

Ordered that the annual report
be prepared for the purpose of being
submitted to Government.

Read letter, dated the 16th
ultimo, from the Acting Judge of the
Central division - enclosing copy of
the calendar for the Zillah of Chingleput,
and reporting the close of the sessions in
that Zillah, and the return of the Court
of Circuit to Chittoor.

(Here enter No 309)

Read letter, dated the 30th of
April, from the Assistant Magistrate
in the Zillah of Madura, forwarding
his reports of prisoners for February &
March.

(Here enter No 316) Read

14 3. July 1812

Read the following letter with reports of prisoners confined under sentence in the jails of the Zillas of South Malabar, Ganjam and Madura.

(Records Nos 324, 327 and 332.)

Read reports of prisoners in the Zillas of Madura, under sentence of transportation, or banishment to other Zillas.

(Records No. 331)

Read letter, dated the 25. ultimo, from the late Judge on circuit in the Southern division, transmitting a copy of the Travelling calendar, and reporting his intended return to Tuticorin.

(Records No. 333)

Read the following letter with reports of prisoners, for the months of May, in the Zillas of Cuddapa, Verdachelum, Chingleput, Canara, Bellary, Vizagapatam, Vencapooram, Tinnevelly, Rajahmundry, Salem, Coimbetore, South Malabar, Ganjam, Nellore, Masulipatam, Madura & Combaconum -

(See reports in Nos 303, 306, 309, 311, 312, 313, 314, 315, 317, 318, 319, 320, 321, 322, 325, 326, 329 & 334.

5. July ultimo, from the Magistrate of the Zillas of Chingleput - with report of prisoners confined under sentence in his jail to the 1st preceding.

(Records No. 335)

Read return from the Judge late on circuit in the Zillas of Cuddapa to the Court's precept of the 17. March, requiring a report on the state of the jail at that station.

(Records No. 269)

The Judge commences his report by describing in detail several "actual defects in the jail", and then goes on to state that some of the Magistrate, in view to these defects and the probable increase of his prisoners, began upon an additional apartment, which is represented as being contiguous to the original jail, in a state of great forwardness, of considerable extent, and sufficiently capacious for the reception of 100 prisoners. But the Judge concludes with stating in what degree and in what particulars repairs, this addition to the jail may be calculated to remedy the defects before enumerated.

The Court cannot therefore ascertain to what extent, after

the completion of the additional apartment in question, further works for the security and proper accommodation of the prisoners will be requisite and desirable, or what description of addition or alteration may still be desirable.

The Court accordingly resolved to return the report to the first judge; and that he be directed to furnish in a supplement thereto a summary of the information, in respect of which it is at present observed to be defective.

Ordered that extract of these proceedings be sent to the first judge of the court of circuit for the central division.

Sent following letter

(Here enter A)

Read return from the magistrate of the Gilla of Kichinio: poly to the Court's precept of the 26th. instant, requiring information to what extent he might be able to find employment, & accommodation in his jail, for an additional number of convicts.

(Here enter No 299)

Ordered that the above return do lie on the table.

Wednesday 8th July 1813

At a Session of the Court of Judicature Malabar - Present

Thomas Scott Esq^r
Capt Geoffrey Gwennap Esq^r } Puisne Judges

Law Officers

Moulana Mustafa alias Khan Bahadoor Tyroor - Coyastah

Kondul Menon — — } Interpreters

Read letter, dated 12th May, from the 1st Judge of the Court of Circuit for the Central Division, informing this proceedings in Case No 7 of the Gillah of Cuddapah, & Inquiries A.D. 1812.

(Here enter No 241)

3e

8t July 1812

The Court having duly considered the proceedings of the Court of Circuit, the petition of the Provincial Law Officer, & the petition of the Cayen vol Coopgut & Inoofties of the Tory Island Indaba confirm the said petition of the Cayen vol Coopgut & Inoofties aforesaid; & do adjudge the Prisoner, Chulia Pennadoo, to be imprisoned & there posted to Prince of Wales' Island, there to be kept to hard labour in Irons, on the Public Roads or other public works, for & during the space of his natural life.

Next following letter

(Here enter No)

8th July 1812

Read letter, dated 3rd May, from the 3d Judge of the Court of Circuit, for the Northern Division, opening his proceedings in case No 3 of the Gillahs of Masulipatam 2d Quarterly Sessions, A.D. 1812

(Here enter No 288)

The Court having maturely considered the proceedings of the Court of Quarterly Sessions, the petition of the Provincial Law Officer, & the petition of the Cayen vol Coopgut & Inoofties of the Tory Island Indaba confirm the said petition of the Cayen vol Coopgut & Inoofties aforesaid; & under the discretion allowed by the sentence of Banishment pronounced against the Prisoner Vellumsetty Narsoo, do adjudge him, the said prisoner Vellumsetty Narsoo, to be imprisoned

8th July 1812

& transported from the District in which the place of his abode is situated, for & during the Space of three Years.

Sent following Letter

/ Vide entry B5

Read Letter, dated 29th May, from the 2nd Judge of the Court of Circuit, for the Western Division, referring his proceedings in Case No 1 of the Gillah of Bootte Malabar 2nd Quarterly Sessions. A.D. 1812.

/ Vide entry No 291 /

The Court having duly considered the proceedings of the Court of Quarterly Sessions, the Letter of the Provincial Law Officer, & the Letters of the Cayen vol Coyyah & Mootties of the Tony & Cave Vedahs, confirm the said Letters of

8 July 1812

& transported from the District in which the place of his abode is situated, for & during the Space of three Years.

Sent following Letter

/ Vide entry B5

Read Letter, dated 29th May, from the 2nd Judge of the Court of Circuit, for the Western Division, referring his proceedings in Case No 1 of the Gillah of Bootte Malabar 2nd Quarterly Sessions. A.D. 1812.

/ Vide entry No 291 /

The Court having duly considered the proceedings of the Court of Quarterly Sessions, the Letter of the Provincial Law Officer, & the Letters of the Cayen vol Coyyah & Mootties of the Tony & Cave Vedahs, confirm the said Letters of

J. M.

Wednesday July 8th 1812.

the Cayen vol Coyyah & 2 Mootties aforesaid, & direct, that the prisoners Tandaram Kandan Paley & Cheria Kootooppy, be detained in Custody until they shall have, as directed, given sufficient security for their future good behaviour & appearance when required, for twelve Months.

Sent following Letter

E 65

/ Vide entry C /

A1

8th July 1812

F. C.

At a Court of the Justices Assembled
yesday
4th July 1812. Present
Andrew Scott, Esqr } Judges.
Edward Croft Greenway, Esqr }

The register laid before
the Court a report of the names, crimes
and sentences of thirty two convicts
under judgment of transportation to
Prince of Wales' Island, viz, at the
date of the last return received from the
magistrate of the Jillah of Chittagong
had been lodged in the depôt at that
station.

(Vide enter'd Report)

The Court directed that it be
transmitted to Mr. Secretary Secretary
Bell, with their request that the
Honorable the Governor in Council
may be pleased to direct that provision
be made for their accommodation on
board the Honorable Company's ships
proceeding to the Eastward.

Sent following letter
(Vide enter'd A.)

Read petition presented
by Salvatrice amma of Tripetty.
(Vide enter'd pet. No. 36 of 1812)

The petitioner represents
that

Masters

8th July 181

that her son Gopaldoss having
Spite of her endeavours to th
contary, connected himself
a woman of ille fame, nam
Meerah, was brought to tid
with her and a certain cook
on a charge of murder; and
her son. and the said cookes
have since been brought do
to the jail of Chingulput, p
=paratary to their being "tra
=ported beyond seas. —
prays that her son may be al
=ed to remain in the country

On reference to the rec
of the proceedings of the court
circuit in case No 3 on the cale
for the jillah of Chittoor, 2d Septr
of 1810. it appears that three pers
named Golcah Nauregadoo
Gopaldoss. - and Enaboyee,
woman, were tried before th
third judge, then on circuit
charged with the murder of
woman named Pumpahal,
had been decoyed into the ho
of the female prisoner Enab
and was there murdered for th
sake of some ornaments, which
were about the person of the
deceased. — The law officer
the court of cir

the charge to be proved against the
prisoners Golcah Nauregadoo and
Gopaldoss, the trial was referred
for the final sentence of the Nizamut
Udalut. And the Cazee ool cuzzat
and Moofteer of this Court having
by their futwa on the case declared
the said two prisoners to be convict
=ed of aiding and abetting in
the murder of the deceased Pumpa
=hal - whose ornaments, it was
also in proof, had been found in
the possession of the prisoner Gopaldoss
and to be liable to suffer death
at the discretion of the Nizamut, they
were adjudged 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 their natural lives re=
=spectively.

The proceedings in the case
were held in strict conformity
with the regulations. And the
Court not having before them
anything, that should induce a
doubt of the justness of the sentence
of condemnation passed against
the prisoners Golcah Nauregadoo

and

14th July 1812

and Gopaldoss, cannot comply with the prayer of the above petition.

Ordered that the petition be accordingly rejected; and that extract of these proceedings be furnished to the petitioners.

Read letter, dated the 29th ultimo, from the pidjy late on circuit in the Southern division - reporting return to Trichinopoly.

(Perusta No 336)

Read letter from the 2d Judge Centre division - with return of execution in case No 265 filed Cuddapa, 1st September 1812.

(Perusta No 337)

Read letters from the magistrates of North Malabar and Chittoor - with reports of prisoners for May.

(Perusta Nos 341 & 342)

Read letters with report for last month of persons proclaimed in the zillas of Cudachalum & Belary

(Perusta Nos 342 & 343)

Read letter, dated the 2d Instant, from the court of circuit for the Southern division - with the oaths taken by their registrar J. B. Middleton.

(Perusta No 344)

F. C.

At a Court of the Foujdaree Adalut

Friday July 10th 1812.

Present

Andrew Scott, Esq. } Judges
Edward Croft Greenway, Esq. }

Read letter, dated the 9th instant, from the magistrate of the zilla of Tinnevelly - with report of prisoners confined under sentence in his jail.

(Perusta No. 351.)

Read letter, dated the 15th Instant, from the magistrate of the zilla of Chingulput, enclosing a list of convicts for transportation, whom he reports his intention to send down to Madras, with exception to convict No 4 Cunchetchia, he being in a state which renders his present removal unsafe.

(Perusta No. 352)

The enclosed list containing the names of three convicts not included in the report sent up to Government on the 6th Instant.-

Ordered that a supplement be prepared and transmitted to Secretary Bille for the information of the Honourable the Governor in Council; and that the magistrate's intention to detain the convict

14

Venkatesha Iyer at the same time reported to Government.

Sent. following letter

(Reference A)

Read letter from the Judge late on circuit in the Northern division to the Court dated the 3d January last, returning the record of case No. 10 of the Zillah of Rajahmundry 2d Sessions of 1811, and requiring him to take certain further evidence which was deemed to be requisite in the case.

(Reference No. 346)

The Judge certifies that the Magistrate having reported the prisoner to have died in jail on the 28th of June last, the record is returned without the further evidence required.

Read letter, dated the 8th Instant, from the Judge in the Western division, with the returned warrants of execution in cases Nos. 23 & 24 of the Zillah of Tanjore, Sessions of 1812.

(Reference No. 354)

Read letter, dated the 8th Instant, from the Judge late on circuit in the Centre division, reporting his proceedings in the case of

17th July 1812

of Tolasingum, the prisoner in Nos. 13, 14, 15 & 16 of the calendar of the Zillah of Chingulput, 1st Sessions of the year.

(Reference No. 310)

Read also letter, dated the 26th ultimo, from the Magistrate of the Zillah of Chingulput - forwarding "copy "of an extract from the proceedings of "the Court of circuit, with the record "directed to be transmitted" in the cases numbered as above on his calendar.

(Reference No. 330)

The prisoner Tolasingum had been committed to take his trial before the Court of circuit, for setting fire to the houses of the several prosecutors in the above numbered. There being reason to doubt the prisoner's sanity of intellect, and to suppose that the offences charged against him, were perpetrated under a deprivation of reason, the enquiry immediately entered upon by the Judge on circuit, before he proceeded to arraign the prisoner, had for its object under the instructions circulated by this Court on the 29th October 1807, to ascertain whether he were in a state to be chargeable for his own acts, and the supposed deficiency in this having been established to the

1. 17.th July 1812

satisfaction of the Court, the pleas suspended further proceedings on each of the charges against him, and directed the magistrate to keep him in confinement until he received the orders of this Court.

The Court, on a review of the records received from the pidge late on circuit, and from the Zillah magistrate, confirm the proceedings of the former; and entertaining no doubt of the prisoner's insanity, or that the crimes, of which he is accused, were committed under that incapacity:—

It is Ordered that the pidge do instruct the magistrate to detain the prisoner Kalaviapen in safe custody, and under proper treatment, until he shall have recovered the right and entire use of his senses; and that the magistrate do on no account discharge him without the especial permission of this Court, obtained through the court of circuit, to whom he will from time to time report on the state of the prisoner's mind.

Ordered that extract of these proceedings be sent to the second pidge of the court of circuit for the centre division

sent following precept (B)

F. C.

At a Court of the Foujdaree Adawlut.

Tuesday 21.st July 1812.

Present

Andrew Scott, Esq.
Edward Croft Greenway, Esq. } Judges.

Read letter, dated Nellore the 13.th instant, from the pidge on circuit in the Northern division

(Record in No. 353)

The pidge reports that his law officer is prevented by indisposition from attending the sessions of the court; and, the moofsil of the Zillah court being adverse from his station on leave, requests that provision may be made for the case.

The Court direct that the pidge of the Zillah of Masulipatam do instruct his moofsil to proceed without loss of time to Nellore, for the purpose of officiating for the law officer of the court of circuit at the sessions of jail delivery at that station; and that the pidge do report for the information of this Court, the date of the moofsil's departure from Masulipatam.

Ordered that extract of these proceedings be sent to the Zillah pidge sent following letter (Record in A) The

21st July 1812

The Court direct that the aforegoing letter be transmitted in a cover to the pidje on circuit who will forward it to Matalipa: tan, only in case his knowledge should continue to be incapable of resuming his functions. In the event of his recovery, the pidje will return it to the registe of this Court.

Ordered that extract of the proceedings be sent to Mr. Travers.

Sent following letter (Pereentu B.)

Read letter, dated 4th Instant, from the pidje on circuit in the Northern division - reporting his arrival at Jaffnapatnam. (Pereentu No. 345)

Read return from the pidje late on circuit in the Northern division to the Court's precept of 4th October last, requiring him to report his sentiments on an application from the magistrate of the fiscal of Nagalamundy for an increase to the number of peons at his jail. (Pereentu No. 347)

The first pidje reports that the reduced number of prisoners since the 18th of April last in consequence of the escape of

21st July 1812 has rendered any present increase of the establishment of peons unnecessary.

The Court will expect to receive a report, through the channel of the Court of circuit, whenever a necessity shall appear to have arisen for augmenting the jail establishment in the fiscal of Nagalamundy, the actual non-existence of which is obviously ascribed in the above return to an event, which, in the opinion of the first pidje and of the fiscal magistrate such augmentation would have prevented.

Ordered that extract of these proceedings be sent to the court of circuit for the Northern division.

Sent following letter (Pereentu C)

Read return from the pidje late on circuit in the Northern division to the Court's instructions of the 4th of April concerning the care and custody of the insane prisoner Poopoo Doraipale. (Pereentu No. 348)

Read the last month's report of persons proclaimed in the fiscal of Cuddapa. (Pereentu No. 357) Read

21st July 1812

At a Session of the Zillah Court
held at Vellore — Present —
Thursday the 9th July 1812 — Andrew Scott Esq^r
Do. Capt. H. Greenway Esq^r } Assistant Judges

Law Officers
Moonshee Ameer Hussun Khan
Bahadoor Cazee and Mooftee

Brahmin and Hindoo Pundit } Interpreters
Woodut Ullah —

Read letter, dated the 7th Instant, from the third Judge in the Northern Division reporting his opinion that the prisoner in case No. 2 on the calendar for the Zillah of Masulipatam, tried by the Sessions of 1812, is in an insane state of mind, and that the murder, for which he had been committed to take his trial, was perpetrated under a deprivation of reason.

(Perusal No. 364)

The third Judge encloses copies and translates of the examinations taken before the Zillah magistrate, but has omitted to forward a record of the proceedings, which appear to have been held, on the prisoner's being brought to the bar of the Court of quarterly jail delivery, for the purpose of satisfying himself of the fact of the prisoner's insanity.

And the Court requiring that the proceedings in question should be before them —

Ordered that the third Judge be required to send up a transcript of the record without delay.

Except

Sent following receipt.

(Perusal D)

Read letter, dated 18th May, from the 2nd Judge of the Court of Circuit for the Western Division, reporting his proceedings in case No. 2 of the Calendar of North Malabar, 2nd Quarterly Sessions A.D. 1812 with remarks of the Cazee and Mooftees of the Foujdaree Adawlut shewing cause for its revision.

21st July 1812

29th July 1812

(Due notice Rendered.

The Court went into the proceedings on the first trial, he returned to the Court of Circuit for the Western Division, by Virtue of a Procedendo, That the proceedings directed by the Law & Usages in the Courts by him noted, be forthwith taken, that the Record of the trial, & such further Evidence thereon annexed, be re-transmitted for the final Sentence of the Supreme Adulat.

Suit following Page

/ Due notice /

29th July 1812

Read letter, dated 23rd June, from the 1st Judge of the Court of Circuit for the Western Division, desiring his proceedings ~~of the calendar for~~ in case No 3 ~~of the Talukah of~~ the Town and Island of Tuticorin. 1 Sepoys N.D. 1812

/ Due notice No 339 /

The Court having duly considered the proceedings of the Court of Circuit - the Letters of the Provincial Law Officer, & the Letters of the Cazee of Cayal & Moofties of the Tuticorin Adalut, confirm the said Letters of the Cazee of Cayal & Moofties aforesaid; & acquitting the Prisoner Doddah, direct his Release accordingly -

Suit following Letter

/ Due notice 13 /

21st July

29th July 1812

Read Letter dated
from the Chief Justice of the Court
of Circuit for this Western Division
inquiring this proceedings in
Case No 26 of the Gillahs of
Malabar & Persians A.D. 1812

Number No 338

The Court having
considered the proceedings
of the Court of Circuit the finding
of the Provincial Law Officer,
the opinion of the Cojee vol Coyya
& Moosties of the Town Hall
confirm the said opinion of the
Cojee vol Coyya & Moosties
aforesaid, & under the discretion
allowed by the Section 2 of
Regulation V of 1808 do order & adjudge
that the Prisoners
against the Prisoners
Kottil Awaran, 2. Kadelam
3. Kadelam

Wednesday
29th July
1812

Conee Nair, 3d Ramara Nair
Chatapra Nair. 5th Koovapully
Karoota Nayen Nair & 6th Para
Katta Kutacha Nair. to be im
prisoned & transported to Prince
of Wales' Island, there to be
kept to hard labor, in Irons,
on the public Roads or other
public works, for the term of
the space of their natural lives
respectively.

And the Court on con
sideration of the circumstances of
the case, & the opinion of the
Judge on Circuit in favor of
the 4th Prisoner Kattoora Rama
waddy Nair, & under the operation
of Clause V Section IV Regulation
XV. AD 1803. direct, that the
said Prisoner, Kattoora Rama
waddy Nair, be released on

29th July 1812

21st

29th July 1812

Finding sufficient security
for his future good behaviour
& appearance when required,
for Six Months

Sent following letter
(Five enter)

F. 11

At a Court of the Peace held at

Friday
31st July 1812

Present
Andrew Scott, Esq
Edward Croft Greenway, Esq } Judges.

Read letter, dated the 21st
Instant, from the Jinkee on circuit in
the Northern division, - reporting
that his Cawn officer was taken unable
to attend the Court, but would, it
was professionally opined, resume his
functions in the course of a few days.
(Per entry No 367.)

Read letter, dated the 20th
Instant, from the Magistrate of the
City of Chinsurah, enclosing a list
of convicts in the depôt for transport-
-ation.
(Per entry No 360)

Read letter, dated the 23d
Instant, from the first Pikee in the
Central division - with returned
warrant of execution in case No 516 of
the file of Cuddapa.
(Per entry No 373)

Read letter, dated the 15th
Instant, from the Pikee on circuit in
the Western division - reporting his
arrival at Onore.
(Per entry No 374)

Read letter, dated the 15th

31st July 1812

Instant, from the magistrate of the Zilla of South Malabar - with re-
=port of prisoners confined under
sentence in his Zilla.

(Received No 775)

Read letter, dated the 11th
Instant, from the Judge and circuit in the Southern division - with copy of the calendar for the Zilla of Combaconum

(Received No 377)

Read letter, dated the 11th
Instant, from the magistrate of the Zilla of Chittoor -

(Received No 378)

The magistrate's letter covered copy of a precept, & extract from the proceed-
=ings, of the centre court of circuit, dated the 1st Instant, with his re-
=turn thereto; and transcript of a communication from that court of the 15th following, consequent upon the receipt of his return to their precept of the 1st -

This precept had for its object to reprehend alledged inattention on the part of the magistrate to the circular orders issued by Government under date the 22d of January, 1803, to the magistrates, concerning the reception to be given to the judge on circuit on his arrival within, and the dis-
his precept

31st July 1812

their respective jurisdictions; and a confirmation of the censure thereby conveyed is, in the subsequent com-
=munication from the court of circuit coupled with a refusal to acquiesce in the requested reference of the subject to the determination of this Court.

The magistrate, in submitting the papers, requests the Court to decide whether the censure passed by the judges of the court of circuit be merited and whether that Court were authorized to pass it.

The Court, before they proceed to the consideration of the question proposed, direct that the papers be transmitted to the judges of the court of circuit for the centre division, by precept requiring them to certify that they contain the whole of the proceedings held on the subject thereof, or to transmit any others connected therewith, that may be on their re-
=cords; and further calling upon them to point out that provision of the regu-
=lations, which gives them authority to pass the censure complained of by the magistrate of the Zilla of Chittoor, add-
=ing such further explanation as they may judge necessary to the full and clear understanding of the matter in dispute

Ordered that the papers be retransmitted, with the return to this precept, on or before the 20th

20th Province

last following precipt
(Recentia A)

Read letter, dated the 11th Instant, from the pitje on circuit in the Northern division - acknowledging the receipt of extract from this Court's proceedings of the 13th with a letter to the pitje of Pranticpatam, directing him to send his roaster to Nellore, which, the Law officers of the court of circuit being sufficiently recovered to resume their functions, he returns.

(Recentia No. 379)

Read letter dated the 22d Instant, from the pitje on circuit in the Southern division - reporting his immediate intention to leave Coimbatoor for Verdachellum.

(Recentia No. 380)

Read letter, dated the 20th Instant, from the third pitje in the Northern division - enclosing copy of the calendar for the jilla of Masulipatam, 3d Q. Sessions 12th year.

(Recentia No. 381)

Read report of prisoners confined under sentence in the jail of the zilla of South Malabar.

(Recentia No. 388)

Alice Court of the Foujdaree Adalut.

Tuesday
4th August, 1812 Present

Andrew Scott, Esq.
Edward Croft Greenway, Esq. Judges.

Read the following letter with reports of prisoners from the several gilcas, for the month of June.

(Recentia 355, 356, 358, 359, 360, 361, 362, 363, 364, 365, 369, 370, 371, 372, 376, 382, 385, 386, 389, 396.)

Read letter, dated the 1st ultimo, from the first pitje of the court of circuit for the Centre division, reporting his proceedings in case No. 21 of the jilla of Cuddapa, 1st Sessions of the year.

(Recentia No. 340)

The prisoner in this case, Yamadee Chennagade had been brought before the court of circuit, under the provisions of Section VII, regulation XII of 1809, for contumacy in not appearing before the zilla magistrate within the period prescribed in a proclamation published by him on the 6th of March 1811, according to the form recited in Section III of that regulation, requiring him and others, who were accused of

4th August 1812

highway robbery, and of having disturbed the public peace — to appear at the magistrate's office within two months from the day of its date. The prisoner did not appear within the time specified in the proclamation, but is stated to have been apprehended in the month of November following, and was then proceeded against in the manner specified in section VII. referred to.

The pride on circuit, after hearing the charge of the prosecutor and the evidence on both sides, required the law officer in attendance on the court to declare, whether the prisoner was convicted of the charge. His future state the prisoner to be acquitted, it not being in proof that the proclamation in question had come to his knowledge. And the judge, in his letter of reference, expresses his concurrence in opinion with the petitioner, adding that he is satisfied of the identity of the prisoner, but not that he had heard of the proclamation.

The Court, after obtaining for the information of the judge, that is in case of this description, the courts do not administer [illegible] law

but a regulation of the Legislature of the Presidency of Fort St George, establishing a penalty for an offence which it describes and defines, it was not necessary to require a future from the party charged to answer, — to whom it belonged to expound the laws of his native country and to declare to what punishment the prisoner would be liable under that law. — proceed to the consideration of the case referred.

And it appearing to the Court, on a review of the record, that the alledged contumacy of the prisoner against him the Court was that he be liberated from the imprisonment, in which he was placed under section VII, regulation XIII of 1809.

Should it, however, appear to the judge, on the first or the other [illegible] that there are sufficient grounds for bringing him to trial on any specific charge, either that for which he was proclaimed or any other, the order now passed for his release, on acquittal of the charge of contumacy, is to be considered as having reference solely to the

4th August 1812

committment on that charge, and does not require his absolute discharge from the jail, and beyond the reach of the magistrate, — who while in such case proceed against the prisoner according to the provisions of the existing regulations for the guidance of the magistrates.

Ordered that extract of these proceedings be sent by precept to the first judge of the court of circuit for the centre division.

Sent following precept

(Here enter A.)

Read and recorded the oath taken by Mr. J. H. Pearson, as magistrate for the town of Cochin & its dependencies.

(Here enter No. 391)

Read letter, dated the 5th ultimo, from the judge on circuit in the southern division - reporting his arrival at Verdachellum.

(Here enter No. 394)

Read letter, dated the 1st instant, from the magistrate of the zilla of Verdachellum - with the last month's report of persons proclaimed.

(Here enter No. 397)

Read letter, dated the 31st ultimo, from the judge on circuit in the southern division - with copy of the Verdachellum calendar.

(Here enter No. 398)

F. 10.

4th August 1812.

Read letter, dated the 1st ultimo, from the court of circuit in the Centre Division, — with extract from their proceedings on the Draft of a regulation to enable Magistrates to select fitails and empower them to assemble punchayets for the settlement of petty offences.

Here enter No. 399.

Ordered that the foregoing letter do lie over for consideration. —

Wednesday
Sept. 12th
1812.

At a Session of the Court of
Oyer & Terminer & Gaol Delivery
& Court of Common Pleas &
Court of Quarter Sessions &
Court of General Sessions of the
Peace & Jail Delivery for the
County of Bedford — Present
The Honorable Thomas Smith
Esq. President
The Honorable Jasper Yeates
Esq. } Associate Judges
The Honorable Henry Brackenridge
Esq.

Proclamation for opening the Court
made by the Crier.

Grand Jury called & appeared.

Read letter, dated 23 July,
from the Judges of the Court
of Nisi Prius for the Eastern Di-
vision, respecting the proceedings
in case of Wm B. of the Gullah &
Cuddaback & Sept. A.D. 1812.

(Vide page 383.)

The Court having

12th August 1812

duly considered the proceedings of the Court of Vicount - the Futwa of the Provincial Law Officers & the Futwa of the Cazee vol Coozzat & Mooftes of the Zoujdaree Adalut, confirms the said Futwas of the Cazee vol Coozzat & Mooftes afore-said; & directs the discretions allowed by the said Futwas to be observed upon the Prisoners Mulka Gir-ga-bodoo & Lingadoo, to adjudge them, the said Prisoners Mulka Giriyadoo Gir-ga-doo & Lingadoo, to be imprisoned & thence posted to Prince of Wales' Island, there to be kept to hard labour in irons, on the Public Roads or other

12th August 1812

works, for a period of seven natural lives respectively

Sent following letter

(Documents A)

Read letter, dated 22nd July, from the Judge of the Court of Vicount for the Southern Division, opening his proceedings in Case No 28 of the Calendar for Combaconum 2nd Sessions A.D. 1812

(Documents No 393)

The Court, having maturely considered the proceedings of the Court of Vicount - the Futwa of the Provincial Law Officer - & the Futwa of the Cazee vol Coozzat & Mooftes of the Zoujdaree Adalut; confirm the said Futwas of the Cazee vol Coozzat & Mooftes

thousand, & do adjudge the
Prisoner, Appoon
death by being hanged at the
usual time & place of execution
Sent & following letter

Read letter, dated 22d Inst.
from the Judge of
the Court of Circuit for
the Southern Division, re-
questing his proceedings in
case No 4 of the Calendar of
Confirmations 2 Sessions 1812

(Mr Justice Story)

The Court having
duly considered the proceedings
of the Court of Circuit -
the Letters of the Provincial
Law Officers, & the Letters

Wednesday
Aug. 12th
1812

of the Deputy Postmaster &
Minutes of the Judges -
Whereat, confirms the Sen-
tence of the Court of Quarter
Sessions aforesaid, & do adjudge
the Prisoner, Columbo alias
to suffer death by being
hanged at the usual time
& place of execution -

Sent following letter
tion on

The second Judge, now on cir-
cuit in the Northern division, has
already in one instance, - a case
referred from the Jail of Maroulipa-
tam in the 4th Sessions of 1811, - been
required to furnish an English
translate of the proceedings of the
court of quarterly jail delivery, at
which he then presided - And
the Court trust they shall not again
be under the necessity of reminding
him, by a repetition of this order, -
that English translations are

12th August 1812

[illegible] of the Clerk of
Coubeuvonnin 2 vs Lafrs 8th 1812

(Recueil 392)

The Court having
duly considered the Proceedings
of the Court of Circuit -
the Factum of the Procureur
Law Officer, & the Factum

Ct
Circuit Court of the Province Gaspé
Friday
14th August, 1812. Present
Candidus Scott, Esq
Edmund Croft Greenway, Esq } Judges.

Read letter, dated the 7th
instant, from the puisne on circuit in
the Northern division - with Persian
and Telugoo copies of the proceed-
ings of the court of circuit in cases
Nos 10 & 11 on the calendar for the
Gaol of Nelson.

(Recueil No 409)

Ordered that the puisne on
circuit be by precept commanded
to send up English translations of
his proceedings in the cases in ques-
tion without delay.

The second puisne, now on cir-
cuit in the Northern division, has
already in one instance, - a case
referred from the Gaol of Masulipa-
tam in the 4th Provis of 1811, - been
required to furnish an English
translate of the proceedings of the
court of quarterly jail delivery, at
which he then presided. - And
the Court trust they shall not again
be under the necessity of reminding
him, by a repetition of this order, -
that English translations are

14 August 1812

held to bee indispendable in dale cases referred for their finial sentence.

Sent following precept

(Here enter A.)

Read letter, dated the 31st ultimo, from the pridge on circuit in the Southern division - reporting his immediate intention to proceed to Salem.

(Here enter No 399)

Read letter, dated the 1st instant, from the magistrate of the zilla of Verdachalum - with blank reports of persons condemned to transportation & banishment in his jail.

(Here enter No. 400)

Read letter, dated the 31st ultimo, from the Chief Secretary to the Government - acknowledging the receipt of the Court's proceedings of the 4th proceding, and stating that Government have ordered the prisoners Valcapahagata Apen Cooty & two others to be brought to trial for receiving &c the nine free born natives of Travancore, knowing them to have been stolen.

(Here enter No. 401)

Read letter, dated the 1st instant, from the magistrate of the

14th August 1812

report of persons proclaimed in his zilla.

(Here enter No. 405)

Read letter, dated the 3d instant, from the pridge on circuit in the Centre division - reporting his arrival at Belcary.

(Here enter No. 406)

Read letter, dated the 5th instant, from the pridge on circuit in the Southern division - reporting his arrival at Salem.

(Here enter No. 407)

Read letter, dated the 6th instant, from the pridge on circuit in the Northern division - enclosing a copy of the Nellore calendar, and reporting his intention to proceed to Nellore on the following day.

(Here enter No. 411)

Read letter, dated the 6th instant, from the pridge on circuit in the Western division - reporting the close of the sessions of jail delivery in the zillas of Canara, and his intention immediately to proceed to the zillas of South Malabar.

(Here enter No. 412)

Read letter, dated

14 August 1812 held to be indispensable in all cases reserved for their final decision

Sent following precept

(Here enter A.)

Read letter, dated the 31st ultimo, from the judge on circuit in the Southern division - reporting his immediate intention to proceed to Salem.

(Here enter No. 399)

Read letter, dated the 1st Instant, from the magistrates of the zilla of Verdachalum - with blank reports of persons condemned to transportation & banishment in his jail.

(Here enter No. 400)

Read letter, dated the 31st Ultimo, from the Chief Secretary to the Government - acknowledging the receipt of the Court's proceedings of the 29th preceding; and stating that Government have ordered the prisoners Nalcapahagata Apen Cooty & two others to be brought to trial for receiving &c. the nine peecheen natives of Travancore, knowing them to have been stolen.

(Here enter No. 401)

Read letter, dated the 1st Instant, from the magistrate of the Zilla of Beleary, - with last month's

14 August 1812 report of persons proclaimed in his zilla.

(Here enter No. 405)

Read letter, dated the 3d Instant, from the judge on circuit in the Centre division - reporting his arrival at Beleary.

(Here enter No. 406)

Read letter, dated the 5th Instant, from the judge on circuit in the Southern division - reporting his arrival at Salem.

(Here enter No. 407)

Read letter, dated the 8th Instant, from the judge on circuit in the Northern division - enclosing a copy of the Pelicon calendar, and reporting his intention to proceed to Pelicon on the following day.

(Here enter No. 411)

Read letter, dated the 6th Instant, from the judge on circuit in the Western division - reporting the close of the sessions of jail delivery in the zillas of Canara, and his intention immediately to proceed to the zillas of South Malabar.

(Here enter No. 412)

Read letter, dated

Thursday
Aug. 24
1911

2

At a Sessions of the Court of
Inquiry held at Pensacola
Navy Yard Fla. on the
Cruiser Tennessee Esq. } Prisoner
Esq. }

Law Officers

Recorder

Witnesses for the Prosecution

Witnesses for the Defence

Read letter from the
Judge of the Court of Appeals
for the Northern Division,
referring the proceedings in
Case No 7 of the Yiltaks of Ina-
tulipatam - 3 d. Sessions 1911
with remarks of the Reporter -
Copy of Proceedings of the Inquiry
Court Martial shewing cause for

24th August 1812

upwards for twelve Months in
Sant following Letter
(Recentre B)

Final Letters, dated 3d Aug.t from
the 2 Judges of this Court of Circuit for
the Northern Division appointing
this proceedings nine Case No 6 of
the Gilleas of Nilcare, 2 Sep.rs N.D.B.

(Recentre No 404)

The Court, having maturely
considered the proceedings of this Court
of Circuit, the future of the Provincial
Law Office & the future of the Legislat-
ive Council & Proctors of the Province whether
confirm the said future of the Legis-
lative Council & Proctors aforesaid, &
do adjudge the Prisoner, Jimmoo,
to be imprisoned & thence conveyed to
Prince of Wales' Island, there to
be kept to hard labor in irons,
on the public roads or other pub-
lic works, for & during the space
of his natural life -

Sent following Letter

N
Ed.s

(Recentre C)

F. C.

Court of the Magistrates (Kedah)

Kedah
1st September, 1812. Present
Andrew Scott, Esq. } Judges.
Edmund Croft Greenway, Esq.

Read letter, dated the 28th
Ult.o, from the magistrate of the
gilleas of Chittoor - requesting to be in-
formed whether his assistant should
be deputed to Keputty during the
approaching festival, which is
stated to commence on the 8th of next
month. (Recentre No. 450).

It appearing to the Court that
apprehensions have been entertain-
ed, that during the annual festi-
val at Keputty, the persons and pro-
perty of pilgrims resorting to the
temple at that place are exposed
to danger; the performance of the
ceremonies usual on that occasion
to interruption, and the public re-
venue thence arising to loss - pro-
ceeding from the want of a competent officer on
the spot, to superintend & direct the
exertions of the police of the district
and promptly to punish offenders; -a
generally to preserve the Peace: -

Ordered that the magistrate
of the gilleas of Chittoor be by precep

its revision.

(See letter remarks)

The Court direct that the proceedings in the foregoing trial be returned to the 3d Judge of the Court of Circuit for the Northern Division by precept commanding that the further Evidence required by the Court on the points by them noted, be forthwith taken, & that the record of the trial, with such further Evidence thereunto annexed, be re-transmitted for the final Sentence of the Law upon the said Prisoner

(See letter following Precept)

(See letter A)

Read letter, dated 15th July, from the 3d Judge of the Court of Circuit for the Northern Division, inclosing the proceedings in Case Nos of the Queen of the subpoenas, 3d & Supplemental 1812.

(See letter No 365)

The Court, having duly considered the proceedings of the Court of Circuit, the Letter of the Provincial Law Officers & the Letter of the Lieutenant Governor & Members of the Executive Council confirm the said Letter of the Lieutenant Governor & Members aforesaid, & direct, that the Prisoner, Benedict Nathan, be discharged, on finding sufficient security for his future good behaviour & appearance when re-

24th August 1812

1st September 1812

commanded in due time, ~~[illegible]~~ to despatch to their places of destination respectively agt 1st September Diary entered, under Sections XVII and XVIII (Regulation XII of 1802, with the full powers of a Zilla Magistrate, and charged with instructions to use his utmost endeavours, in co-operation with the collector of the Zilla, to protect the pilgrims, to preserve order, tranquility and regularity in the town of Ruppetty, & it's environs, and to depute in the arrangements necessary to the full completion of the ceremonies.

The cases not cognizable by the Magistrate, under the provisions of Regulation VI of 1802, the assistant magistrate will commit the offenders for trial before the court of quarterly jail delivery at it's sessions, which will commence on the 1st day of October — binding over the complainants to appear & prosecute, and the witnesses to attend & give evidence — and the assistant magistrate's reports will be sent up to this Court with the Magistrate's monthly reports prescribed by Sections XXVII, XXVIII

210

1st Sept 1812

Regulation VI of 1802

Letter following, & precept (A)

(Here entered A)

Read the following letter with reports of prisoners confined under sentence in the Zillas of Cuddapa

(Here entered No 416)

Read letter, dated the 6th ultimo, from the first judge in the Cuddapa division — enclosing a supplement to his report, prepared during the last sessions in the Zilla of Cuddapa — on the state of the jail at that station.

(Here entered No 408)

The first judge now reports that the additional apartment, which the magistrate was described in the 9th para of his report, as having nearly completed, will afford the requisite & suitable accommodation for all the prisoners of every description.

But represents that the improvements suggested, — at the beginning of his report, to the wall, & in the 11th para, to the wards, — are necessary for the security of the

11th September 1812

jail and the convenience of the prisoners.

These works, consisting of a mound of hardened earth inside the wall, similar to that at present without, which as well as the proposed inside mound should be faced with brick; and wooden palisades in front of the several wards, but particularly of ward No 3, which is also exposed to the sea, and a brick chunam wall 2 feet high, appear to the Court to be desirable objects of improvement, and would, they conceive, provided the labour of the convicts were employed of, be attended with inconsiderable expence. The Court are therefore induced to submit them for the sanction of Government.

And the Court beg leave to solicit the attention of the Honorable the Governor in Council to the measure recommended in the 5th para of the first Judge's report, and again adverted to at the close of his supplement, — for the security of the jail and station, the company of stationary at Cuddapa of native soldiers, which is stated to be at present posted in divisions at Ranchoty & Gurrumconda.

Ordered that extract of these proceedings, with the papers there in referred

F 11.

September, 1812

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 entry B)

1812 1843 1846 1847 1853 1855 1857

Read letter, dated the 5th ultimo, from the second judge & the Southern division, — with copy of the calendar for the 3d quarter sessions of 1812 in the jilla of Vizagapatam (Vide entry No. 417)

Read letter, dated the 12th ultimo, from the second judge in the Eastern division — with copy of the North Malabar calendar, 3d q. sessions of 1812 (Vide entry No. 420)

Read letter, dated the 8th instant, from the magistrate of the jilla of Chingleput, — with a list of convicts for transportation. (Vide entry No. 423)

Ordered that a report of the names & sentences be prepared for the purpose of being submitted to Government, — in order that the convicts may be accommodated on the Bombay Company's ships proceeding to the Eastward.

Read letter, dated the 8th instant, from the judge & circuit assistant, from the Southern division, — with copy of

1st September 1812

1st September 1812

of the Calendar for the [illegible] Year of [illegible]

(Bin 4 No. 42

Read the follow

Return, with report of prisoner

-fined under sentence in the

of Verdachalum, Madrispatam

South Malabar.

(Vide Nos. 429, 432 & 44

Read letter, dated

the 20th ultimo, from the Judge

-cuit in the Southern Division

-porting his immediate intent

proceed to Coimbatore.

(Reference No. 6

Read

month of

Jellah Thuddupa.

(Reference No. 6

Read letter, dated

ultimo, from the Judge

the Southern Division, - report

his arrival at Coimbatore.

(Reference No. 6

Read letter, dated

ultimo, from the first puisne

centre division, - with copy

calendar for the Jillah of Chitt

& quarter sessions of 1812.

(Reference No. 6

Read letter, dated

ultimo, from the Secretary to

Government in the

1st September 1812

-partment, - with extract from the

minutes of the Honorable the Governor

in Council

of the same date, referring for the opin-

-ion of the Court copy of a correspond-

-ence, submitted by the Quarter Mas-

-ter General of the Army, concerning

the removal of prisoners confined un-

-der sentence in North Malabar, from

the Jail of that Jillah to the Port of Tan-

-nanore, - which is described as being

capable of receiving about 200 convicts.

(Reference No. 644)

The proposition appears to have

originated in a suggestion of the

Judge, that a detachment of

is recommended by the relief, which

it would afford to a considerable

proportion of the detachment of

native soldiers doing duty at Tel-

-licherry; which it embraces the

further object of rendering the labour

of the convicts serviceable in filling up

up the ravines, and repairing the roads,

in and about the Port.

It seems, however, to be liable

to this objection, that as the prison-

-ers must be removed beyond the ju-

-sphere of the personal superintend-

-ance of the magistrate, the custody

of the civil power would of necessity

1st

1st September 1812

magistracy would be wholly lost sight of, or be but faintly recognized.

Were it in the magistrate's power to devise means for preserving his authority over the parties detached, the Court are not aware that inconvenience is likely to result from sending sufficient numbers of the convicts to be employed, under his instruction and general control, on the public works at Cannanore.

But viewing the measure confined to the object of it's proposed objects, - the practicability of reducing the number of guards at present required at Tellicherry, the Court consider it to be more desirable that the convicts, whom it may be necessary for that purpose to remove from the Jail of North Malabar, should be transferred to the jail of some other Jillah, and they expect at an early period, on the completion of the new jail at Coimbatore, to be enabled to place a large body of them under the care of the magistrate of the Jillah of Dindigul.

Ordered that extract of these proceedings be sent to Mr. Secretary Pile for the purpose of being laid before the Honorable the Governor in Council.

Thursday 17th Sept. 1812.

The Court having maturely considered the proceedings of the Court of Circuit, the Futwa of the Provincial Law Officers, the Futwa of the Cazee and Cazee ul Coozat & Mooftee of the Zillah Adalut, confirm the said Futwa of the Cazee and Cazee ul Coozat & Mooftees aforesaid, & acquitting the Prisoner, Moodoosamy Chetty, direct his release accordingly -

(Court following letter)

Vide entry 13

Referring to the return made by the 3rd Judge of the Court of Circuit, for the Southern Division, to the Court's precept under date 23 March - the Court observe that the Record of the foregoing trial was returned for the

16 Sept. 1812

purpose of obtaining further information, generally, not limiting any particular proceeding, in contravention of the Regulations as appears to have been understood by the Judge on Circuit

W.S.

Fort William

In the Court of the Tuejdaree Adaulut.

Monday.
7th Sept. 1812.

Present

Andrew Scott Esqr.
Edr Croft Greenway Esqr. } Puisne Judges

Law Officers

Moulave Mustuja Ally Cawn
Bahadur Caze ool Cozat } Mooftees
Mohammud Umeer Ullah
Roomut Ullah

Read trial No 24 from the Judge on Circuit in the Zillah of Madura Ft. Sessions A. D. 1812.

Here enter No 414.

The Court having duly considered the proceedings of the Court of Circuit, the Futwa of the Provincial Law officers of this and the Futwa Caze ool Cozat and Mooftees

J

16: Sept: 1812

21st Sept: 1812

of the Foujdaree Uddalut, confirm
the said Futwa of the Cazee ool Coozat
and [illegible] aforesaid & do adjudge the
prisoner, Curpanen to be imprisoned,
with hard labour in Irons on the
public roads or other public works,
for the space of two years & at the
expiration of that period, to be released
on finding sufficient security for his
future good behaviour and appear-
when required for twelve months-

Sent following letter

Here enter A

Read Trial No 1 from the
Judge on Circuit in the zillah of Tin-
nevelly 1st Sessions A. D. 1812.

Here enter No 433.

The Court having duly
considered the proceedings of the Court

of

L (1)

21st September
1812

of Circuit the Futwa of the Provincial
Law officer and the Futwa of the Cazee
ool Coozat and Mooftee of the Foujdaree
Uddalut confirm the said Futwa of the
Cazee ool Coozat and Mooftee aforesaid, and
do sentence the prisoner, Shungoo alias
Sholaigaru, to suffer death by being hanged at
at the usual time and place of execution

Sent following letter

Here enter B.A.

Read Trial No 25 from the
Judge on Circuit in the zillah of Chittoor
third quarter Sessions A. D. 1812.

Here enter No 468-

The Court having duly
considered the proceedings of the Court of
Quarterly Jail Delivery, the Futwa
of the Provincial Law officer and the
Futwa of the Cazee ool Coozat and Mooftee

of the Foujdaree Udalut, confirm
the said Futwa of the Cazee ool Coozat
& Mooftees aforesaid; and under the discre=
=tion allowed by the sentence of Cohoobut
pronounced against the prisoner, Boade=
=gandoo do adjudge him, the said prison=
=er Boadigandoo to be imprisoned &
transported to Prince of Wales' Island,
there to be kept to hard Labor 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

Read letter, dated 8th august
from the first Judge of the Court of Circuit
for the Centre Division, referring his
proceedings in case No 11. of the Zillah
of Chittoor 3d Quarter Sessions A. D. 1812.

with remarks of the Cazee ool Coozat
and Mooftees of the Foujdaree Udalut,
shewing cause for its remission

The Court direct, that the
proceedings in the foregoing trial
be returned to the 1st Judge of the
Court of Circuit for the Centre Di=
=vision, by precept commanding,
that the further evidence required
by the Law officers, in the points
by them noted, be forthwith
taken, and that the record of the
trial with such further evidence
thereunto annexed, be retransmitted for
the final sentence of the Foujdaree
Udalut -

Sent following precept

Here enter C.

F. C.

At a Court of the Fouzdaree Adalut

Tuesday
2d. September, 1812. Present

Andrew Scott, Esq.
Edward Craft Greenway, Esq. } Judges.

E.S.

Read letter, dated the 1st. Inst. from the pidy. on circuit in the Western division, reporting his arrival at the Station of the Magistrate for the Zilla of South Malabar.

(Reference No. 466)

Read letter, dated the 1st. Inst. from the pidee on circuit in the Northern division - reporting his arrival at Rajahmundry.

(Reference No. 474)

Read letter, dated the 8th. Instant, from the Magistrate of the Zilla of Chingleput, - enclosing a list of convicts for transportation, whom he had sent down to the Presidency under the order of Government.

(Reference No. 475)

Read letter, dated the 3d. Instant, from the pidee on circuit in the Southern division - with copy of the calendar for the Zilla of Balapooram.

(Reference No. 477.)

Read letter, dated the 6th. Instant, from the pidee on circuit in the [illegible] Vizagapatam

with the aid of the local police ap-
-prehended, and conveyed to Salem.
The magistrate adds that the magis-
-trate of Salem had refused to make
over the offender to his custody; for
the following reason, which appears
to be given as a quotation from Mr.
Gregory's answer of the 19th ultimo to
his application, viz. "As he was ap-
"prehended in this zillah and since
"have commenced an examination
"into the affair, it does not appear to
"me that it is necessary to send him."

The Court observe that the
magistrate of the zilla of Darapoo-
-ram has omitted to send up copies
of his application to the magistrate
of Salem, and of that officer's reply.—
documents, which, it was obviously
desirable, should have accompanied
his reference, for the full information
of this Court. — They have, however,
enough before them to decide upon
the point of reference — the propriety
of the detention by the magistrate
of Salem of the prisonir Gungoo Chetty
for an offence committed at Bhavany
and as the locality of crime, and
not either the place of apprehension,
or the commencement of an examin-
-ation into the affair, — must in
-dictation: —

It is Ordered that the

magistrate of the zilla of Salem be
by precept commanded forthwith
to deliver up the offender Gungoo
Chetty to the magistrate of the
zilla of Darapooram — in order
that measures may without fur-
-ther delay be taken by the offices
(or a regular inquiry
having jurisdiction into the circum-
-stances of the case.

Sent following precept
(Pere entre A)

Ordered that extract of the
proceedings relative to the magistrate
of the zilla of Darapooram.

E.B Sent following letter
(Pere entre B)

Read again letter, dated
the 23d of June, from the Secretary to
the Government in the judicial
department enclosing extracts of
a letter in the revenue department
from the Honorable the Court of
Directors, dated the 18th December, 1811,
with transcripts of the resolutions
of the Honorable the Governor in
Council thereupon.

(Pere entre No 552.)

The enclosed extracts from the
letter of the Honorable Court are

Verdachellum, Canara, Seringapata

Masters

22d September 1812

the Southern division - reporting his immediate intention to proceed to the Zillah of Madura.

(Recorded No. 478)

Read the following letters with reports of prisoners confined under sentence in the jails of the Zillahs of Tinnivelly & Madura.

(See Nos 479 & 488)

Read return from the magistrate of the Zillah of Chittoor to the Court's precept of the 1st Instant directing him to depute his assistant Mr. Septimus Money to Chittoor during the Pagoda festival.

(Recorded No. 480)

Read the last monthly report of persons proclaimed in the Zillah of Cuddapa.

(Recorded No 485)

Read return from the first pidge in the Centre division to the Court's precept of the 4th Instant with their proceedings on his reference of case No. 21 of the Zillah of Cuddapa, Sessions of 1812, wherein the prisoner had been brought to trial under the provisions of Section VII, Regulation XIII of 1809.

(Recorded No. 489)

The pidge certifies that the

22d Sept. 1812

magistrate of the Zillah of Cuddapa has been ordered to liberate the prisoner from his confinement under the sentence referred to, but to bring him to trial on any specific charge, for which there appeared sufficient grounds.

Read letter, dated the 16th Instant, from the pidge on circuit in the Southern division - with returned warrants of execution in cases Nos 19 & 20 of the Zillah of Combaconum.

(Recorded No. 495)

Read letter, dated the 16th Instant, from Mr. E. R. Sullivan - reporting that he had administered the oath of Assistant Magistrate to Mr. Goodwin, and delivered over charge of the magistracy of Seringapatam to him.

(Recorded No. 496)

Read letter, dated the 4th Instant, from the Magistrate of the Zillah of Bandpoorum -

(Recorded No. 476)

The magistrate reports the circumstances of a case of robbery committed at Bhowany by a Banyan named Gungoo Chetty, an inhabitant of the Zillah of Salem, who had been afterwards traced by his police officer and the prosecutor, resident to Nittrapherry, and

paras 63 to 67, and para 144.

The former relate to an application, which had been submitted to Government in the part of the Zumeendar of Polaveram in the Zilla of Rajahmundry, for indemnification for loss alledged to have been sustained in consequence of certain disturbances in that district towards the close of the year 1806, and at the beginning of 1807, and for the expence incurred in raising and maintaining a body of Sibbendy peons for the suppression of those disturbances.

The Zumeendars had been ascribed by the Collector to a want of energy in the Zilla magistrate, who was stated to have neglected to employ the means, which he had in his power to quele the disturbance on its first breaking out.

And the Honorable Court observing that the magistrate had been called upon, through this Court, for an explanation of his conduct on the occasion in question, signify their desire to be informed of the circumstances that led the

result: whereupon it was ordered by this Government that this Court instructed should be supplied to submit without further delay the report required under date the 23d. December 1807, together with the reasons for its not having been submitted sooner.

The Court have the honour to report for the information of the Honourable the Governor in Council, that on the receipt of the letter from the Secretary to the Government in the judicial department, dated the 23d. December, 1807, a precept was issued to the magistrate of the Zilla of Rajahmundry, enclosing copies of the papers therewith received from the Board of Revenue, desiring the Court to cause enquiry to be made into the circumstances of the case, and requiring him to report on the subject thereof.

Had any return to this precept been made, as was customary, into the register's office, it would of course have been put into a way to come regularly before the Court; and, it may be inferred, would under their orders have been sent up to Government. No return, however, was filed in the register of letters & returns received; and nothing having

Madras Vendachellum, Canara, Seringapatam

22. Sept.

22d. September 1812

paras 63 to 67, and para 144.

The former relate to an application, which had been submitted to Government in the report of the Zumeendar of Polaveram in the Zilla of Rajahmundry, for indemnification for loss alledged to have been sustained in consequence of certain disturbances in that district towards the close of the year 1806, and at the beginning of 1807, and for the expence incurred in raising and maintaining a body of Sibbendy peons for the suppression of those disturbances.

The injury done to the Zumeendaree had been ascribed by the Collector to a want of energy in the Zilla magistrate, who was stated to have neglected to employ the means, which he had in his power, to quell the disturbance on its first breaking out.

And the Honorable Court observing that the magistrate had been called upon, through this Court, for an explanation of his conduct on the occasion in question, signify their desire to be informed of the

22. Sept. 1812

result; whereupon it was ordered by this Government that this Court be instructed to submit their opinion thereupon without further delay, the report required under date the 23d December 1807, together with the reasons for it's not having been submitted sooner.

The Court have the honour to report for the information of the Honourable the Governor in Council, that on the receipt of the letter from the Secretary to the Government in the judicial department, dated the 23d December, 1807, a precept was issued to the magistrate of the Zilla of Rajahmundry, enclosing copies of the papers therewith received from the Board of Revenue, desiring the Court to cause to be made enquiry to be made into the circumstances of the case, and requiring him to report on the subject thereof.

Had any return to this precept been made, as was customary, into the register's office, it would of course have been put into a way to come regularly before the Court; and, it may be inferred, would under their orders have been sent up to Government. No return, however, was filed in the register of letters & returns received; and nothing having

1812 occasioned to revive the subject, the magistrate's omission noticed.

But recently, and since the date of the reference from Government a search having been set on foot the magistrate's return has been discovered amongst a number of papers, which were found in the late third judge's chamber after his decease.

The magistrate's return certifies the copy of a letter to the Secretary to Government, dated the 12th February 1808, as containing the explanation required.

And the Court resolved to submit the paper in the shape, in which it was found, to the Honourable the Governor in Council.

E.H.

Sent following letter
(Reference C.)

It is Ordered that the

Tuesday
October 13th 1812.

At a Court of the Fuojdaree Adalut

Present
Andrew Scott, Esq
Edward Croft Greenway, Esq } Judges.

Read letter, dated the 4th ultimo, from the judge on circuit in the Western division - reporting the close of the jail delivery in the Zillah of South Malabar.

(Reference No 512)

Read reports of prisoners confined under sentence in the Zillahs of South Malabar and Dara-pooram.

(See Nos 520 & 524)

Read letter, dated 8th. Inst. from the N. ultimo, from the judge on circuit in the Centre division - reporting his immediate intention to proceed to Cuddapa.

(Reference No 521)

Read letter, dated the 25th ultimo, from the same judge, report-ing his arrival at Cuddapa.

(Reference No 522)

Read the following letter, with reports of prisoners, for the month of August, in the Jillahs of Cuddapa, Darapooram, Chingulpa Verdachelum, Canara, Tenningapatam

Mashoo
Mashoo

13th October 1812

Cochin, Cundacanoin, Tichinopoly, Trivandevaley, Nandipatam, Chittoor, Vizagapatam, Ganjam, South Malabar, Bellary, Salem, North Malabar, Rajahmundry & Nellore

Sea ports in Nos 486, 492, 493, 494, 497, 498, 499, 502, 503, 507, 509, 510, 511, 517, 518, 519, 532, 533, 546 and 523.

Read letter, dated the 22d. ultimo, from the Judge on circuit in the Western division reporting his arrival at Cochin; but there being only one case for trial, which he had deemed it proper to postpone till next session, he proposed immediately to proceed to Seringapatam.

(Presented No. 529)

Read letter, dated the 26 ultimo, from the Judge on circuit in the Southern division reporting his arrival at Ramnad.

(Presented No. 534)

Read letter, dated the 1st instant, from the Magistrate of the Zillah of Rajahmundry with the last month's report of persons proclaimed in his zillah.

(Presented No. 537)

Read letter, dated the 29th ultimo, from the Secretary to the Government in the judicial

13 October 1812

department enclosing copies of papers recorded in the proceedings of Government in the Military department concerning the removal of a convict, named Canancotte Coony Coony, from the jail of the Zillah of North Malabar to the Presidency for the purpose of trying the efficacy of a supposed remedy for the leprosy, with which he is stated to be afflicted in a peculiar degree.

(Presented No. 528)

And Mr. Secretary Bile explained the desire of the Honorable the Governor in Council to receive the opinion of the Court, as to the proper mode of giving effect to the intention of Government respecting the prisoner.

On reference to the records of this Court it appears that Canancotte Coony Coony was committed for murder and brought to trial before the court of circuit for the Western division at its sessions in the Zillah of North Malabar towards the close of the year 1808. The members of the court of circuit found the prisoner guilty of ~~wilful murder~~ culpable homicide, i.e. Chitlat-i-wund, and on a reference of the trial for the sentence of the Foujdaree Adalut, the penalty of Deeyut having been pronounced against him by the Kazee and Cooyyat

13th October 1812

and inasmuch, he was adjudged, & ordered under date the 4th May 1809, 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.

For the information of Government in the case, the Court resolve to lay before the Honourable the Governor in Council a copy and translate of the fatwa delivered by their Law officers, with their final order thereupon, and transcript of the letter of the pidje on circuit referring his proceedings on the trial of the prisoner.

And the Court request to be favoured with a communication of the pleasure of the Governor in Council -

whether it is intended that cannaccatte Coony Boyy should merely be removed from the jail of Kellichy guny, under the authority vested in them by clause fifth, section VIII, regulation XV of 1803, the sentence still remaining in force against him; or that, as they believe is more usual in England in cases when convicts are taken from the places of their confinement to be the subjects of experiment, he should on his removal receive the pardon of Government

Ordered that extract of the

2 F 12

October 13th 1812

these proceedings be sent to Mr. Secretary Hill.

Sent following letter

(Here enter A)

Read letter, dated the 8th ultimo, from the Chief Secretary to the Government - stating that the improvements to the jail of the Zillea of Cuddapa, recommended in the Court's proceedings of the 1st Instant, are sanctioned by Government, and that measures will be taken for affording pecuniary allotation to the jail establishment of that Zillea.

(Here enter No. 501)

The Court direct that extract from their proceedings of the 1st instant, and copy of the above letter, be transmitted to the pidje on circuit in the centre division to be by him communicated to the Zillea magistrate.

Sent following letter

(Here enter B)

Read letter, dated the 30th ultimo, from the third pidje in the Southern division - enclosing copy of the calendar of prisoners committed or held to bail by the magistrate

13 October 1812

of the Zilla of Trichinopoly, to take their trial before the Court at the fourth quarter sessions of this year.

(Reference No. 538)

And from the third pridge's remarks on the calendar it would appear that the sessions commenced on or about the 22d. ultimo, and closed on or about the 25th.

Under the rule contained in Section V, regulation I of 1811, the fourth sessions of the court of quarterly jail delivery in the Zilla of Trichinopoly are to commence on the 1st of October each year. But in the event of that date falling within the period of either of the established vacations of the civil courts, it is provided that the commencement of such sessions shall be postponed until the expiration of the first period for the vacation, or as long as the Zilla magistrate may state to be necessary.

The conduct of the third pridge in relation to the period chosen by him for the commencement of the last sessions in the Zilla of Trichinopoly not having been governed by the provisions referred to -

The Court are under the

13 October 1812

necessity of calling upon him for an explanation of the circumstances under which he has been led to deviate from the rules established for the guidance of the court of quarterly jail delivery on the occasion in question.

Ordered that extract of the proceedings be sent by precept to the third pridge.

Sent following precept

(Reference C)

Read letter, dated the 2d ultimo, with enclosures from the magistrate of the Zilla of North Malabar.

(Reference No. 527)

The magistrate requests authority to employ persons not in the service to assist him in preparing English translations of his proceedings in the cases contained in the calendar of prisoners committed to take their trial for crimes against the state before a Special Commission in the Western division.

And the translator referred to by the magistrate being indispensable, the Court direct that he be authorized to employ persons to make them properly qualified - leaving the

13. October 1912

pidges of the special court to settle the amount of the compensation, and to countersign the contingent bills for the expence incurred.

The magistrate further solicits authority either to repair himself or to depute his registe (vice pro-perly his assistant) occasionally to the Kymaad country.

The Court consider that occasions may occur requiring the immediate superintendance of the magistracy in Kymaad; and they will at all times be prepared to receive & decide upon applications for permission from the magistrate to proceed into that country. But as the offices of pidge and magistrate are united in the same person, and no adjournment of the established vacations, can take place without the sanction of the Sudder Adalut, this Court cannot give the magistrate any general discretionary authority, the acting upon which would involve an unauthorized adjournment of the Zillah court.

And the magistrate submits for sanction a disbursement of S. Rup. 37-26-4 for translating into English certain proceedings in a suit instituted by him against the pundit of the Zillah court.

As the magistrate can have no concern with the charge in question, and as this Court,

3. L. C.

October 13. 1812

having nothing before them relating to, and knowing nothing of, the matter on account of which the expence is alledged to have been incurred, have no means of judging of the propriety of the disbursement.—

Ordered that the papers be returned to the Zilla magistrate.

Sent pr covering letter

*A foregoing proceedings to be sent for the information of the pidges of the special court— (Sent pr. letter E)

Ordered that extract of the * Read return from the pidges of the court of circuit for the centre division to the Court's re-cept of the 31. of July.

(Here enter No. 434)

Read again letter, dated the 21. of July, from the magistrate of the Zilla of Chittoor, submitting copies of a precept and extract from the proceedings of the centre court of jail delivery, dated the 1. preceding with his return thereto, and transcript of a further communication from that court of the 15. of the same month, consequent upon the receipt of his return to their precept of the 1st,— wherein they had censured alledged inattention on his part

13th October 1812

to the circular orders of Government dated 22d January 1803, concerning the reception to be given by jilea magistrates to a pidge on circuit.

(Here enter No 378)

And from the papers before the Court it appears -

That the second pidge of the court of circuit, when on the point of returning to the sudr station after the close of the jail delivery at Chingulput in June last, issued precepts to the magistrates of the jileas of Chingulput and Chittoor, dated the 8th of that month fixing the dates, at which he should arrive at certain intermediate places, requiring their particular attention to the Government orders of 22d January 1803, and signifying that no business would be taken for his expectation of enforcing those orders, "the pidge of circuit having "experienced much inattention "and great want of respect in both "of the jileahs aforesaid."

In return the magistrate of the latter jilea certified that he had directed every attention & respect to be paid to the pidge of circuit, and expressed his regret that any deficiency in these points should have been experienced by the second pidge. - He further requested the second pidge to inform him of the names of any places, where he

13th October 1812

might meet with inattention & want of respect, and of the circumstances of such cases.

The second pidge, after his arrival at the station, records his dissatisfaction upon reading this magistrate's return, because it failed to shew what measures had been taken by the magistrate to enforce the orders of Government, or that any orders had been issued to the different darogahs, reprimanding them for the inattention and want of respect which had been noticed in his precept.

The second pidge goes on to observe that the magistrate of Chittoor had himself set the example of inattention to the pidge on circuit by habitual neglect of the orders in question, in not meeting his pesh kheema to meet him on return from circuit in October 1810, and his conduct at every session of the court since the quarterly jail deliveries had been established. - He further states that on his setting out on circuit in July 1810, and again in January last, he was not attended either by darogha or peon; and that on occasion of his late return there was a marked difference between the conduct of the darogahs of the jilea of Chittoor

13. October 1812

and that of the daughters of other gilors.

And the record pidge having read before a full court of the pidges of the courts of jail delivery his remarks to the above effect, which he states to be intended as a "reproof to the conduct of the magistiate of Clitheroe," - they proceed to record their united opinion that that magistiate appeared "almost entirely to have wilfully & studiously avoided compliance with "either" of the three orders of Government; that there was "reason to "believe that he ignored no instruction "and took no measure whatever, "in consequence of the said precept of the R. pidge; and, after intimating that they could not by their silence sanction a neglect of the orders referred to, without exposing themselves & their officers to be degraded and held in contempt, they conclude by commanding him to comply therewith, "whenever "either of the pidges proceeds on, or "returns from circuit through his "gileah", as also at the quarter sessions by proceeding at the head of the officers of his court to the house of the pidge, and thence with that officers to the court house.

The magistiate's return to the precept

4. J. C.
October 13th 1812.

precept, conveying to him the proceedings and orders of the court, submits for the information of the pidges a translate of the <u>Fakeed</u>, which he had issued to certain of his daroghas, pursuant to the injunction of the second pidge's precept of the 11th of June, certifies that he will attend in person at 10 o'clock at the house of the pidge proceeding to open the quarter sessions, and attend him to the court house; explains the circumstances, under which he had been led to suppose that the pidges of circuit and quarter jail delivery were fully satisfied with the attention which he had been in the habit of shewing them; and, under the explanation afforded, requests them either to recall the censure passed on his conduct, or to submit his appeal from it to the decision of this Court.

The pidges having declined to comply with the magistiate's request, the papers were submitted by this reference of the 21st of July - wherein he requests this Court to determine, whether he merits the censure passed upon him, and whether the pidges of the courts of jail delivery were authorized to pass it.

And the papers to be received

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are certified by the pidjer, in their return to the Court's precept of the 9th of July, to "contain the whole of "the proceedings held upon the sub= "=ject." — They added that they "know "of no regulation which directs "them to pass a censure on the ma= "=gistrate." — And they proceed to put the Court in possession of some "further information", which they consider necessary, in the course of which the second pidje is stated not to have been "sensible of any "alteration of conduct in the jilla, "in consequence of his precept; and that "all he obtained for it was a "return most disrespectfully calling "upon him to state the particular "instances of inattention he had "met with, and not stating that any "measures had been taken in obedi= "=ence to the precept." They "drew the outline" of a history of the instances of neglect, which they had severally experienced from the jilla magistrate, on occasions of their returning from, or setting out on circuit, and in opening the sessions of jail delivery in his jilla, observing that a com= =plete detail would be but a "useless repetition". They refer to the magistrate's allegation that he never received any particular instructions from them as to the

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nature and extent of the attention which they required from him. They remark that his requested reference to the decision of their "mutual depe= =ndents", is highly disrespectful to them." They submit that their precept of the 1st of July, "which the magistrate has complained of as a severe censure", is a statement of facts bearing only "in some degree the appearance of censure", and that unless it should appear to this Court to contain a censure, the magistrate has shewn extreme disrespect "in forwarding a complaint against "his superiors." And they intimate that they have received from him "numerous returns to precepts, for each "of which he is highly deserving of cen= "=sure."

The Court, in proceeding to deliver their sentiments on the papers before them, must at the outset disclaim all intention of adverting to, or bearing in mind, the circumstances hinted at in the con= =cluding paragraphs of the return made by the pidjes of the centre Court of circuit to their precept. — If the irregularities there referred to did not require to be noticed & corrected as they occurred, they ought not now to be brought into question, on any ground, but more especially not for the purpose of contributing to the unfavourableness of the light

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in which the magistrate's conduct is sought to be placed on an occasion, with which those irregularities are wholly unconnected. And the Court cannot but express their regret that the reason, which led the court of circuit to withhold the paper, upon which their concluding remarks are founded, - their irrelevancy to the matter under consideration, did not operate altogether to prevent them from submitting those remarks, ~~upon mature deliberation upon the subject~~, - for while, unsupported as they are by documents, it was obvious they could not call for the interference of this Court, it cannot be denied that they evince a hostile feeling towards the magistrate, which it is desirable on every public ground that they should at once discharge.

But with respect to the matter immediately before the Court, it is sufficiently clear, that there has been, on the part of the magistrate of the Zilla of Chittoor, a relaxation of those official demonstrations of respect towards the judge holding the sessions for the delivery of the jail, which are specially enjoined by Government; and that, on the part of the judges of the courts of jail delivery there has been an omission, continued, as it would appear, during several years, either to report to this Court, or to notice to the magistrate,

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magistrate, his inattention to the orders of the Government, and to require his uniform observance of them in future.

The Court of circuit have, in their return to this Court's precept, observed, that the magistrate being in possession of the orders of the Government, had no right or reason to require or expect further instructions from them.

The Court fully admit the justness of this remark: and they entirely concur with the court of circuit in considering that it became the magistrate's duty, having those orders before him, not to lose all the pains to ascertain whether a judge of circuit did or did not require him to pursue the line of conduct therein prescribed to him; but to take care, without in any sort consulting the wishes and views of that officer, that his reception of the judge corresponded as fully as possible with the views & intentions of the Government, as specified in their orders.

If, however, it were incumbent on the Zilla magistrate to see on every occasion, strictly observant of those orders, it was not less incumbent on the [illegible] magistrate, [illegible]

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-vitent with the duty of the pidges of the courts of jail delivery silently to acquiesce in any deviation on his part from them. They were indeed called upon by every obligation of their duty to notice the first in-stance of such relaxation on it's occurance: - and the paper before the Court offord sufficient proof believing that had this regular course of proceeding been observed, the present reference would never have been made; nor would this Court have been called upon at this time to remind the pidges of the court of circuit and the Gilea magistrate that the stations, which they respectively hold, are mutualy entitled to respect.

The omision of the court of circuit has completely changed the nature of the case; and it would be idle at this time to ascribe the neglect of those orders exclusively to the magistrate. - But altho' the court of circuit by such omision may have participated in the error, their authority at any time to correct it by enjoining future obedience to the orders of Government cannot be disputed. And the precept ipsued by the second pidge under date the 8th of June, appears to have had this for it's object, and it's propriety has not been

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The question for consideration in deciding on the present appeal from the Gilea magistrate, is whether his return to the precept in question was or was not a proper return. -

The substance, or male of the precept, as of the magistrate's return, has already been stated in these proceedings. - The orders contained in the former are entirely prospective, and the apparent object of their allusion is the native establish-ment. And the return shews that pur-suant to it's exigence instruction had been given to such of his native esta-blishment as were concerned.

This return viewed abstractedly, and without reference to any personal considerations whatever, appears to the Court a good & sufficient return. - The grounds of exception taken by the Pidge to it were, that it did not shew what measures had been adopted by the magistrate to enforce the orders of Government, or that any of his had been ipsued to the different ghats, reprimanding them for their attention and warning them for the future. (Vide Cons. No. 555) which had been noticed in the return by him to the Court

If the second return as above. (Vide Cons. No. 556) Read letter, dated the 12th particulars taken from the pidge on circuit in them dismission - reporting his wood

furnish it. – But it formed no part of the exigence of the precept of N. Prius, that the magistrate should enter into a specification of the manner, in which the second pidge's orders had been exe:cuted; nor does the precept convey any intimation to that effect, or con:tain anything that should lead the magistrate to suppose it to have been the second pidge's wish to receive such detail of particulars. – All the points in the precept appear to the Court to have been replied to in the magistrate's return; and the Court do not discover in the letter anything to excite the displeasure, either of the pidge on circuit, or of a full court of the pidges of the courts of jail delivery.

The proceedings of the latter must therefore be referred to pre-existing dispersion of discordance, – of which indeed the proceedings themselves ex:hibit ample proof; but which ought on no account to be permitted to govern the conduct of public officers in the discharge of their public duty, and is more es:pecially foreign and uncongenial to the judicial character.

The influence of this feel:ing appears to have led the pidge on circuit to pervert the request, contained in the magistrate's return to his precept, into a most disrespectful

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disrespectful call upon him to state the particular instances of inat:tention which he had met with. But it would appear that the ma:gistrate, after stating that he had directed every attention & respect to be paid to the pidge, merely to elicit, in the event of those orders being disobeyed, to be furnished with that information, which, it will not be denied, was indispensably necessary to enable him to punish such disobedience.

Under the influence of the same feeling the Court of Circuit appear in this instance, in accu:mulating a heap of accusations against the magistrate, extending even to a period, when they did not implicate them in the imputed culpability, and in pronouncing him guilty without hearing him in his defence, – to have adopted a line of conduct, which, the Court are persuaded, they would not hesitate to condemn on any oc:casion; in which they were them:selves peculiar liable to no immediate interest.

And they seem to have been

actuated by the same impulse to adjudge the regular & legitimate appeal of the magistrate to be disrespectful to them, because in designating this Court, he used terms, certainly not uncommonly applied to describe an authority superior to two others of unequal authority. If a magistrate consciences himself aggrieved by any act or proceeding of a court of jail delivery, he has an undoubted right to seek redress; and the proper channel of appeal against any irregular order passed by such court, is through that court to the superior court.

With respect to the order in this case consigned by the precept of the Court of circuit, dated the 1st of July, unconnected with the preceding remarks of that court, it does not appear to have been in any shape objected to by the magistrate, and with the latter part of it, that which was intended to govern his conduct at the opening of each quarter sessions, he has certified his intended compliance.

It may, however, be doubted whether such part of the

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orders of Government, dated 22d January 1803, as requires the personal attendance of the magistrates on the judge of circuit, arriving at their respective gillas for the delivery of their jails, can apply to the magistrates residing at the sudr stations of the several divisions, to which after the conclusion of their circuit the judges return, having no additional control as judges on circuit over such magistrates. Such an exception might have been taken to the order of the centre court of circuit; and as the question is now before the Court they deem it proper to remark, that since the establishment of the quarterly jail delivery at the sudr stations, the practice of the personal attendance of the magistrate at a sudr station on the judge proceeding on, or returning from, circuit, might be dispensed with, as subjecting him at the same moment to the calls of two separate authorities.

But with respect to the remarks, which preceded the order in question, when the Gillas magistrate found himself charged by the second judge with having

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neglected his precept, to which, for all that appears on record, he had conformed and made a sufficient return, and further with having himself set the example of inattention to the judges on circuit; and when he saw the charge adopted and aggravated by the judges of the court of jail delivery, without allowing him an opportunity for explanation, the Court are of opinion that he had good reason to complain of the proceedings.

Upon the whole the Court are of opinion that the orders of the Government, prescribing certain demonstrations of respect to be shewn by the magistrates to the judges on circuit, have in the Zilla of Chittoor been disregarded in a degree deserving of censure; but the time, during which this neglect has been suffered to continue unnoticed, precludes the attachment of the blame incurred by it, entirely and solely to the magistrate.

The Court are further of opinion that it was the duty of the Provincial Court to notice and correct this error; but that

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the application of certain for omissions, which had been long suffered to pass unnoticed, was unauthorized & unnecessary.

Having stated their opinion the Court have only to record their resolution, as it is their duty, to enforce the respect due to the judges of the court of jail delivery from the Zilla magistrate; to the utmost extent of their authority. But on the present occasion, as well with a view to the more effectually to put a stop to the existing disagreements between the judges & the magistrate at Chittoor, as for the purpose of submitting to the sanction of Government the construction which the Court have put upon the orders of 22d January 1803 in their application to the case of a magistrate residing at the Presidency station of a division, where on the 1st of January and 1st of July in each year the 1st & 3d quarter sessions commence, and whereon the same days

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on their tours, — the Court resolved to submit these proceedings with the papers upon which they are founded, to the consideration of the Honourable the Governor in Council.

Sent following letters

(Per entry Ft)

Read letter, dated the 12th ultimo, from the Judge of Circuit in the Central division, with copy of the calendar for the Zillah of Beleary.

(Per entry No. 535)

Read letter, dated the 28th ultimo, from the Judge on circuit in the Northern division — enclosing copy of the calendar for the Zillah of Rajahmundry; and reporting his intention to proceed to Vizagapatam on the 29th.

(Per entry No. 539)

Read return from the Judge on circuit in the Northern division to the Court's precept of the 4th Instant ultimo — calling for English translate of his proceedings in cases Nos 104, 11 of the Zillah of Nellore — which are accordingly certified.

(Per entry No. 504)

At a Court of the Foujdaree Adawlut

Tuesday

3d November 1812. Present

Edward Hay Esqr. Judge

Read letter, dated the 6th ultimo, from the Judge on circuit in the Northern division — reporting his arrival, on the preceding day, at Vizagapatam.

(Per entry No. 549).

Read letter, dated the 6th ultimo, from the second Judge in the Central division — with the returned warrants of execution in cases No. 49 & 50 on the calendar for the 2d & 3d Sept. in the Zillah of North Malabar.

(Per entry No. 550)

Read letter, dated the 9th ultimo, from the magistrate of the Zillah of Canara — with the oath taken by Mr. Fraser, recently appointed his assistant

(Per entry No. 555)

Read the oath taken by Mr. N. A. Fraser, registered to the Court of the Zillah of Canara.

(Per entry No. 556)

Read letter, dated the 12th ultimo, from the Judge on circuit in the Southern division — reporting his

13.° Oct.r 5.° November 1812. immediate intention to leave Rammad.

(Annexture № 557)

Read letter, dated the 22.° ultimo, from the judge on circuit in the Southern division - with copy of the calendar of prisoners committed, or held to bail for trial at the late sessions in the jilla of Madura.

(Annexture № 558)

Read the last month's report of persons proclaimed in the jilla of Cuddapa.

(Annexture № 559)

Read letter, dated the 13.° ultimo, from the acting magistrate in the jilla of Madura - with his report of prisoners for August.

(Annexture № 561).

Read letter, dated the 19.° ultimo, from the judge on circuit in the Western division - reporting the close of the sessions at Seringapatam, and his immediate intention to return to Tellicherry.

(Annexture № 563)

Read the following letters, with reports of prisoners confined under sentence in the jilleas of Bellary & Rapidroog pending.

(Annexture № 566 & 572).

Read

5.° November

Read letter, dated the 21.° ultimo, from the judge on circuit in the centre division, acknowledging the receipt of extract from the Court's proceedings of the 13.° ultimo, and stating that it had been communicated to the Magistrate of the jilla of Cuddapa.

(Annexture № 569)

Read letter, dated the 17.° ultimo, from the judge on circuit in the Southern division - reporting his arrival at Trincodey.

(Annexture № 570)

Read letter, dated the 27.° ultimo, from Mr. Secretary Hele - with Extract from the minute of the Honourable the Governor in Council on the Court's proceedings of the 13.° ultimo, regarding the removal of the Caper convict Canancotta Coony Bonyan, to Tellicherry.

(Annexture № 573)

Read letter, dated the 30.° ultimo, from the magistrate of the jilla of Chittoor, with the report of persons apprehended by his apistant Mr. Money, during his deputation to Peiatty.

(Annexture № 574)

Read letter, dated the 15.° ultimo, from the magistrate of the

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Zilla of Chingulput with a list of convicts in the dépôt for transportation.

(Recorded No. 580)

Read letter, dated the 30th ultimo, from the Secretary Pile acknowledging the receipt of extract from the Court's proceedings of the 13th preceding on the reference, dated 21st July from the magistrate of the Zilla of Chittoor, communicating the sentiments of the Government thereupon; and signifying the concurrence of the Honorable the Governor in Council in the construction put by the Court on the Government orders of 22d January 1803, in relation to the magistrate at the several stations of each division.

(Here enter No. 583)

The Court direct that extract from their proceedings of the 13th ultimo be transmitted, with copy of the above letter for the information and guidance of the courts of jail delivery in the Centre division — to be by them communicated for the information of the magistrate of the Zilla of Chittoor.

Sent following letter

(Here enter A.)

F. U.

8th Novr 1812

At a Session of the Court of Foujdaree Udalut. Present.

Andrew Scott Esqr.
Ed. Croft Greenway Esqr. } Puisne Judges

Law officers

Moulavi Mustaffa Ally Cawn Bahadoor
Cazee ool Cozaat

Mohammed Ameen ullah
Khoodut ullah ——— } Muftees

Read trial No 1 from the Judge on Circuit in the Zillah of Rajamundry 2nd Session A. D 1812.

Here enter No 531.

The Court having duly considered the proceedings of the Court of Circuit, the futwa of the Provincial Law officer and the futwa of the Cazee ool Cozaat Mooftee of the Foujdaree

13. 8th November 1812 Trial

8th November 1812

Foujdaree Udalut confirm the said Futwa
of the Cazee ool Coozat and Mooftis aforesaid
and do sentence the prisoner Nidcatty
Letchmeepatty to be imprisoned and trans=
=ported to Prince of Wales Island there
to be kept to hard labour in Irons on the
public road or other public Works for
and during the space of his natural life
Sent following letter
Here enter A.

Read Trial No 24 from the
Judge on Circuit in the Zillah of
Chittoor third Quarter Sessions A.D. 1812
Here enter No 525
The Court having maturely
considered the proceedings of the Court of
Quarterly Gaol Delivery, the futwa of
the Provincial Law officer and the futwa
of the Cazee ool Coozat and Mooftees of the
Foujdaree

8th November 1812

Foujdaree Udalut, confirm the said Fut=
wa of the Cazee ool Coozat and Mooftes
aforesaid and acquitting the prisoner
Gungadoo direct his release accordingly.
Read also No 29 from
the Judge on Circuit in the Zillah
of Chittoor third quarter Sessions A.D. 1812
Here enter No 526.
The Court having maturely
considered the proceedings of the Court
of Quarterly Gaol delivery the futwa
of the Provincial Law officer and the
futwa of the Cazee ool Coozat and Mooftes
of the Foujdaree Udalut, confirm the
said futwa of the Cazee ool Coozat and
Mooftes aforesaid and acquitting the
prisoner Ulliviganoo direct his release
accordingly.
Sent following letter
Here enter B

13.° C. S.ᵖ 8.ᵗʰ November 1812.

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Read trial N.° 9 from the
Judge on Circuit in the Zilla of Chitta-
=gong 2.ⁿᵈ Sessions A. D. 1812.

Here enter N.° 491.

The Court having duly consi-
=dered the proceedings of the Court of Circuit,
the futwa of the Provincial Law officer
and the futwa of the Cazee ool Coozat &
Mooftees of the Fouzdaree Udalut confir-
=med said futwa of the Cazee ool Coozat and Mooftees
aforesaid and in consideration of the circumstances
of the case, and the recommendation of the senior Judge
on Circuit in favor of the prisoner Veerapen, do
adjudge him the said prisoner to be imprisoned
for the space of one month and then to be dis-
=charged with an appropriate caution against si-
=milar misdemeanors for the future and a warning
of the penalties he may incur by a repetition
of the offence

Sent.

F. 12.

Acquitg

8.ᵗʰ Nov.ʳ
1812

Sent following letter
Here enter 6.

Read trial N.° 25 from the
Judge on Circuit in the zillah of Cox-
=bazar 2.ⁿᵈ Sessions A. D. 1812.

Here enter N.° 492.

The Court having duly con-
=sidered the proceedings of the Court of circuit,
the futwa of the Provincial Law officer and
the futwa of the Cazee ool Coozat and
Mooftees of the Fouzdaree Udalut, confirm
the said futwa of the Cazee ool Coozat and
Mooftees aforesaid, and do adjudge the prisoner
Chinnapein, Aroomogum, and Appavien
to pay a fine to the use of Government
of one hundred and fifty Arcot Rupees
each and in default of such payment to be
imprisoned for a period not exceeding twelve

months

13.° C. 3.°

8.° November 1812

months and then to be discharged.

Sent following extract.

Here enter D.

F. C.

At a Court of the Peace held at
Stirling,
on the 13.° 1812. Present
Andrew Scott, Esq.
Edmund Croft Greenway, Esq. } Judges.

Read a letter, dated the 28.°
ult.mo, from the court of quarter
Sessions for the Western division - enclosing the
oath administered by the second judge
to Mr Thomas Gahagan, appointed
their registar.

(Here enter No. 585.)

Read the oath taken by
Mr. Thomas Gahagan, appointed register
to the court of quarter Sessions for the Western
division.

(Here enter No. 586.)

Read a letter, dated the 2d
ult.mo, from the Lord Provost in the Western
division - enclosing copy of the calendar
of prisoners committed, or held to bail,
for trial at the last sessions in the Sheriffdom
of Lanark.

(Here enter No. 587.)

Read the following letter,
with reports for last month of persons
confined in the Jails of Dundee-
-lum, Belleary and Cupar-Angus.

(Here enter Nos. 592, 590 & 599.)

Read the following letter,
with reports of prisoners confined
under sentence in the Jails of Arbroath,

13th November 1812

South Malabar and Coimbatore.

(See Nos. 593, 597, & 602)

Read blank reports of prisoners in the jillas of Madura, under sentence of banishment & transportation.

(Here enter No. 596)

Read letter, dated the 29th ultimo, from the second judge in the central division, with copy of the calendar of prisoners committed, or held to bail, for trial at the 4th Sessions in the jilla of Chittoor.

(Here enter No. 600)

Read the following letters, with reports of prisoners, for the months of September in the jillas of Tanjore, Canara, Cuddapa, Verdachellum, Ganjam, Combatoor, Bellary, Masulipatam, Trichinopoly, Rajahmundry, Chingleput, Salem, Chittoor, Cochin, North Malabar, Tinnivelly, Madura, South Malabar & Darapooram.

(See Nos. 547, 553, 554, 560, 562, 564, 565, 567, 568, 571, 574, 575, 576, 577, 578, 584, 591, 596, 610.

Read letter, dated the 26th ultimo, from the judge on circuit in the Northern division - enclosing copy of the Vizagapatam calendar, and stating his intention to proceed to Ganjam on the following day

(Here enter No. 601) Read

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Read letter, dated the 4th instant, from the third judge in the Southern division - with returned warrant of execution in case No. 1 of the jilla of Tinnevelly, 1st Sept. of 1812.

(Here enter No. 603)

Read letter, dated the 7th instant, from the magistrate of the jilla of Chingleput, reporting an attempt to escape made by two convicts in his jail, named Allagoo Taven and Poonatawen; the latter of whom was killed, and the other severely wounded, in the conflict that arose upon re-taking them.

(Here enter No. 608)

Read return from the magistrate of the jilla of Cuddapa to the Court's precept of the 19th February, 1811, authorizing him to issue proclamation under the provisions of regulation XIII of 1809, for the apprehension of Poolegahdoo alias Narrainien Sobben and thirteen others, whose apprehension he had reported, in his letter of the 4th preceding, to be essential to the peace and tranquillity of the jilla, but which could not be effected by the ordinary process for the apprehension of public offenders.

(Here enter No. 604)

The magistrate certifies, that a proclamation was accordingly issued under date the 6th March, 1811,

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and that none of the parties proclaimed have been taken, and altho' have discontinued their acts of rapine within his jurisdiction :- but for others, who have not been apprehended, viz^t. Goorooaidoo, Poolooagadoo, Venketramoodoo, Nurreegaloo & Papadoo, he requests authority to offer larger rewards, for Goorooaidoo, for the take example there being reason to suppose that he has been aided by the heads of the village; and for the four others, because all the information since received confirms his former impressions of their character & habits, and because the difficulties attending the pursuit of them into the country, to which they take when alarmed, are peculiarly discouraging. The Magistrate therefore proposes that the reward already offered for Goorooaidoo should be encreased to twenty five pagodas, - for Poolooagadoo, Venketramoodoo, and Nurreegaloo to thirty pagodas each, - and for Papadoo to fifteen.

Read also the Magistrate's return to the Court's precept of the 15th of March, 1811 - authorizing him to have recourse to the measures prescribed in regulation XIII of 1806, with a view to the apprehension of Devutee Mulloogah, Innjeemugaloo Soobadoo and Chinna Venkatapathee, the head and two members of a gang of robbers

2. F & L.

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who infested the passes in the Salkhaut and Bindukhal Ghauts.

(Peramta No 605)

The Magistrate certifies that the parties were accordingly proclaimed on the 7th of June, 1811, but as none of them has yet been taken, but on the contrary the gang continues to plunder and murder, retiring, when followed, into a country abounding not less in the means of concealment than in obstacles to pursuit, he submits the propriety of holding out stronger inducements to exertion, and accordingly proposes that the reward for Devutee Mulloogah should be encreased to one hundred pagodas, and for Cooroopa Innjeevoogaloo & Chinna Venkatapathee to sixty pagodas each.

The magistrate further submits, on the ground of information received from persons, who have been or still are prisoners in his jail, and others, that it may be proper to proclaim, with a reward of thirty rupees for the apprehension of each, the following five persons, viz^t. Rooreegaloo, Bungareegoodoo, Condimi Achee-galoo, Gatu Letcheegaloo, and Mutiki Ankaloo, all members

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of Deeatee Mullaoogah's gang.

Read also the magistrate's return to the (Circt) precpt of the 26 March, 1811 - authorizing him to proclaim Gazel Nandoo of Dixel and nineteen others - offering rewards of thirty roopees each for their apprehension.

(Here enter No 606)

The magistrate certifies that the several persons named in the above precpt, with exception to Guddum Parsigah and Anbadoo, the former of whom was by mistake included in his report, and the latter proclaimed on the 8th of April; - that eight of them have since been apprehended; - and that others are supposed to have left the country.

The magistrate, however, reports that Lingadoo, Gyaneegadoo and Anbha Siddoogahdoo, with Guddum Soreegadoo not yet proclaimed, are still objects of terror to the community, and still concerned in the commission of gang robbery and other offences injurious to the peace and tranquillity of the district. - He therefore proposes that Guddum Soreegadoo be

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proclaimed, and that rewards of two hundred roopees be offered for the apprehension of either Lingadoo or Gyaneegadoo, and one hundred for either Guddum Soreegadoo or Anbha Siddoogadoo.

The magistrate further submits the propriety of adding the names of Chellungadoo and Changadoo to the list of outlaws, and of fixing the rewards for their apprehension at fifty roopees each, - to which amount he would raise the rewards offered for the rest of the [illegible] proclaimed but not yet apprehended under this precept.

And read letter, dated the 2d instant, from the magistrate of the Zillah of Cuddapa - accompanying his return to the above precpt.

(Here enter No 607)

The magistrate reports that several recent outrages committed by Deeatee Mullaoogah and his gang, consisting in their having put to death five of his police peons, added to their threats of vengeance against others, and the unusual degree of alarm which pervades the country, have induced him to take upon himself to offer a reward of five hundred roopees for the apprehension of Deeatee Mullaoogah, - which he requests may be

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sanctioned, intimating that the reward should even be augmented.

The magistrate further recommends that rewards of sixty pagodas each ~~shall~~ be offered under the provisions of regulation XIII of 1806, for the apprehension of Chinnappah, Neelum Nursegadi, Galee Lutcheagahdoo and Kinlitha Anhaloo - all members of Devette Mulloogah's gang.

And the magistrate requests the opinion of the Court, as to whether rewards for the apprehension of proclaimed robbers are to be payable exclusively on their being brought in alive, so as to be proceeded against in the mode prescribed in regulation XIII of 1806; or whether, in the event of opposition on the part of the punishment and the necessity of employing force, terminating fatally to the outlaw, the reward might not be paid on the production of the body. — He submits, as connected with this point of reference, the propriety of granting the ~~proclaimed~~ reward proclaimed for either Cooroopa Sewdjeroo, or Chinna Venkatapathee, who is supposed to have fallen in the conflict between Devette Mulloogah's gang and the three armed peons on the 17th ultimo to the family

3 — P. C.

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family of the peon, who is stated to have killed him after his two comrades had fallen.

Of the several persons, whom in the aforegoing returned precepts the magistrate requests authority, either to enrol amongst the proclaimed in his zillah, or to proclaim anew with offers of greater magnitude, two, viz. Poolagahdoo and Venkatesandoo are stated, in his subsequent letter, to have been killed; and three others, viz. Kooreeragadoo, Bungareegadoo and Condum Acheegadoo are reported exclusively on information received from persons, who have been tried for similar offences.

Further proceedings against the two former, well authenticated as is stated to be the account of their having fallen, are therefore unnecessary; and with respect to the latter, the Court, although they feel disposed ~~to~~ entirely to adopt every measure recommended by the magistrate of the zillah of Cuddapa, that may be calculated to strengthen his hands, and to promote his endeavours to deliver the country from the plague of gang-robbers, ~~they~~ are

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unwilling that the proceedings of the interim tranquility provided by regulation XIII of 1809, should be issued immediately on the accusations of accomplices, whilst on the other hand the only fact of which the Court are satisfied, is that they have occasionally been members of Decoitee Mulcoogalies gang. — The Court will therefore suspend granting the authority as relating to these persons solicited by the magistrate, until he shall have received further and more specific information against them.

The other suggestions of the magistrate are that Gudalum Sooreegadoo, Chinnumpa, Seetum Nuveegaly, Gobe Lutchmeegadoo, Mulicka Antiadoo, Challunga-doo and Chengadoo should be proclaimed — with offers for their apprehension of the following rewards, viz. 200 rupees 100 for the first, and sixty pagodas each for the others except the two last, upon whom he would fix a price of fifty pagodas each.

And further that rewards already proclaimed, under the authority of former precepts should

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be encreased, as follows, viz. for Goorooadoo to 25 Pags — Nuncegadoo to 30 Pags — Papadoo to 15 Pags — Cooroopa Sunjeevoogadoo & Chinna Venkatapathee to 60 Pags each — Lingadoo and Ganeegadoo to 200 rupees — Sukka Siddaoogadoo to 100 rupees — and Poolaogadoo of Sanappyal, Nuregadoo of Pedda Nain Calva, Gungadayadoo of Sanappil, Pedda Cheruvoogadoo of Pedda Nain Kulva, Chinna Vencatappah of Rairmaam, Nuregah and Rungadoo to fifty rupees each.

And it appearing to the Court to be expedient to have recourse to the measures prescribed in regulation XIII of 1809 for the apprehension of the following robbers; and for their punishment in case they shall not appear, or be apprehended within the period of two months from the date of the proclamations: —

Resolved that the magistrate of the Zillah of Cuddapa be by precept authorized and directed to issue proclamations, according to the form recited in section III, regulation XIII aforesaid, to be affixed and published in the manner therein specified — offering for their apprehension the rewards set opposite

13th November 1812: their respective names; and that the magistrate's further proceedings against the parties proclaimed be guided by sections V, VI and VII of the regulation referred to, viz.t

Guddum Sooreegadoo	rooppee	100
Chinnuppa	Pag.t	60
Seetum Annaegah		60
Galu Lutcheegadoo		60
Putitha Anhoodoo		60
Chellungadoo	rooppee	50
Chengadoo		50

Sent following precept
(Annexture A)

And it further appearing to the Court to be necessary that the proclamation, already adopted under the provision of regulation XIII of 1806, against the persons hereafter enumerated, should be extended by an augmentation of the rewards first proclaimed:-

Resolved that the Zillah magistrate be by precept authorized and directed to issue new proclamations, in the form and manner therein prescribed, offering rewards for their apprehension severally as follows, viz.t

Goorooadoo	Pag.t	25
Narreegahdoo		30
Papadoo		15
Cooroopa Timjeevoogadoo		60
Chinna Venkatapathee		60

Kumpidoo

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Lingadoo	rooppees	200
Ganeegadoo		200
Narkha Siddoogadoo		100
Pootoogahdoo of Sanepyyal		50
Narregahdoo of Pedda Nam Calva		50
Gungoolagahdoo of Sanapail		50
Pedda Chintoogahdoo of Pedda Nam Calva		50
Chinna Venkatappah of Narinvaram		50
Narreegah		50
Rungadoo		50

Sent following precept
(Annexture B)

With respect to Devatee Pulloogah, the Court readily sanction the encreased reward, which the magistrate reports having offered for his apprehension - under the circumstances stated in his letter of the 2d Instant. But the magistrate having thereby reached the maximum fixed by section III regulation XIII of 1806, the Court are not empowered, in this instance, to authorize any further augmentation. They are, however, decidedly of opinion, with reference to the enormities practised by this daring leader, and the desperateness which characterises his outrages, and must, there is too much reason to fear, still mark his conduct, - that it is desirable

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that the indictment to serve him should countervail the hazard of the enterprize. The Court will therefore submit the case to the consideration of the Government.

On the remaining point of reference, concerning the propriety of paying the proclaimed reward in a case, wherein the party may have to observe, that it is clearly the intendment of regulation XIII of 1806, that rewards offered under its provisions should be paid on the delivery of the offenders into the magistrate's custody, to be proceeded against as therein directed. And as the seizure alive of a daring and desperate villain is a service of greater difficulty and danger than the bringing in of his dead body, it follows, as a general proposition, that the former act is more meritorious than the latter, and the person effecting it be therefore entitled to reward. But further, it is to be apprehended, that the indiscriminate grant of the reward * without distinction, as to whether the offender would operate as an inducement to the commission of homicide, for the public officer, or other individual acting upon the proclamation, might, to make sure of his prize, avail himself of

* was brought in dead or alive,

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the proclaimed party, when equally unprepared for offence or defence, or, in case of an appearance of resistance, might unnecessarily put him to death, when the chance of apprehending him alive was by no means to be despaired of.

The Court are therefore of opinion, that it is expedient in every point of view, equally as being required by the letter of regulation XIII of 1806, and consonant with the justice and policy of the enactment, that the payment of the reward should be confined to cases, in which the proclaimed offender is brought in in a state to be dealt with according to its provisions, and that the receipt of producing him alive should be particularly inculcated by the magistrate.

And under this construction, the family of the peon are not able entitled to the reward held out for the apprehension of Coroapa Sunjee vos or Chinna Venkatapathee, one of whom is stated to have been killed in the conflict on the 17th Ultimo. But although the Court consider the right to the reward to be lost, if the robber be not brought in alive, they will yet be prepared, on a representation

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:cation from the magistrate, of any
maintainance service rendered by
police officers or others in attempts
to apprehend a proclaimed robber,
who may have unavoidably killed
on the occasion, + to proceed to the
granting on consideration of the hazard of the
adequate remuneration undertaking, the exertions made in
on occasion of it, and the propriety of the conduct
leading to such result.

In the case in question, as also
in that of the other peon, who
have been murdered by Devatee Mullaygal
and his gang, in the execution of his
duty, the Court are persuaded that
the Honourable the Governor in Council
will be disposed to make the most
liberal provision for their families.
~~[illegible]~~

The Court will therefore
expect to receive from the Jilla Ma-
:gistrate the necessary information
concerning the families of the de-
:ceased, with his opinion as to
the mode, in which it may be ad-
:visable to provide for them.

Ordered that extract of these
proceedings be sent to the Magistrate
Sent following letter
(Annexure C) dd

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And the Court direct that
extract of these proceedings, with the
papers, upon which they are found-
-ed, be transmitted to the Secretary
to the Government in the Judicial
department, for the purpose of being
submitted for the information of
the Honourable the Governor in
Council.

And the Court beg leave to
recommend that the magistrate of
the Jilla of Cuddapa may be author-
:ized to offer a reward of one thou-
:sand rupees for the apprehension
of Devatee Mullooguh. and they
further beg leave to submit for the
sanction of the Governor in Council
the general instructions, which they
have given to the Jilla magistrate regard-
:ing the mode of the provision
to be made for the families of the
five murdered peons.

Sent following letter
(Annexure D)

Ordered that notice of the
rewards, which the magistrate of
the Jilla of Cuddapa has in the
aforegoing proceedings been author-
:ized to offer, be communicated
for the information of the

Civil

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The magistrate reports that his authority over such convicts as may be removed to Cannanore will not in any shape be interfered with, but on the contrary that it will be continue to be exercised in the same degree and to the same extent as at present; and in support of his opinion he submits copy of a letter from the commanding officer, disclaiming all intention of interfering with the magistrate's superintendance over them, and stating that he is only desirous that the work to be done by the prisoners in the cantonment should be pointed out by him.

And the Honorable the Governor in Council having thereupon recorded a resolution that the removal in question is unobjectionable: —

ORDERED that the magistrate of the Zilla of South Malabar be by precept commanded forthwith to remove to the port of Cannanore, — there to be lodged in such places as may be found well calculated to ensure their safe custody, — the whole of the one hundred and forty seven persons, who are described in his letter, dated the 2d. July last, to the

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1812 Collector

sent following letter
(Recorded E)

Recd (letter, dated the 5th Instant, from the Secretary to the Government in the Judicial depart-ment — with extract from the min-utes of the Honorable the Governor in Council, on a letter from the Magistrate of the Zilla of South Malabar. in reply to one addressed to him by Mr. Secretary Rile, under date the 8th Instant, requiring information regarding the mode, in which he had it in view to exercise the control of the civil power over such prisoners, as it had been proposed to remove from the jail at Tellicherry to the fort of Cannanore.

(Recorded No. 595) —

On a former reference from Government concerning the removal of 87 convicts from the Zilla jail to Cannanore, the Court submitted that the measure appeared liable to objection on the ground of the inadequate and inconvenient interruption, to the custody and responsibility of the magistracy, — adding, that could the magistrate devise measures for preserving his authority over the parties detached, they were not aware that inconvenience was likely to result from it.

The

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officer commanding in Malabar as being "under sentence of imprisonment and hard labour by the Court of quarterly Sessions."

E.C.C.

Sent following precept
(Recentia F.)

Ordered that the receipt of the above letter from Mr. Secretary Hill be acknowledged; and that he be acquainted for the information of the Honourable the Governor in Council, that the Court have ordered the Zilla magistrate to remove the aforedescribed one hundred and forty seven convicts to the fort of Cannanore.

Sent following letter
(Recentia G)

Read letter, dated the 6th Instant, from the Judge on circuit in the Southern division - with copy of the calendar for the Zilla of Tinnevelly.

(Recentia No. 612)

Read letter, dated the 6th Instant, from the Judge on circuit in the Southern division - reporting his intention to leave Tinnevelly

(Recentia No. 613)

J. C.

Monday Nov. 23d 1812

At a Session of the Court of Jury Causes Present

Hugh Scott Esqr
Col. Cuppage Esqr } Puisne Judges

Law Officers

Dividuar Punnaya Allum Pillay
Badadoor Venjee ul Cowjee
Mookoonnund Cunnee Mull } Interpreters
Roobut Mull

Read letter, dated 19th Inst. from the 2d Judge of the Court of Circuit for the Northern Division reporting his proceedings in Zilla No. 28 of the Zillah of Rajahmundry 2d Sessions A.D. 1812

(Recentia No. 510)

The Court, having duly considered the proceedings of the Court of Circuit, the Letters of the Provincial Law Officers & the Letters of the Vakeel ul Cowjee & Interpreters of the Jury Cause Court, do confirm the said Letters of

23d November 1812

The Crime and Tragy attempted
-ted aforesaid, & direct that
the prisoner Mootanda Mand=
-hawadoo be detained in cus=
-tody until he shall have giv
sufficient security for his
future good behaviour &
appearance when required for
twelve months.

Sent following letter
(Private A.)

In the aforegoing
trial, N° 20 of Rajahmundry
the Law Officers of the Foujdaree
Adalut having acquitted the
prisoner Mootanda Mandhawadoo
under the Mahomedan Law
of Evidence, the Court are nev
=ertheless to confirm the Futwa
& to release the prisoner from
the Penalty to which he wo
have been liable if he had
been fully convicted - but ne
=vertheless as the Court are with

23d November 1812.

the strongest suspicion
~~of~~ that the Crime
of the Murder of his Wife & Daughter
was perpetrated by the prisoner
Mootanda Mandhawadoo, it
becomes their duty to defend
the Public from his future
outrages, & they ~~do~~ accordingly
direct security to be taken for
his future good behaviour
& appearance when required.

Read letter, dated 19th Sept.
from the 2d Judge of the
Court of Circuit for the
Northern Division referring his
proceedings in case N° 6 of the
Criminal Jail of Rajahmundry 2 Sept.
A.D. 1812.

(Private letter N° 514)

The Court having duly
~~duly~~ considered the proceedings
of the Court of Circuit, the Futwa
of the Provincial Law Officer
& the Futwa of the Law Officers of

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& Proceedings of the Foujdaree Adawlut confirm the sixth Section of the Regulation & Proceedings aforesaid.

The Court being of opinion that from the circumstances of this case, circumstances of a nature strongly alleviating & that the confinement which the prisoner Davara paul Jeer Venkata ramiah, has already suffered, is sufficient punishment for the degree of criminality which, in their opinion, attaches to his conduct that the said prisoner Davara paul Jeer Venkata ramiah, be discharged with an appropriate admonition by the Magistrate & a warning of the penalties which he may incur by associating with persons of notoriously bad characters.

Next following letter
Same writer

Monday
Nov.r 23.d
1812.

Read letter, dated 14 Sept.r last
from the 2.d Judge of the Court
of Circuit for the Northern
Division, referring his pro-
ceedings in Case N.o 32 of the
Zillah of Rajahmundry 2 Sept.r
A.D. 1812

(Same writer N.o 305)

The Court, having maturely considered the proceedings of the Court of Circuit, the Futwas of the Provincial Law Officer, & the Futwas of the Regular Pundit & Mooftee of the Foujdaree Adawlut, direct that a second Futwa be demanded from the Law Officers in answer to the following remarks

Upon the Evidence of all the Witnesses it appears, that the prisoner Manuby Coorsha, upon being questioned by them respecting his Wife, was wavering

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wd upon the same Coroners
the prisoner is proved to have
confessed the murder of his wife
No violence appears to have
been used towards the prisoner
excepting that he was tied
Nor the circumstance of the
prisoner having been tied
after having once attempted
to escape, for the sake of se-
curity, he committed a violent
destruction of the credibility
due to a confession?

Supposing, however, the
confession of the prisoner, Timothy
Coonahan, not to have been le-
gally proved, do not the cir-
cumstances of blood, being
on the place where he & his
wife lay the night before, of
his having pointed out the
corpse hid in a Portmanteau, which
was found tied up in a cloth
& having wounds upon it

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amount to a sufficient
proof of
Murder against the said
Timothy Coonahan?

The foregoing questions
are accordingly put to the
Law Officers & they are requested
to deliver in their answers
with the least possible delay.

Read letter dated 20 Augt
from the 2d Judge of the Court
of Circuit for the Western Division
reporting his proceedings in
Case No. 5 of the Gillah of Nth
Malabar 3d Instantly Sept. 1812.

(Vide letter No. 448)

The Court having duly
considered the proceedings of the
Court of Quarterly Jail Delivery
the Letter of the Provincial Law
Officer & the Letter of the Cazee
ool Coazgut & Mooftee of the
Sudr Dewanee Adalut, direct that

a second Instance he summoned from the Cayuse to appear & Morphis afores.d in answer to the following Questions

Is it not proved that Shunnshoodeen was murdered?

Do not all the Prisoners in their Declarations before the Magistrate, acknowledge that they went in a Gang with two others, for the purpose of committing Robbery, & that they actually did commit Robbery on the House of Shunnshoodeen?

Do not all the Prisoners in their said Declarations, except Peony & Tamen, acknowledge that Shunnshoodeen was killed by two of the Gang in that attack upon his House?

Do not Peony & Tamen in their Declarations, admit that they set out with the rest of the Gang for the purpose of committing Robbery, & that they actually committed the Robbery, in the Prosecution of which, Shunnshoodeen was

was killed?

The Substance of these Declarations therefore is, that the several Prisoners formed part of a Gang which did rob the house & murder of Shunnshoodeen & murdered him -

The Law Officers are required to specify & explain the particulars, in which the Substance of the Evidence given by Villoo Pillay & Peppie differs from the Substance of the Declarations of the Prisoners, so as to render their Evidence unworthy of credit -

The following questions are put to the Law Officers with directions, that their answers thereto may be delivered in, with the least possible delay -

Read letter dated 19th Sept.r from the 2d Judge of the Court of Circuit for the Northern

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Decision upon the proceedings in Case N° 13 of the Gibtak of Rajahmundry 2d Sep: 1812.

(Due entry N° 515)

The Court having duly considered the proceedings of the Court of Enquiry, the Extracts of the Provincial Law Officers & the Extracts of the Corps Regt & Brigade Books, & being dissatisfied with the exception taken by the Law Officers of the Foujdaree Adawlut, to the Evidence of Lieutenant Thom & Lt. Shortt, it is resolved to require a particular explanation of the grounds on which they pronounce that Evidence undeserving of consideration.

The Court observe that Lt. Shortt professed not to recollect the exact words of the prisoners Retaut sing, but

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stated his conclusion from the suspicion used by the prisoner, that he had wounded the Jemadar, & proceeded to add, that the prisoner apprehended that the Prosecutor & others had secured his sister, concluding with an expression of regret that he had not executed his intentions more fully.

This statement, as far as relates to the seduction of the prisoners Sister, is corroborated by the prisoners defence, who moreover acknowledges that he had an affray with the Prosecutor with a Dagger in his hand which the Prosecutor wrested from him.

Can the Evidence of Lt. Shortt, as construed by the prisoner, be pronounced unworthy of consideration?

What interpretation can be given to the expressed regret of the Prisoner that he did not accomplish his purpose more fully

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but an omission of the fact?

Can any thing be deduced from this Evidence, so unfavorable to the Prisoner?

The Witness believes, & then proceeds positively, that the Prisoner did confess that he struck the Prosecutor, & that he appeared as his reason for striking him, that the Prosecutor had abused his Sister.

In what respect does this Evidence differ from that of L.t Shortt, further than that this Witness recollects the confession, while the other states the general impression made on his mind, which agrees precisely with the Testimony of this Witness?

The foregoing Remarks are submitted to the Law Officers with solutions to obtain their explanation according to the Doctrines of the two Disciples

23. No

No. 11.

Plan Point of the Prosidge Adjutant

Friday

November 26. 1812. Received

Conductor Scott, Fm ——— (Judge Advocate

Edward Croft Greenway, Esq.

Read letter, dated the 7th

G.O.J. Instant, from the Magistrate of the Zilla of Vizagapatam - forwarding his reports of prisoners for the month of September

(Reference No. 614).

Read letter, dated the 9th Instant, from the judge on circuit in the Northern division - reporting his arrival at Ganjam.

(Reference No. 620)

Read the last month's report of persons proclaimed in the Zillas of Cuddapa.

(Reference No. 623)

Read letter, dated the 6th Instant, from the register to the court of circuit for the centre division with extract from their proceedings of the same date, submitting an application addressed to them under section X, regulation VI of 1811, by the magistrate of the Zilla of Cuddapa, for authority to offer rewards for the apprehension of the heads or leaders, and other

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members, whose names are not at present known, of a gang or gangs, by whom in the recent instances robberies with murder and other acts of aggravation have been committed in the Bundulkel district.

(Reserve No 625).

The magistrate proposes that rewards of five hundred rooppees should be offered for the apprehension and conviction of the leaders, and one hundred rooppees for each of the inferior offenders; - and further that offers of one hundred & fifty rooppees should be held out for the apprehension & conviction of any of the inferior members of Devetee Mulloogah's gang, who may have been aiding and apiting when the murders of five of his police peons were perpetrated by that gang.

And the Court of circuit recommend that the proposed rewards be offered.

The Court accordingly authorize the magistrate of the zilla of Cuddapa to offer rewards of five hundred rooppees for the apprehension and conviction of the heads or leaders, at present unknown, and one hundred

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rooppees for each of the inferior members, also at present unknown, of the gang or gangs, by whom the highway robberies, reported to have taken place on the 21.st of August and 20.th September last, were committed.

The Court further authorize the zilla magistrate to offer rewards of one hundred rooppees for the apprehension and conviction of each of the inferior members of Devetee Mullooga's gang, who may be found to have been aiding and apiting when the zilla police peons were murdered by that gang.

The magistrate, at the close of his letter to the court of circuit, suggests, "as many persons belonging to "the poligar villages in the district "of Budvehel are doubtlessly conniving "at the acts of this gang, and by their "information and apistance are the "chief means of preventing it's being "put down by the police," — that it may be proper to offer "a reward of "fifty rooppees on conviction of each "person, who shall be found guilty "of this act contrary to the injunction "of the regulations."

But the magistrate having omitted to specify the descriptions of persons alluded to in this para-graph of his reference, or the pre-

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= trary of the regulations which such persons are alledged to have contravened: — the Court will for the present defer granting the authority in this case solicited.

Ordered that extract of these proceedings be sent to the Court of circuit — to be by them communicated to the magistrate of the Nilgiris of Cuddapa.

Sent following letter

(Reference A)

Read report of persons confined under sentence in the jail of Vizagapatam.

(Reference No. 629)

Read letter dated the 14th instant, from the magistrate of the Nilgiris of South Malabar — requesting an order to remove to Cannanore the convicts in his jail.

(Reference No. 632)

The magistrate having by letter dated the 13th instant, been directed forthwith to remove to the jail of Cannanore all the convicts in the jail: — the order solicited in the above reference has been issued.

Read reports of prisoners in the jails of Nellore for the month of September last.

(See No. 635).

Read

2 — F. C.

26th November, 1812

Read letter dated the 24th instant, from the register to the Court of circuit for the centre division, with extract from their proceedings on a letter of the 2d. preceding from the magistrate of the Nilgiris, submitting the draft of a regulation for restricting & regulating the sale of foreign arrack, and the sale & manufacture of country arrack & spirits, and preserving order, in European cantonments: — together with a correspondence and other papers concerning the subject thereof.

(Reference No. 618)

The draft of regulation submitted in the above letter is founded on the alledged inadequacy of sections VII and VIII, regulation I of 1808, to prevent the improper use of spirits in military cantonments: — and it proposes to remedy the evil, by rescinding those sections, by discontinuing to rent the privilege of manufacturing & selling spirits in European cantonments, and within four miles of their limits, and by empowering collectors, under the orders of the Board of revenue, to erect, in such cantonments and within the specified distance from their limits, as many stills & shops as may be found necessary.

And nearly the whole of

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the provisions of the draft involve the consideration of matters coming within the proper cognizance of the Board of Revenue, — (who are also stated in the magistrate's letter to have under consideration "the roads in the vicinity of cantonments" which cannot shall be sold in the "vicinity of cantonments."

The Court therefore resolve to submit the draft to the Government without comment, and to suggest the propriety of it's being transmitted to the Board of Revenue, reserving their opinion as to the propriety of offering the regulation to the consideration of the legislature, until the draft shall come before them from that Board, under the rule contained in section XVI Regulation IX of 1802.

Ordered that extract of these proceedings, with a copy of the above reference, and it's 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.

Sent following letter (Here enter B)

Recd letter, dated the 29th of August, from the register to the Court of circuit for the centre

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division — (submitting by order of the court extract from their proceedings of the same date on a petition presented by Vullegaumal and Painaty, widow of Veeraputteddy of the village of Gal-lakatoor in the talook of Poonamallee, Jilla Chittoor, — who is therein alledged to have been murdered by a person named Chenglerow of Poonga-noor, described as being "Dewan of the "Zemindar of Carvatenagaram."

(Here enter No. 545)

The petitioners appear to have represented to the court of circuit, that the complaint preferred by them to the magistrate of the Jilla of Chittoor, against the said Chenglerow for murder, had not received that attention, which the nature of the case required; and consequently to have prayed that Court to order the magistrate to detain the accused in his custody, and to enquire into the matter charged upon him.

The Court of circuit called for the magistrate's proceedings in the case: — And in their observations thereupon they submit that his proceedings throughout was "not warranted by the "regulations", and cannot in their "opinion" be considered legal; that he does not appear to have "taken "the proper measures to ascertain the "truth or falsehood of the complaint," that "Chenglerow has been released

26th November 1812

upon insufficient grounds; and that he "has been irregularly fined "by the magistrate." — They record an opinion that the accused should be reapprehended and formally proceeded against. Fearful of having doubtful of their authority to issue the necessary orders for that purpose, they resolved to report the case for the instructions of this Court.

But their report of the case being of a highly accusatory nature, the Court consider it just that the Jilla magistrate should have an opportunity of being heard in reply to the serious charge therein contained; and as the record of this proceeding transmitted, does not shew that peculiar degree of circumspection & vigilance, which should more especially distinguish the conduct of an enquiry concerning the loss of life under suspicious circumstances, it appears to the Court to be necessary that he should be called upon for an explanation of the circumstances, that may have governed his procedure on the occasion.

It is therefore Ordered that, for the purposes aforesaid, a copy of the above reference be transmitted to the magistrate of the Jilla of Jittoor with extract of these proceedings.

(Sent pole & letter — C) Read

3 — F. 66.

26th November, 1812

Read return from the third judge of the courts of jail delivery for the Southern division, to the Court's precept of the 13th ultimo requiring an explanation of the circumstances, under which he had been led to commence the fourth quarterly sessions of the year at Trichinopoly on the 22d Pemultimo, in contravention of the rule contained in section V, regulation I of 1811, which ordains, that except in the case specified in the following section, such sessions shall commence on the 1st of October in each year.

(Reference No. 609)

The third judge certifies that "he was induced to anticipate the "commencement of the 5th quarterly "jail delivery for the year 1812 for the "purpose of contributing to his own "convenience and that of several of- "ficers of the establishment, but "would not have failed to solicit "the sanction of this Court, had it "occurred to him to make the appli- "cation at a period sufficiently ea- "rly "to expect to benefit from their "orders on the reference."

And the explanation given of his motives by the third judge, certainly, as it does not so obviously untenable a ground as upon the sacrifice of an established rule to personal convenience; the

Court feel scarcely called upon to pro-
=nounce to be wholly unsatisfac-
=tory and improper. — They have,
however, to record an opinion, that
the only possible excuse, which they
can find, for this palpable irregu-
=larity — is the supposition, which
the third judge seems to have entet-
=tained, that it was in the power
of this Court to authorize an adj-
=ournment of the opening of the sessi-
=on, and, to remove the erroneous im-
=pression, they are under the necessity
of observing, for the future guidance,
that a reference to them, as suggest-
ed by the third judge for the purpose
of procuring their decision to the
proceedings, could have met with
no other reception, than an intimat-
=ion of their decided inability to
comply with his request.

In reference, however, to
the case before the Court, which by
according to the petition of the
third judge was
stated sufficient ground for that purpose, did neither
have been regular, and ought to
have been attended with the good
effect of holding the third judge to the
observance of the time of sitting, as
prescribed by the regulations, and
would have spared this Court the
dilemma of no ordinary difficu-
=culty, in which his determination

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has placed them.

But as the Court are unwilling to ascribe to the conduct of the third judge in this instance a character requiring further notice than an admonition of it's impropriety, - although it has been observed that his return to their precept is not untinctured with levity, - they proceed to consider the consequences of his act, as constituting a case, unprovided for by the regulations, and in which, therefore, it becomes necessary that their decision should be governed by a consideration of what may be most just and equitable for all parties affected by the proceeding.

And it appears that the persons assigned at the sessions for the impanelling inequality held by the third judge at Finchingfield, between the 22. & 25. days of last September, were in point of fact brought to trial before the authority, which required only the delay of a few days to establish it's competency: - and, nothing appear-
=ing to the contrary, it is to be presum-
=ed that they were tried in the usual form and allowed all the usual means of defence, and that the several cases were decided upon according to their merits.

To vindicate the law it might be necessary to quash the whole of the proceedings held at this sess-
=ions

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of jail-delivery
- regular sessions: could be wished that
all the cases on the calendar should
be tried before a competent court -
But recourse to this remedy could
not be had without subjecting to
imprisonment those who had been
discharged under ale the appearance
of legal formality, and imposing on
the prosecutors and witnesses the
inconvenience of attending at a
second sessions for the sole purpose
of delivering the testimony, which
has already been received from them
by an authority, whose competence to
record it they could not have been
called upon to question, or to think
questionable.

The hardship of the measure up-
on individuals would be recall. and
the impression it might be expected
to make on the minds of the public
it must on every account be desirable
to avoid. The Court therefore forbear
to order it's adoption. But they trust
that the notice, which they have taken
of this error, will cause a more rea-
:sonable conformity to the regulations,
"that have been or may be paped by the
"Governor in Council" for the guidance
of the courts of appeal & jail delivery, of
which Mr. J. H. Reile is a judge.

Ordered that a extract of this
proceedings be sent to the third
judge.

Sent following letter
(Reference D.)

Z. U.

At a Court of the Two Judges Udalut.

Wednesday
9th December 1812. Present

and Scott, Esq.
Edward Hay Greenway, Esq. } Judges.

M. Read letter, dated the 4th
September, from the 1st Judge of the Court
of Circuit for the central division - re-
:ferring his proceedings in case No. 41
of the file of Cuddapa, 1st sessions of 1812 -
Prisoner, Madaolatayah, - Charge,
Highway robbery.

(Reference No. 513)

The Court having duly considered
the proceedings held before the court
of circuit, the future of the Provincial
law officer, and the future of the Cazee
ool coozzat and mooftee, of the Zillah and
Udalut, confirm the said future
cazee ool coozzat and mooftee aforesaid,
and direct that the prisoner Madaoo-
:latayah be discharged accordingly.

Sent following letter
(Reference A.)

Read letter, dated the 26th
September from the second judge of the
court of circuit for the Northern di-
:vision, - referring his proceedings in
case No. 16 of the file of Rajahmundry
2d sessions of 1812. - Prisoners, Coudoola
Venkatramdoo, - Immaad Sahib - and
Ikant

9th December 1812

Chantla Pampegaudoo

(Reference No. 540)

The Court having duly weighed the proceedings of the Court of Circuit, the future of the Provincial Cutcherry, and the future of the Cazee adawlut and moofties of the Fouzdaree adawlut, confirm the said future of the Cazee adawlut Cooppat and moofties aforesaid; and accordingly direct the release of the prisoners Condaka Cunka Chandoo, Immoo Sahib & and Chantla Pampegaudoo.

Sent following letter

(Reference B.)

Read the following letter with reports of prisoners confined under sentence in the jeilea of Trinomaly, Tichinopoly and S. Malabar.

(See Nos. 641, 642, & 644)

Read letter, dated the 20th ultimo, from the magistrate in the jeilea of Chingulput - with a list of prisoners in the depôt for transportation.

(Reference No. 643)

Read letter, dated the 28th ultimo, from the judge on circuit in the centre division - reporting his intention to proceed to Chingulput.

(Reference No. 653)

Read letter, dated the 20th ultimo, from the judge on circuit in

9th December 1812

the Northern division - with the copy of the calendar for the jeilea of Ganjam

(Reference No. 655)

Read the following letters, with reports for last month of persons proclaimed in the jeilea of Verdachelum, Combaconum and Bellary.

(Reference Nos. 656, 660 and 665.)

Read letter, dated the 28th ultimo, from the judge on circuit in the Western division - with copies of the calendars of the jeilears of South Malabar, Cochin and Seringapatam

(See Nos. 657, 658 & 659)

Read letter, dated the 30th ultimo and 2d instant, from the register to the court of circuit for the Northern division, - returning two letters, which had been despatched from this Court to the address of the second judge of the court of circuit, but, in consequence of his having proceeded, on leave of absence, beyond the limit of the territories of the Presidency of Fort St. George, had been transmitted to the subordination from Ganjam.

(Reference Nos. 663, 664)

The Court direct that the enclosures in the returned cutcherry papers be transmitted to the judges of the court of circuit for the Northern division, - who will give the necessary warrants to the

9th December 1812.

proper magistrates, to cause the direc-
tions therein contained to be
carried into execution.

Ordered that extract of this
proceeding be sent to Northern
Court of Circuit.

Sent following letter
(Rec'd into C)

Read the following letter
with reports of prisoners for the months
of October, in the jaileries of Cannanore,
Tellicherry, Cochin, Tinnevelly,
Cuddapa, Vendachelum, Bellary,
Coimbatoor, Vizagapatam, Dara-
-poram, Salem, Madura, Maravie-
-patam, South Malabar, Vizingapatam,
Chingleput, Chittoor, North Malabar,
Rajahmundry, and Nellore.

Sent 615, 616, 617, 619, 621, 622,
624, 626, 627, 628, 634, 636, 637, 638,
639, 640, 645, 650, 651, 652,

E. C.

At a Court of the Judges of Circuit
Wednesday
16th December 1812 Present

Edmund Craft Greenway, Esq. Judges.

Read letter, dated yester-
-day, from the Secretary to the Govern-
-ment in the Judicial department,
acknowledging the receipt of extract
from the Court's proceedings of the 11th inst.
and signifying the pleasure of the
Honourable the Governor in Council
that Mr. Price, the second judge, do
proceed on the ensuing western cir-
-cuit, and that the first quarter
sessions of 1813 at the undermentioned
held by the third judge.

(Rec'd into No. 671)

Mr. Secretary Hill also advert
to the necessity of the Civil Auditor be-
-ing appointed on the date of Mr. Stevens
departure from Tellicherry, and of that
of his return East.

The Court direct that a copy of
the above letter, with extract from
their proceedings of the 11th Instant, be
transmitted severally to the first,
second, and third judges of the court
of jail delivery in the Western division
for their information & guidance.

Sent following letters
(Rec'd into A. B & C)

Read letter dated

16. December 1812

from the Secretary to the Government in the judicial department - referring for the report of the Court copy of a letter from the third judge of the court of appeal and circuit at Maiavilipa-tam, requesting permission to visit the Presidency on private business in the month of January next.

(Annexure No. 674)

The Court have the honour to report for the information of the Honorable the Governor in Council that it will be the third judge's turn to set out on the northern circuit on the 1st of the entering month. But as the Moharrum vacation commences on the 5th following, and the court of circuit may not be expected to reach Nellore, the first to be visited in the field order of reference, before that date, when the opening of the respite of jail delivery would, by precluding the Mohammedan officers of the court from the benefit of regulation VI of 1806, interfere with the principal object of its enactment, the Court beg leave to submit, that they are not aware that compliance with Mr. Townsend's request would be attended with public inconvenience, provided his return to Nellore be not delayed beyond the period, which the magistrate may state to be necessary to prepare himself, after the expiration of the vacation

16th December 1812

for the commencement of the sessions.

Ordered that extracts of these proceedings be sent to the Secretary Revenue, for the purpose of being laid before the Honorable the Governor in Council.

Sent to Clearing letter

(Annexure D)

Read letter, dated the 5th Instant, from the third judge of the court of circuit for the Northern division, stating that he has applied for permission to visit the Presidency, and requesting the Court to allow him to defer the commencement of the jail delivery entering at Nellore until the 1st of February, observing that it "will "not occasion much delay to the "public service, as the Moharrum "vacation will only expire about "the 20th of January"

(Annexure No. 670)

It not appearing to the Court that the third judge has made the prescribed reference to the magistrate of the zilla of Nellore to ascertain how long, after the expiration of the fixed period for the vacation, it may be necessary to postpone the opening of the sessions in his zilla, the Court have only to desire that the necessary reference may be made and that the

16th December 1872

commencement of the sittings of the circuit at his station may be regulated by the customs, which the third pidje may receive from the fiscal magistrate.

Ordered that extract of these proceedings be sent to the third pidje.

Sent following letter

(Here enter 6)

Read letter, dated the 6th of September, from the first pidje of the court of circuit for the centre division - referring his proceedings in case No 43 of the file of Kuddapa, for sessions of 1872 - Prisoner, Yanadee Gungadoo - charged with having been one of a gang of armed robbers, headed by Devuttee Mullaagah, when they entered the prosecutrix's house in the village of Banalatapidy, and murdered her husband.

(Entered No. 486)

The Court having duly weighed the proceedings of the court of circuit, the futwa of the Provincial law officer, and the futwa of the Cajee aol cooffat and moofties of the Sudder Adalut, confirm the said futwa of the Cajee aol cooffat and moofties aforesaid; and do sentence the prisoner Yanadee Gungadoo to be imprisoned and transported to Prince of Wales

16th December 1872.

island, there to be kept to hard labour in prisons or on the public roads, or other public works, for and during the space of his natural life.

Sent following letter

(Here enter F.)

Read letter, dated the 27th August, from the pidje on circuit in the Southern division, - referring his proceedings in case No 14 of the file of Salem - Prisoner, Maoritee - Charge, Murder.

(Here enter No. 472)

The Court having maturely considered the proceedings held before the pidje on circuit, the futwa of the Provincial law officer, and the futwa of the Cajee aol cooffat and moofties of the Sudder Adalut, confirm the said futwa of the Cajee aol cooffat and moofties aforesaid; and do adjudge the prisoner Maoritee to suffer death by being hanged at the usual time and place of execution.

Read also letter, dated the 4th ultimo, from the pidje on circuit in the Southern division - referring his proceedings in case No 4 of the file of Dharapooram - Prisoner, Nanganaloo, - charged with having, in contravention of regulation VIII of 1811, entered that

16. December 1812

of smuggling tobacco.

(Reference No. 648).

In this case the prisoner, when arraigned, pleads not guilty to the charge, - in support of which no evidence whatever appears to have been attempted to be brought forward against him; and in the statement made in his defence, which, after his simplified denial of the matter charged upon him, he could not be required to give, for in fact he had nothing to oppose, - he avers that he had been hired to go to Badepollam to carry tobacco. But this defence, admitting the propriety of putting a prisoner to circumstances upon his defence, being the only evidence on either side, the circumstances of the case must be supposed as stated by him, and his description of the purpose, for which he entered the jillas of Darapodam would not appear to subject him to the penalty established by the regulation, under which he was committed for trial.

The Court confirm the futwa of the Cajee aol cooppat and moofties of the Trojdaree Adalut, and direct that the prisoner Nangavalan be forthwith discharged.

Sent following letter

(Reference G.)

Read letter, dated the

16. Dec. 1812

20th of August, from the third judge of the court of circuit for the Southern division referring his proceedings in case No. 19 of the jillas of Trincomalee, 1st Reports of 1812. - Prisoner, Chacoo, alias Maudeu - charged with having murdered the wife of one of the prosecutors, named Kycandan, and stealing 8 chilly fanams, the property of Soobermoneya Chitty, another prosecutor.

(Reference No. 470)

Of the two distinct charges in this case, which appear to have been blended by the magistrate, and proceeded upon by the court of circuit in one trial, the futwa of the Cajee aol cooppat and moofties of the Trojdaree Adalut acquits the prisoner of the former, but finding him guilty of the theft, declare him liable to such discretionary punishment.

And the Court having duly considered the proceedings of the court of circuit, the futwa of the provincial law officer, and the futwa of the Cajee aol cooppat and moofties aforesaid, confirm the latter futwa; and under the Cobabon therein awarded for the larceny of which, on his confession thereof, the prisoner stands convicted, do sentence him the said prisoner Chacoo, alias Maudeu, to be imprisoned in the jail of the jillas of Trincomalee, for the space of twelve months from the 9th day of June 1812.

The

16th December 1812

The third pidge, in transmitting this sentence to the magistrate, rule instruct that officer to be especially careful in future that commitments upon distinct charges are in all cases kept separate.

Ordered that extract of these proceedings be sent to the third pidge.

Sent for leaving letter (Here entu 44)

Read letter, dated the 21st ultimo, from the pidge on circuit in the Western division - referring his proceedings in case No 22 of the jilla of South Malabar - Prisoner, Narota Adiady Keloo - Charge, Forgery.

(Here entu No 647)

The Court having duly weighed the proceedings held before the pidge on circuit, the future of the Provincial law officer, and the future of the Cazee and cooppat & moofties of the Foujdaree Udalut, whereby the prisoner is declared liable to discretionary punishment, - confirm the said future of the Cazee and cooppat and moofties aforesaid; and, on the recommendation of the case to the favourable consideration of the Court, submitted by the court of circuit, do sentence the prisoner Narota Adiady Keloo to be imprisoned in the jail at Calicut for the space of six months from the 1st of January next, and then to be released on finding security for his future good conduct for one year.

(Sent for a letter - D.) Read

3 - F. (D.

16th December, 1812.

Read letter from the third pidge of the Court of circuit for the Northern division, to the (Court's address of the 28th of August - returning the record of case No 7 of the jilla of Masulipatam, 3d Sessions of 1812, with remarks of the law officers, shewing cause for it's reversion.

(Here entu No 611.)

Read again the third pidge's letter of the 20th of July - referring his proceedings in the above case - Prisoner Dawood Khan - Charge, Murder.

(Here entu No 304.)

And the (Court having maturely considered the proceedings of the Court of circuit, the future of the Provincial law officer, and the future of the Cazee and cooppat and moofties of the Foujdaree Udalut, confirm the said future of the Cazee and cooppat and moofties aforesaid; and do sentence the prisoner Dawood Khan to suffer death by being hanged at the usual time and place of execution.

Sent for leaving letter (Here entu f.)

Read letter, dated the 22d Ultimo, from the second pidge of the Court of circuit for the Northern division - referring his proceedings

16.

16. December 1812

in case No. 1 of the file of Vijagapatam, second sessions of 1812 - Prisoner Vipuna-sonan Cristanah - Charge, Murder.

(Records No. 582)

The Court having duly weighed the proceedings of the court of circuit, the future of the Provincial law officer, and the future of the Cayee oal cooppat and maoptter of the Province Vedalat, confirm the said future of the Cayee oal cooppat and maoptter aforesaid; and direct that the ~~Murderer~~ prisoner Vipwanasona Cristanah be forthwith discharged.

Read also letter, dated the 20th. Instant, from the second pidje of the court of circuit for the Northern division - referring his proceedings in case No. 2 of the file of Gampain, 2d. Sessions of 1812 - Prisoners, Nagoo and Sanno-thamy, Murder.

(Records No. 674)

The Court having maturely considered the proceedings of the court of circuit, the future of the Provincial law officer and the future of the Cayee oal cooppat and maoptter of the Province Vedalat, confirm the said future of the Cayee oal cooppat and maoptter aforesaid; and do sentence the prisoners Nagoo and Sannoo to suffer death by being hanged at the usual time & place of execution.

(Sent for the letter - K) read

16. December 1812

Read letter, dated the 3d. Instant, from the magistrate of the file of Ganjam - enclosing his reports of prisoners for October, which he states to be in disposition to have prevented him from forwarding in due time.

(Records No. 673)

Read letter, dated the 4th. Instant, from the pidje on circuit in the Centre division - reporting his arrival at Chingleput.

(Records No. 675)

F. U

At a Court of the Judges of Police Madras

Tuesday
29th December 1812 Present

Andrew Scott Esqr
Edward Croft Greenway Esqr } Judges.

Read a letter dated the 19th Instant from the magistrate of the Zillah of Vizagapatam - forwarding "in conformity to the XVII section of "regulation XIII A.D. 1809 - a report "of people against whom proclamations "have been issued as directed "by the above regulation."

(Recieved No 702)

And the enclosed list containing the names of thirty persons who appear to have been proclaimed under several dates between the 2d. of April 1810 and 20th November 1812 - none of whom has yet been apprehended or surrendered himself.

The Court direct that the Zillah magistrate be by receipt called upon to report for their information the authority under which he may have published the proclamations which are described in the above letter to have been issued as directed by regulation XIII of 1809.

Sent for covering receipt.

(Recieved A)

Read

Recd the 1st month's
report of persons proclaimed, under
regulation XIII of 1809 in the jails
of Cuddapa.

(Revenue No. 670)

Read letter, dated the 6th
Instant, from the Magistrate of the
Jails of Ganjam - with report of
prisoners confined under sentence
in his Jails.

(Revenue No. 679)

Read letter, dated the 16th
Instant, from the Magistrate of the
Jails of Chingleput - with a list of
convicts in the depot for transportation.

(Revenue No. 684)

Read letter, dated the 18th
Instant, from Mr. Secretary Rile. with
copy of a letter granting leave to
the third pledge Northern division
to visit the Presidency in the next
month.

(Revenue No. 685)

Read letter, dated the 15th
of September from the Secretary to
the Government in the Judicial
department - with extracts, being
paragraphs 3, 4, 12, 18, 100, 129, 130, & 131 -
of a General letter from England
in the Judicial department, dated
the 26th of March last, - and
Whereupon the orders
required thereupon by the Honorable

the Governor in Council.

(Revenue No. 668)

In paragraph 4 the Honorable
Court have been pleased to signify their
application of the measures pursued
against Nance Deo, the proclaimed
Zumeendar of Vizianagur, as also of
the remedy sustained upon Letchmana
Naurao, a native Soobadar acting in
representing his followers.

And the Honorable the Governor
in Council has directed that the para
be transmitted to this Court - for the
information of the Magistrate at
Ganjam.

Ordered that copy be accordingly
sent with extract of the proceedings
relating to the Magistrate of the Jails
of Ganjam.

Sent following letter

(Revenue No.)

The Honorable Court resume
their opinion on the affair referred to
in paragraph 12, - a rising in the Jail
of the Jails of North Malabar, on the
morning of the 27th August, 1807, by
certain convicts under sentence of
death, - awaiting the result of an in-
vestigation, which had been order-
ed by the Chief Secretary's letter of
23d September following.

And the Court are called up-
on to submit the report required

29. December 1812.

by the Honourable Court.

Ordered that the return made by Mr. Beatty Rodgers, Honorary Magistrate in the Western division, to this Court's precept of the 10th October 1807, be transmitted to the Secretary to the Government in the Judicial department, for the purpose of being laid before the Honourable the Governor in Council.

And in paragraphs 129 and the two following, the Honourable Court, after adverting to an opinion delivered by Lieutenant Colonel Munro, and in correspondence which had passed between the Secretary to Government and the Magistrate of Bellary on the subject of effecting the reduction of an establishment of Peons, expressive of surprise at their rejection generally, - the motives of which had not been explained, - of an offer of settlement upon waste lands belonging to the Company.

And with a view to ascertain the causes of this result, and also the practicability of rendering an provision of this sort more acceptable to Peons, who may hereafter be discharged, the Honourable the Governor in Council has directed the transmission of copy of that part of the Honourable Court's

2. L. C.

29. December 1812

Court's letter, which contains their notice of the subject, to this Court.

Ordered that transcript of paragraphs 129, 130 & 131 of the General letter, and extract from the minutes of consultation thereupon, be transmitted to the Register of the Court of Circuit for the Centre division; and that they be required with the least delay to report their opinion on the points therein referred, - calling upon the Magistrates of the Zillas of Bellary and Cuddapa for such information as they may deem necessary to the full elucidation of the subject.

Ordered that extract of these proceedings be sent to the Centre Court of Circuit.

Sent following letter

(Annexure C.)

And the Court direct that be sent extract of these proceedings to Mr. Secretary Hill, for the purpose of being laid before the Honourable the Governor in Council.

Sent following letter

(Annexure D)

Read the following letters with the reports of prisoners confined under sentence in the jails of the

29. 29th December 1812

Zillah of South Malabar, Cuddapa and Cuttack.

(See Nos. 691, 692 & 700)

Read letter, dated the 11th instant, from the Magistrate of the Zillah of South Malabar - reporting that a considerable number of the convicts in his jail, headed by a prisoner, who had been committed for murder to take his trial at the ensuing sessions, - had risen upon the guard, on being taken out to work, in the morning of the 9th instant but that the attempt to escape had been frustrated - ending in the death of the ringleader; and recommending the removal of sixty two of his prisoners to some other Zillah.

(Here enter No. 696)

The Court direct that the Magistrate be referred to clause first, section IX, regulation XV. of 1803; and that he be required to explain the circumstances, under which a prisoner, in custody on commitment to take his trial before the Court of Circuit, may have been suffered to have access to, or to hold communication with, any of the prisoners, who have been convicted, and are confined under sentence in his jail.

Sent following precept.

(Here enter)

29. 29th December 1812

Ordered that the Magistrate's recommendation regarding the removal of his convicts do lie over for further consideration

Read letter, dated the 22nd instant, from the first Judge in the Northern division - with copy of the calendar for the Zillah of Masulipatam, 4th quarter sessions of 1812.

(Here enter No. 701)

F. C.

At a Court of the Fouj:dary Adalut

Wednesday 30th December 1812 Present

Andrew Scott, Esqr
Edmund Croft Greenway, Esqr } Judges.

Read letter, dated the 4th ultimo, from the first pishkar in the Southern division - referring his proceedings in case No 5 of the calendar of the Jilla of Darapooram for the 1st Sessions of 1812 - when the trial of the case was postponed in consequence of the absence of a material witness; - and No 2 on the calendar for that jilla in the 2d Sessions of 1812. - Prisoner Mungunnaal - charged with the murder of her infant child.

(Records No 649)

The Court having duly considered the proceedings of the court of circuit, the futwa of the Provincial law officer, and the futwa of the Cazee ool coozzat and mooftee of the Fouj:dary Adalut, confirm the said futwa of the Cazee ool coozzat and mooftee aforesaid; and under the decree, to which the prisoner Mungunnaal is therein declared to be subject, do adjudge her the said prisoner Mungunnaal to be imprisoned in the jail of the jilla of Darapooram, for and during the space of three years from the 26th

day

30th December 1812 day of March 1812.

Sent following letter
(Reference A)

Read letter, dated the 8th of September, from the third pidy in the Vaitheeswaran division - referring his proceedings in case No 12 of the file of Tinnevelly, 1st Sepoys of 1812 - Prisoners, Varoottan - Sungoo - Sinnavandan, - & Parasavandan charged with the murder of Modoo Curoopan, & with beating, wounding and causing the death of Calandy also with stealing grain.

(Reference No 483)

The Court having maturely considered the proceedings of the court of circuit, the futwa of the Provincial law officer, and the futwa of the Cazee ool cooggat and moofties of the Foujdaree Sudder, confirm the said futwa of the Cazee ool Cooggat and moofties aforesaid, and under the Bobbeabut Regulation awarded against the prisoners do adjudge that the said prisoners Varoottan - Sungoo - Sinnavandan and Parasavandan, each and every one, 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

30th December 1812 for and during the space of their natural lives respectively

Sent following letter
(Reference B)

Read letter, dated the 27th of August, from the first pidy in the centre division - referring his proceedings in case No 30 of the file of Tuddiyapatti Sepoys of 1812 - Prisoners, Pedda Siddoogandoo - Sureekuntee Yenoogandoo - Gola Peddoogandoo - and Nuckooree Chinna Siddoogandoo charge, Gang-robbery.

(Reference No 454)

The Court having duly weighed the proceedings of the court of circuit, the futwa of the Provincial law officer, and the futwa of the Cazee ool cooggat and moofties of the Foujdaree Sudder, confirm the said futwa of the Cazee ool Cooggat and moofties aforesaid; and do adjudge the prisoners Pedda Siddoogandoo - Sureekuntee Yerroogandoo - and Nuckooree Chinna Siddoogandoo, who are by the said futwa respectively declared to be subject to Coahoolut - 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

Copies

F. U.

At a Court of the Trojdarce Cedalut.

Thursday
31st December 1812. Present.

Andrew Scott, Esq
Edward Croft Greenway, Esq } Judges.

Read letter, dated the 26th Instant, from the judge on circuit in the centre division - submitting copy of the calendar for the jilla of Cuddapa.

(Reference No. 704)

Read letter, of the same date, from the same - submitting copy of the calendar for the jilla of Chingulput.

(Reference No. 705)

Read letter, of the same date, from the same - reporting his immediate intention to proceed to Chittoor.

(Reference No. 706)

Read letter, dated the 16th Instant, from the magistrate of the jilla of North Malabar - submitting that he had not been able to execute the order, conveyed to him by the Court's precept of the 15th ultimo, for removing the convicts in his jail to the fort of Cannanore; reporting the circumstances that had prevented

30th December 1812

space of their natural lives respectively.

And under the Bokadent-i-Khinjeefa awarded against the prisoner Golai Peddoogandoo, the Court do sentence him to be banished to the jilla of North Malabar, there to be kept to hard labour in irons on the public works of the fort of Cannanore, for the space of five years from the 1st of January 1813.

Sent following letter (Reference C)

Read letter, dated the 6th Instant, from the third judge in the Centre division - referring his proceedings in case No. 7 of the jilla of Chittoor, 2d. division of 1812 - Prisoner, Mittaycaren - Charge murder.

(Reference No. 551)

The Court having duly considered the proceedings of the court of quarterly jail delivery, the future of the Provincial law officer, and the future of the Cazee adawlut and mooftee of the Trojdarce Cedalut, confirm the said future of the Cazee adawlut & mooftee aforesaid; and direct the release of the prisoner Mittaycaren.

The Court direct that the third judge be instructed to lay the record of his proceedings in this case before the judges of the Provincial Court - who will take the necessary measures for the immediate removal of Mittaycaren from his present situation of confinement.

Sent following letter - D)

* Ordered that extract of this proceedings be sent to the third judge

31st December 1812

to enjoining an observance, that no time shall be lost in removing the prisoners, and returning their precept fully & duly executed, after the jails are reported to be ready."

(Recentn No. 707)

[illegible]

Recd a letter, dated the 29th Instant, from the Secretary to the Government in the judicial department acknowledging the receipt of a extract from the Court's proceedings of the 5th Ulto on the returns made by the magistrate of the Zilla of Cuddapa to the Court's precepts of the 4th of February, & 15th & 26th of March last, and on his letter of the 2d Ulto.

(Recentn No. 709)

Mr. Secretary Bile states that the Honorable the Governor in Council authorizes the offer of a reward of one thousand roopees for the apprehension of the Rundas dukyt Devetee Mulloogah.

And under the special authority of the Governor in Council it is ordered that the Zilla magistrate be by precept directed to issue a proclamation

31st December 1812

according to the form recited in section III, regulation XIII aforesaid, to be affixed and published in the manner therein specified, offering a reward of rupees 1,000 for the apprehension of the said Devetee Mulloogah; and that the magistrate's future proceedings against him be guided by section V. VI and VII of the regulation referred to.—

Sent following precept

(Recentn A)

Mr. Secretary Bile further states that the Governor in Council will be prepared to make a suitable provision for the families of the five peons, who were represented in the magistrate's letter of 2d Ulto, to have been murdered in the execution of their duty; and that the Governor in Council is pleased to extend the provisions of regulation XIII of 1806 to cases, in which after resistance on the part of a proclaimed robber, his body may be brought in lifeless.

The Court direct that copy of this arbone letter be transmitted with the extract of these proceedings to the magistrate of the Zilla of Cuddapa.

Sent following letter

(Recentn B)

31st December 1812

Read letter, dated the 28th instant, from the magistrate of the Zilla of Chittoor - requesting authority to offer a pardon to any person concerned in a theft, described to have been committed on the night of the 29th ultimo in Captain Trevoran's godowns at Arcot, there being circumstances which lead to a strong suspicion against several servants and other persons were acquainted with the premises."

(Revenue No. 714)

Under the information persisted by the above letter the case does not appear to the Court to come within the description of those specified in section XX, regulation VIII of 1802.-

The Court, however, observe that the magistrate does not appear to have communicated, in observance of the rule contained in the following section, "all the information he may "possess respecting the circumstances of "the case, as well as the measures taken "to apprehend the offenders."

Ordered that extract of these proceedings be sent to the Zilla magistrate.

Sent following letter.

(Revenue -.-)

Read letter, dated the 26th instant from the second judge in the Northern division, reporting his departure on circuit, and stating it to be his intention to proceed on the following circuit, but submitting the first judge being absent on account of ill health, and the third judge having embarked for Bombay, - the propriety of his postponing his departure on circuit until the return of the latter to his station.

(Revenue No. 715)

The Court, in consideration of the state of the court of appeal for the Northern division, as reported in the above letter being of opinion that it is expedient that the judge proceeding on circuit should not quit the sudder station until the return of one of the other judges to Vellicherry:-

Resolved that the commencement of the sessions of jail delivery in the Zilla of Canara be postponed accordingly.

Ordered that extract of these proceedings be sent to the

13th October

Read the following letters from the

2 - F. C.

31st December 1812

ledging the receipt of extract from the Court's proceedings of the 16th, and stating it to be his intention, in rotation of tour which has been followed by the judges of circuit, of that division, to proceed on the ensuing circuit, but submitting the first judge being absent on account of ill health, and the third judge embarked for Bombay, - the propriety of his postponing his departure on circuit until the return of the latter to his station.

(Revenue No. 715)

The Court, in consideration of the state of the court of appeal for the Northern division, as reported in the above letter being of opinion that it is expedient that the judge proceeding on circuit should not quit the sudder station until the return of one of the other judges to Vellicherry:-

Resolved that the commencement of the sessions of jail delivery in the Zilla of Canara be postponed accordingly.

Ordered that extract of these proceedings be sent to the

31st December 1812

And the Court direct that the second pidge's letter be transmitted with extract of these proceedings to the Secretary to the Government in the judicial department for the information of the Honourable the Governor in Council.

Sent following letter

(Received 6)

Read the following letters, with reports of prisoners for the last month, in the jilears of Cuddalapa, Cochin, Cundachelum, Canara, Chingulput, Bellary, Tinnevelly, Salem, Masulipatam, Nellore, Seringapatam, Madura, Darapooram, Vishnapoly, Combaconum, Chittoor, Rajahmundry, Vizagapatam, N. Malabar, Ganjam, and Nellore.

(See Nos 676, 677, 680, 681, 682, 686, 687, 688, 689, 690, 693, 694, 695, 697, 698, 699, 703, 708, 710, 711 and 713.

Read again letter, dated the 6th of September, from the third pidge of the court of circuit for the western division.

(Received No. 580)

The third pidge submits it to the determination of the Court whether the

31st December 1812

opinion of the moofties Bustamy Allee on a point of law, arising out of a case on the calendar for the jilla of South Malabar, 2d. sessions of the year, wherein the prisoner Arhanee Coya had been committed for trial on a charge, upon which he had been tried acquitted and released at the preceding sessions of the court of circuit.

It was held by the provincial law officer that the prisoner was liable to be tried again for the same offence. And his opinion to this effect has, on a reference to the Cazee ool coozzat and moofties, been declared by them to be correct, inasmuch as "the release of a prisoner, "from want of proof or other cause, "cannot take effect to render nul the "charge of a prosecutor; but whenever "the prosecutor produces new evidence "to substantiate his charge, the Hakim "may order the case to be tried again.

With respect, therefore, to the Mahommedan law, it would appear that the acquittal of a prisoner is not in the eye of that law, such a deliverance and setting free from the suspicion of guilt, as prevents him being drawn in question again for the same crime, in the event of no proof being produced by the

31st Dec. 1812

But this provision of that law, being disconant from the general principles of justice, would, if operative, be anomalous to the prevailing system of law & internal administration; and might require the interference of the legislature.

The Court, however, consider it to have been the intention of the legislature to apply a remedy to this defect, in establishing the mode of practice provided by section XVII regulation VII of 1802. — It authorized the judge on circuit, in case the attendance of any material witness cannot be procured, to postpone a trial — even a second time. And from such definition of the extent of the authority of the court of circuit in postponing the trial of a case on the calendar, it would appear to flow as a necessary consequence, that all acquittals upon trial before a competent court, in which the judge on circuit shall concur, must be final.

Read also again, letter dated the 4th of August, 1809, from the third judge of the court of circuit for the western division, to the (Rest of the Court is the

13th October 1812

Recall the following letter with the last month's report of persons proclaimed in the Zillas of Cooch-Behar and Beleary.

(Rest entire No. 541 & 542)

Read letter, dated the 8th ultimo, from the judge on circuit in the Western division — submitting a copy & translate of a question on a point of law, which he had referred to his law officer, as having arisen in a case for trial on the calendar received from the magistrate of the Zilla of South Malabar, — with the mooftee's answer thereto.

(Rest entire No. 508)

The Court direct that the enclosed copy be referred to the Cazee & mooftee; and that they be required carefully to review the opinion delivered by the mooftee Burhaun Ullee, and to report in regard they find that opinion to be reconcilable to the Mahummudan law XIII of 1806 but otherwise to suspend the disagreement per 500 each in opinion expound the law as stated in the Vaccapillee Veetiaan accomplice of Venkat

Ref. who, the magistrate of

It would appear from the depending proceedings, were concern

13th October
1812

Read letter, dated the 6th ultimo, from the magistrate of the Zilla of Masulipatam.

(Revenue No. 506)

The magistrate refers his proceedings in the case of two persons named Attoorie Venkyah and Adoosadmillee Veeranah, whom he has adjudged liable to the penalty established by section XIV, regulation XIII of 1804, for affording assistance to the proclaimed dacoit Camadana Venkatrow; and each of whom he has accordingly sentenced to pay a fine of fifty rupees to Government, and to be imprisoned for six months - subject to a doubt, which he submits, as to whether the section named be applicable to the said persons, who are described to be "merely cultivators".

The nature of the assistance, which Attoorie Venkyah & Adoosadmillee Veeranah are charged with having afforded to the outlaw, - consists, it appears from their own confessions, in their having, on the 4th ultimo, given victuals at their house to Kanee Pullee Veerapullee Veeratapullee, [illegible] dated the 3rd pledged themselves to the third pledge [illegible] for the western [illegible] of two labourers [illegible] (Revenue) [illegible] manufactured

O - L. C.

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which they are stated to have effected on that night, in pursuance of Camadana Venkatrow's orders. — The pitifications pleaded, on their being asked by the magistrate, why they had not reported the circumstance to the nearest guard - is, that they apprehended, and probably not without reason, — as had been explicitly threatened, - injury to themselves, if they attempted to give information of what had passed. — And their confessions are the only evidence against them.

So far as regards the facts of the case.

But with respect to their liability to punishment under the provisions of regulation XIII. 1804. — the doubt submitted by the Zilla magistrate refers to the question of persons to whom the provisions contained in section [illegible] of that regulation are applicable. — It is the supposition that [illegible] in the preceding section, have [illegible] to those persons only [illegible] specified in section XII, which declares [illegible] and the native revenue [illegible] concerned

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officers of Government to be liable to the punishment established in section XIII on conviction of not having given due information of the retreat of any proclaimed dacoit or robber, within the limits of the estate or farm, held or managed by them.

And the magistrate is perfectly correct in considering the penal part of section XIV to be applicable to such persons only. But Ellooree Venkyah & Adoosoomilla Veeranah being merely cultivators, cannot therefore be subject to the penalty, which the magistrate has awarded against them "under the XIV th section. XIII th Regn. 1806", and his decision must in consequence be rescinded.

And indeed the Court would be disposed, in consideration of all the circumstances of the case, to direct their discharge, even tho' they were liable to punishment under the succeeding section. —

But whatever doubts the first part of the XIV th section, in its reference to the preceding sections may appear to suggest, as to whether it was intended to include all the persons mentioned in section XI, and

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therefore "generally all persons &c. "whatever description", — it is sufficiently clear from the preamble of that regulation, which declares it to be one of its objects "to call forth the active exertions of all persons properly by their situation the means of aiding in the apprehension of offenders of that description" (gang robbers) — as also from the correlative reference to the auxiliatory part of the regulation, which prescribes adequate pains & penalties "for such persons as, possessing the means of affording assistance towards the prevention of a crime, &c. shall neglect to employ them to that end." — that section XV is applicable only to the under tenants & agents of landholders, and the native officers of Government "The preceding sections" referred to in section XIV are therefore only sections XII and XIII.

The magistrate further requests authority, apparently with reference to section II, regulation XIII of 1806, to offer rewards of 100 pcr 500 each, for the apprehension of Chintapillee Seetaputtee and Sweepillee Veeranah stated to be accomplices of Venkatarow, and who, the magistrate observes, "it would appear from the accompanying proceedings, were concern

concerned in the act of cutting off the
ears and noses of the Cultivators of
Kanharampadao."

But after full examination
of the enclosures in the above letter,
the Court do not discover therein
that the person
named were the offenders. All that
does appear respecting them is that
they were fed by Attoorea Venkyah
and Cadoorasamiliee Veeranah, and
that they afterwards proceeded on-
-ward to Kykaloor, as was sup-
-posed by the former — to Vinnako-
-tawcanah, according to the latter. The
persons, who were maimed, do not
appear to have been examined by the
magistrate. And the information
at present before the Court does not ap-
-pear to warrant the measures pre-
-scribed in regulation XIII of 1806 for
the apprehension of Chintapillee Sela-
-pattee & Sareepillee Veeranah.

Adverting to this circumstance
brought under their notice in the
above reference, the Court resolve
to communicate for the magistrate's
information, the system of police es-
-tablished in the Zillah of Darapooram,
as reported by the Judge on circuit in
the 2d Sessions of 1807 — leaving it en-
-tirely to his judgment to determine,
how early attention, — how

for

G — F 11

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for it may be practicable and
desirable to introduce a si-
-milar system into the Zillah of
Pondicherry, which, like the
former Zillah, borders on the Ter-
-ritory of an ally, and is subject
to inroads and plunderous in-
-cursions of Maraudars similar to those, which have been
united and almost entirely
put a stop to under the operation
of the system in question.

Ordered that extract of
these proceedings be sent to the
Zillah Magistrate.

Sent following letter

(Hereunto — G.)

Read letter from the
magistrate of the Zillah of Salem to
the Court; precept of the 2d Instant
commanding him forthwith to de-
-liver up an offender, named Gopa
Chitty, to the magistrate of the Zilla
of Darapooram, within whose ju-
-risdiction the offence, with which he
was charged, had been committed.

(Hereunto No 544)

Recd the oath taken
by Mr. Francis Boleard, assistant to the
magistrate in Zillah North Arcotte

(Hereunto No 545) Re

13th Octo 1812

13. October 1812

Read petition preferred by the unhead Ghatani Ravad, on behalf of Canaraien, Son of Sannaraien of Tir. murder in the fileo of Chitoor.

(Recuntpal. No. 2 of 1812)

The petitioner represents that a person, named Ramaraviny the son of one Pennal Lebe, deceased, who had diverse money transactions with the petitioner's grandfather, also deceased, and to whom at the close of the accounts the sum of One hundred and fifty pagodas was due, — instituted an suit in the Court of the fileo of Chitoor against his father Samaraien for the recovery of the said sum; that pending the trial of this suit it was proposed by the defendant, petitioner's father, that the witnesses should go to Tripetty to be sworn, — which having been agreed to, one of the four (for the three others had already been committed by the pidge) set out in company with the plaintiff for that place; that after his arrival at Tripetty the witness saw in a vision the deity of the place, who cautioned him not to go up the hills, and that he returned and

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that in the course of the further proceedings held before the fileo pidge in the said suit, his father, on being informed of what had happened to the witness at Tripetty, represented to the Court that he was willing to satisfy the plaintiff's demand; that the pidge then also committed his father; that at the ensuing sessions of jail delivery in that fileo his father and his witnesses were found guilty; and that the former was sentenced by the pidge on circuit to receive three dozen stripes, and to be imprisoned for three years, and the latter to be imprisoned, and kept to labours on the public roads for the space of seven years. — He complains of this proceeding against his father; and prays that the matter may be further investigated.

The Court, on reference to the reports of prisoners received from the magistrate of the fileo of Chitoor for the month of November, 1810, observe that on the 3d of that month Samaraien, who had been committed on the 6th of August preceding to take his trial before the Court of circuit for subornation of perjury, was tried, and having

J. U.

At a Session of the Court

Monday 2d Nov. 1812. of Fouydaree Udalut — Present

Andrew Scott Esqr.
Ca Croft Greenway Esqr. } Puisne Judges

Law Officers

Moulave Mustpa ally, Cawn Bahader

Caze 00 Coozat

Mohummud Umeer Ulla
Khodrut Ulla — } Mooftees

Read trial № 16 from the Judge on Circuit in the Zillah of Combaconum 2d Sessions A.D. 1812.

Here enter № 473

The Court having duly consi-
-dered the proceedings of the Court of Circuit the futwa of the Provincial Law officer and the futwa of the Caze 00 Coozat and Mooftees of the Fouydaree Udalut, confirm the

13th October 1812

been duly committed, was desirous
on the 5th to receive 30 rupees with
a rattan and to lie imprisoned
for three years; and that under
the same date Kylavapilla day,
Appoovien and Aroonaghiny
were tried, convicted and condemn-
-ed to suffer seven years imprison-
-ment.

And the Court having duly
considered the matter set forth in
the above petition, do not find
therein anything that should in-
-duce them to question the propriety
or regularity of the criminal proceed-
-ings instituted and held against
Samauven and the others; or to sup-
-pose that the measure of punish-
-ment pronounced by the pidye
on circuit at all exceeded the degree
of guilt and criminality of the
acts established against them.

It not therefore appearing
to the Court to be necessary for the ends
of justice that the case should be
further investigated, the Court cannot
comply with the petitioner's request.

Ordered that the prayer of
the above petition be rejected, and
that extract of these proceedings
be furnished to the petitioner, who
will pay the usual fee of four
anuas to the Cutcherry Gholam Russool.

13th October
1812 2d November 1812

of Circuit upon the prisoners Vide
=da Mukoolwyandoo Nullawandoo
Appeyandoo Kunnamuntoo & Ven
=katapuddy, direct that they be forth
=with carried into execution

And the Court direct
the release of the Prisoner Ramdoo
Sent following letter
Here enter B.

Read trial No 10 from
the Judge on Circuit in the Zillah
of Nellore 2d Session A. D. 1812.

Here enter No 504

The Court having duly
considered the proceedings of the Court
of Circuit the Futwa of the Crown=
=dial Law Officer and the Futwa of
the Cazee ool Coozat and Mooftee of

the Foujdaree Adaulut confirm the
said Futwas of the Cazee ool Coozat and
Mooftee aforesaid, and do sentence the
prisoner Shaik Badader to be im=
=prisoned and kept to hard labour in
irons on the public roads or other pub=
=lic works for and during the space
of six years; and the prisoner Veerapah
to be imprisoned and kept to hard=
=labour in irons on the public roads or
other public works for and during the
space of four years

Read trial No 11 from the
Judge on Circuit in the Zillah of
Nellore 2d Session A. D. 1812.

Here enter No 504

The Court having duly con=
=sidered the proceedings of the Court of
Circuit

13th October to 1st November 1812

13th October 1812

Convict the Sentence of the Provincial
Officer and the Sentence of the Cape of Good
and Mooftee of the Freydaree Tribunal
Sirin the said Sentence of the Cape of
and Mooftee aforesaid and do Sentence
prisoner Shaik Badaun to be im
=pound and kept to hard labour in
on the public roads or other public wo
for and during the space of six y
and the prisoner Veerapah to be
=pound and kept to hard labour in
irons on the public roads or oth
public works, for and during the
of four years

And the confirm the re in
of the prisoner Mohammed
Sent follows L. letter of
(Here inter 6.)

13th Oct
18

said Futwah of the Cazee ool Coozat
Mooftees aforesaid and direct that the pri-
-soner Neenapen be imprisoned & kept to
hard labour for the space of 3 years.
Sent following letter
Here enter A
Read trial No 20 from
the Judge on Circuit in the Zillah
of Chittoor third Quarter Sessions
A. D. 1812.

Here enter No 481
The Court having maturely
considered the proceedings of the
Court of Quarterly Jail delivery the
Futwa of the Provincial Law Officer
and the Futwa of the Cazee ool Coozat
and Mooftees of the Foujdaree Adalut
confirms the Futwa of the Cazee ool
Coozat

Coozat and Mooftees aforesaid and direct
that sentence of Imprisonment and
transportation passed by the Judge
on Circuit, upon the prisoners Mulloga
doo Chinna Colindoo & Peddaconedoo be
forthwith carried into execution
Read trial No 32 from
the Judge on Circuit in the Zillah
of Cuddapah 1st Sessions A. D. 1812
Here enter No 418
The Court having duly the
considered the proceedings of the Court
of Circuit, the Futwa of the Provincial the
Law Officer and the Futwa of the
Cazee ool Coozat and Mooftees of the
Foujdaree Adalut confirm the
said Futwa of the Cazee ool Coozat con-
and Mooftees aforesaid & appearing
the sentence passed by the Court circ

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